

## WSR 23-11-002

## PERMANENT RULES

## DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed May 3, 2023, 3:29 p.m., effective June 3, 2023]

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

Purpose: Full veterinary services to low-income households at animal care and control agencies and nonprofit human societies. The veterinary board of governors (board) amended WAC 246-933-501 through 246-933-530 and repealed WAC 246-933-550 authorizing animal care and control agencies and nonprofit humane societies to provide full veterinary services to low-income households.

The adopted rule implements SSB 5004 (chapter 142, Laws of 2019), codified in RCW 18.92.250 and 18.92.260. SSB 5004 expands the services that entities may provide to low-income households and directs the board to adopt rules regarding an entity's recordkeeping and reporting requirements to these clients. The rule identifies the types of records an entity may require from clients as documentation of proof of low-income, explains record retention, and sets a requirement to report upon request to provide clearer and more enforceable standards for these veterinary services.

Citation of Rules Affected by this Order: Repealing WAC 246-933-550; and amending WAC 246-933-501, 246-933-510, 246-933-520, and 246-933-530.

Statutory Authority for Adoption: RCW 18.92.030, 18.92.250, and 18.92.260.

Other Authority: SSB 5004 (chapter 142, Laws of 2019).

Adopted under notice filed as WSR 23-03-110 on January 18, 2023.

A final cost-benefit analysis is available by contacting Lorelei Walker, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4987, fax 360-236-2901, TTY 711, email [loralei.walker@doh.wa.gov](mailto:loralei.walker@doh.wa.gov).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 1.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 1.

Date Adopted: March 6, 2023.

Dordor Vang, DVM, Chair  
Veterinary Board of Governors

OTS-3372.4

**AUTHORIZING ANIMAL CARE AND CONTROL AGENCIES AND NONPROFIT HUMANE SOCIETIES TO PROVIDE (~~LIMITED~~) VETERINARY SERVICES**

AMENDATORY SECTION (Amending WSR 03-14-035, filed 6/23/03, effective 7/24/03)

**WAC 246-933-501 Intent.** It is the intent of the legislature to allow qualified animal control agencies and humane societies to provide (~~limited~~) veterinary services to low-income (~~members of~~) households in our communities. It is not the intent of the legislature to allow these (~~agencies~~) entities to provide veterinary services to the public at large, except for in emergency situations and when providing postadoption care as described in RCW 18.92.260 (1)(c).

[Statutory Authority: RCW 18.92.030 and 18.92.260. WSR 03-14-035, § 246-933-501, filed 6/23/03, effective 7/24/03.]

AMENDATORY SECTION (Amending WSR 03-14-035, filed 6/23/03, effective 7/24/03)

**WAC 246-933-510 Definitions.** (~~As used in~~) The definitions in this section apply throughout this chapter(~~+~~) unless the context clearly requires otherwise.

(1) "Entity" means animal care and control agencies as defined in RCW 16.52.011 and nonprofit humane societies, which have qualified under section 501 (c)(3) of the Internal Revenue Code.

(2) "Emergency care" as referred to in RCW 18.92.260 (1)(b) means an unexpected, serious occurrence or situation which urgently requires prompt action in order to prevent an animal's death or permanent injury, unless defined otherwise by local ordinance.

(3) "Low-income household" as defined in RCW 43.185A.010 means a single person, family or unrelated persons living together whose adjusted family income is less than (~~eighty~~) 80 percent of the median family income, adjusted for household size, for the county where the project is located (~~(RCW 43.185A.010(5))~~).

[Statutory Authority: RCW 18.92.030 and 18.92.260. WSR 03-14-035, § 246-933-510, filed 6/23/03, effective 7/24/03.]

AMENDATORY SECTION (Amending WSR 03-14-035, filed 6/23/03, effective 7/24/03)

**WAC 246-933-520 Registration, household eligibility, and auditing.** (~~A qualified animal care, control agency, or nonprofit humane society may~~) (1) An entity must obtain a registration credential in order to provide veterinary services as described in RCW 18.92.260.

~~((Refer to the requirements of chapter 246-12 WAC, Part 3.))~~ To obtain a registration the entity must comply with WAC 246-12-060.

(2) To provide veterinary services, a registered entity must adopt procedures to verify a household qualifies as a low-income household as defined in WAC 246-933-510(3). Procedures may include, but are not limited to:

(a) Reviewing proof of income;

(b) Reviewing proof of eligibility for or receipt of benefits based on low-income status; or

(c) Accepting attestation of low-income status.

(3) Upon request, entities must provide the board information demonstrating they have verified low-income status of households served.

[Statutory Authority: RCW 18.92.030 and 18.92.260. WSR 03-14-035, § 246-933-520, filed 6/23/03, effective 7/24/03.]

AMENDATORY SECTION (Amending WSR 14-13-016, filed 6/6/14, effective 7/7/14)

**WAC 246-933-530 Purchase and use of legend drugs and controlled substances.** (1) For purposes of this section, "drugs" includes both legend drugs and controlled substances.

(a) "Legend drugs" means any drugs that are required by state law or regulation of the pharmacy quality assurance commission to be dispensed on prescription only or are restricted to use by practitioners only.

(b) "Controlled substances" means a drug, substance, or immediate precursor in Schedule I through V of Article II of chapter 69.50 RCW.

(2) A licensed veterinarian shall be responsible for the policies and procedures regarding the ordering, purchasing, safe storage, dispensing and administration of all drugs used at an entity registered under RCW 18.92.260 in connection with surgical sterilization or emergency care. Entities are responsible for the ordering, purchasing, and safe storage of all drugs.

(a) The veterinarian shall comply with the pharmacy quality assurance commission requirements for controlled substances in chapter 69.50 RCW, and legend drugs in chapter 69.41 RCW.

(b) All drugs shall be stored in accordance with WAC 246-933-320.

(c) All controlled substances shall be stored, maintained, administered, dispensed and prescribed in compliance with federal and Washington state laws.

(d) All legend drugs shall be dispensed in accordance with RCW 18.92.012, 18.92.013, and WAC 246-933-340(5).

(e) A record of all drugs administered (~~and/or~~) or dispensed shall be kept in the individual animal's record.

(f) All records are subject to inspection by the pharmacy quality assurance commission investigators.

[Statutory Authority: RCW 18.92.030(2). WSR 14-13-016, § 246-933-530, filed 6/6/14, effective 7/7/14. Statutory Authority: RCW 18.92.030 and 18.92.260. WSR 03-14-035, § 246-933-530, filed 6/23/03, effective 7/24/03.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-933-550 Investigation.

## WSR 23-11-007

## PERMANENT RULES

## HEALTH CARE AUTHORITY

[Filed May 4, 2023, 12:10 p.m., effective June 4, 2023]

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

Purpose: The agency is correcting cross-references to a repealed rule and an outdated reference to an agency program. The agency is replacing references to WAC 182-532-0720 with references to chapter 182-532 WAC because that rule was repealed under WSR 19-18-024. The agency is replacing instances of the term TAKE CHARGE with current program terminology, specifically the family planning only programs under chapter 182-532 WAC.

Citation of Rules Affected by this Order: Amending WAC 182-503-0005, 182-503-0510, 182-505-0300, 182-513-1605, 182-513-1615, 182-530-7250, and 182-550-4900.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 23-06-051 on February 27, 2023.

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 7, 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 7, Repealed 0.

Date Adopted: May 4, 2023.

Wendy Barcus  
Rules Coordinator

**OTS-4384.1**

AMENDATORY SECTION (Amending WSR 22-20-052, filed 9/28/22, effective 10/29/22)

**WAC 182-503-0005 Washington apple health—How to apply.** (1) You may apply for Washington apple health at any time.

(2) For apple health programs for children, pregnant people, parents and caretaker relatives, and adults age 64 and under without medicare (including people who have a disability or are blind), you may apply:

(a) Online via the Washington Healthplanfinder at [www.wahealthplanfinder.org](http://www.wahealthplanfinder.org);

(b) By calling the Washington Healthplanfinder customer support center and completing an application by telephone;

(c) By completing the application for health care coverage (HCA 18-001P), and mailing or faxing to Washington Healthplanfinder; or

(d) At a department of social and health services (DSHS) community services office (CSO).

(3) If you seek apple health coverage and are age 65 or older, have a disability, are blind, need assistance with medicare costs, or seek coverage of long-term services and supports, you may apply:

(a) Online via Washington Connection at [www.WashingtonConnection.org](http://www.WashingtonConnection.org);

(b) By completing the application for aged, blind, disabled/long-term care coverage (HCA 18-005) and mailing or faxing it to DSHS;

(c) By calling the DSHS customer service contact center and completing an application by telephone;

(d) In person at a local DSHS CSO or home and community services (HCS) office; or

(e) As specified in subsection (2) of this section, if you are a child, pregnant, a parent or caretaker relative, or an adult age 64 and under without medicare.

(4) You may receive help filing an application.

(a) For households containing people described in subsection (2) of this section:

(i) Call the Washington Healthplanfinder customer support center number listed on the application for health care coverage form (HCA 18-001P); or

(ii) Contact a navigator, health care authority volunteer assistor, or broker.

(b) For people described in subsection (3) of this section who are not applying with a household containing people described in subsection (2) of this section:

(i) Call or visit a local DSHS CSO or HCS office; or

(ii) Call the DSHS community services customer service contact center number listed on the medicaid application form.

(5) To apply for tailored supports for older adults (TSOA), see WAC 182-513-1625.

(6) You must apply directly with the service provider for the following programs:

(a) The breast and cervical cancer treatment program under WAC 182-505-0120;

(b) The (~~TAKE CHARGE~~) family planning only programs under chapter 182-532 WAC; and

(c) The kidney disease program under chapter 182-540 WAC.

(7) For the confidential pregnant minor program under WAC 182-505-0117 and for minors living independently, you must complete a separate application directly with us (the medicaid agency).

More information on how to give us an application may be found at the agency's website: [www.hca.wa.gov/free-or-low-cost-health-care](http://www.hca.wa.gov/free-or-low-cost-health-care) (search for "teen").

(8) As the primary applicant or head of household, you may start an application for apple health by providing your:

(a) Full name;

(b) Date of birth;

(c) Physical address, and mailing addresses (if different); and

(d) Signature.

(9) To complete an application for apple health, you must also give us all of the other information requested on the application.

(10) You may have an authorized representative apply on your behalf as described in WAC 182-503-0130.

(11) We help you with your application or renewal for apple health in a manner that is accessible to you. We provide equal access (EA) services as described in WAC 182-503-0120 if you:

(a) Ask for EA services, you apply for or receive long-term services and supports, or we determine that you would benefit from EA services; or

(b) Have limited-English proficiency as described in WAC 182-503-0110.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 22-20-052, § 182-503-0005, filed 9/28/22, effective 10/29/22; WSR 18-11-071, § 182-503-0005, filed 5/15/18, effective 6/15/18; WSR 17-15-061, § 182-503-0005, filed 7/13/17, effective 8/13/17. Statutory Authority: RCW 41.05.021, 41.05.160, Public Law 111-148, 42 C.F.R. § 431, 435, and 457, and 45 C.F.R. § 155. WSR 14-16-052, § 182-503-0005, filed 7/29/14, effective 8/29/14.]

AMENDATORY SECTION (Amending WSR 17-12-019, filed 5/30/17, effective 7/1/17)

**WAC 182-503-0510 Washington apple health—Program summary.** (1)

The agency categorizes Washington apple health programs into three groups based on the income methodology used to determine eligibility:

(a) Those that use a modified adjusted gross income (MAGI)-based methodology described in WAC 182-509-0300, called MAGI-based apple health programs;

(b) Those that use an income methodology other than MAGI, called non-MAGI-based apple health programs, which include:

(i) Supplemental security income (SSI)-related apple health programs;

(ii) Temporary assistance for needy families (TANF)-related apple health programs; and

(iii) Other apple health programs not based on MAGI, SSI, or TANF methodologies.

(c) Those that provide coverage based on a specific status or entitlement in federal rule and not on countable income, called deemed eligible apple health programs.

(2) MAGI-based apple health programs include the following:

(a) Apple health parent and caretaker relative program described in WAC 182-505-0240;

(b) MAGI-based apple health adult medical program described in WAC 182-505-0250, for which the scope of coverage is called the alternative benefits plan (ABP) described in WAC 182-500-0010;

(c) Apple health for pregnant women program described in WAC 182-505-0115;

(d) Apple health for kids program described in WAC 182-505-0210

(3) (a);

(e) Premium-based apple health for kids described in WAC 182-505-0215;

(f) Apple health long-term care for children and adults described in chapter 182-514 WAC; and

(g) Apple health alien emergency medical program described in WAC 182-507-0110 through 182-507-0125 when the person is eligible based on criteria for a MAGI-based apple health program.

(3) Non-MAGI-based apple health programs include the following:

(a) SSI-related programs which use the income methodologies of the SSI program (except where the agency has adopted more liberal rules than SSI) described in chapter 182-512 WAC to determine eligibility:

(i) Apple health for workers with disabilities (HWD) described in chapter 182-511 WAC;

(ii) Apple health SSI-related programs described in chapters 182-512 and 182-519 WAC;

(iii) Apple health long-term care and hospice programs described in chapters 182-513 and 182-515 WAC;

(iv) Apple health medicare savings programs described in chapter 182-517 WAC; and

(v) Apple health alien emergency medical (AEM) programs described in WAC 182-507-0110 and 182-507-0125 when the person meets the age, blindness or disability criteria specified in WAC 182-512-0050.

(b) TANF-related programs which use the income methodologies based on the TANF cash program described in WAC 388-450-0170 to determine eligibility, with variations as specified in WAC 182-509-0001(5) and program specific rules:

(i) Refugee medical assistance (RMA) program described in WAC 182-507-0130; and

(ii) Apple health medically needy (MN) coverage for pregnant women and children who do not meet SSI-related criteria.

(c) Other programs:

(i) Breast and cervical cancer program described in WAC 182-505-0120;

(ii) (~~TAKE CHARGE~~) Family planning only programs described in chapter 182-532 WAC ((182-532-0720));

(iii) Medical care services described in WAC 182-508-0005;

(iv) Apple health for pregnant minors described in WAC 182-505-0117;

(v) Kidney disease program described in chapter 182-540 WAC; and

(vi) Tailored supports for older adults described in WAC 182-513-1610.

(4) Deemed eligible apple health programs include:

(a) Apple health SSI medical program described in chapter 182-510 WAC, or a person who meets the medicaid eligibility criteria in 1619b of the Social Security Act;

(b) Newborn medical program described in WAC 182-505-0210(2);

(c) Foster care program described in WAC 182-505-0211;

(d) Medical extension program described in WAC 182-523-0100; and

(e) Family planning extension described in WAC 182-505-0115(5).

(5) A person is eligible for categorically needy (CN) health care coverage when the household's countable income is at or below the categorically needy income level (CNIL) for the specific program.

(6) If income is above the CNIL, a person is eligible for the MN program if the person is:

(a) A child;

(b) A pregnant woman; or

(c) SSI-related (aged 65, blind or disabled).

(7) MN health care coverage is not available to parents, caretaker relatives, or adults unless they are eligible under subsection (6) of this section.

(8) A person who is eligible for the apple health MAGI-based adult program listed in subsection (2)(b) of this section is eligible for ABP health care coverage as defined in WAC 182-500-0010. Such a

person may apply for more comprehensive coverage through another apple health program at any time.

(9) For the other specific program requirements a person must meet to qualify for apple health, see chapters 182-503 through 182-527 WAC.

[Statutory Authority: RCW 41.05.021, 41.05.160, 2016 1st sp.s. c 36 § 213 (1)(e), section 1115 of the Social Security Act, and 42 C.F.R. §§ 431.400 through 431.428. WSR 17-12-019, § 182-503-0510, filed 5/30/17, effective 7/1/17. Statutory Authority: RCW 41.05.021 and Patient Protection and Affordable Care Act (P.L. 111-148), 42 C.F.R. §§ 431, 435, and 457, and 45 C.F.R. § 155. WSR 14-06-068, § 182-503-0510, filed 2/28/14, effective 3/31/14. WSR 12-13-056, recodified as § 182-503-0510, filed 6/15/12, effective 7/1/12. WSR 12-02-034, recodified as § 182-505-0510, filed 12/29/11, effective 1/1/12. Statutory Authority: RCW 34.05.353 (2)(d), 74.08.090, and chapters 74.09, 74.04 RCW. WSR 08-11-047, § 388-503-0510, filed 5/15/08, effective 6/15/08. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530. WSR 05-07-097, § 388-503-0510, filed 3/17/05, effective 4/17/05. Statutory Authority: RCW 74.08.090, 74.08A.100, 74.09.080, and 74.09.415. WSR 02-17-030, § 388-503-0510, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-503-0510, filed 7/31/98, effective 9/1/98.]

## OTS-4385.1

AMENDATORY SECTION (Amending WSR 17-12-018, filed 5/30/17, effective 6/30/17)

**WAC 182-505-0300 Hospital presumptive eligibility.** (1) **Purpose.** The hospital presumptive eligibility (HPE) program provides temporary Washington apple health coverage to HPE-eligible persons who enroll through an HPE-qualified hospital.

- (2) **HPE-eligible persons.** To be HPE-eligible:
- (a) A person must:
    - (i) Be younger than age ((~~sixty-five~~) 65); and
    - (ii) Meet the eligibility requirements for one or more of the following programs:
      - (A) Washington apple health for pregnant women (chapter 182-505 WAC);
      - (B) Washington apple health for kids (chapter 182-505 WAC);
      - (C) Washington apple health for foster care (chapter 182-505 WAC);
      - (D) Washington apple health for parents and caretaker relatives (chapter 182-505 WAC);
      - (E) Washington apple health for adults (chapter 182-505 WAC); or
      - (F) ((~~TAKE CHARGE FOR~~) Family planning only services (chapter 182-532 WAC)).
  - (b) A person must not:
    - (i) Be an apple health beneficiary;
    - (ii) Be a supplemental security income beneficiary; or

(iii) Have received HPE coverage within the preceding (~~twenty-four~~) 24 months.

(3) **HPE-qualified hospitals.** To be HPE-qualified, a hospital must:

- (a) Operate in Washington state;
- (b) Submit a signed core provider agreement (CPA) to the agency;
- (c) Submit a signed HPE agreement to the agency;
- (d) Comply with the terms of the CPA and HPE agreements;
- (e) Determine HPE eligibility using only those employees who have successfully completed the agency's HPE training;
- (f) Agree to provide HPE-application assistance to anyone who requests it; and
- (g) Agree to be listed on the agency's website as an HPE-application assistance provider.

(4) **Limitations.**

(a) An HPE-qualified hospital must attempt to help the person complete a regular apple health application before filing an HPE application. If the person cannot indicate whether they expect to file a federal tax return or be claimed as a tax dependent, the HPE-qualified hospital may treat the person as a nonfiler under WAC 182-506-0010 (5)(c) for HPE purposes.

(b) HPE coverage begins on the earlier of:

(i) The day the HPE-qualified hospital determines the person is eligible; or

(ii) The day the HPE-qualified hospital provides a covered medical service to the person, but only if the hospital determines the person is eligible and submits the decision to the agency no later than five calendar days after the date of service.

(c) HPE coverage ends on the earlier of:

(i) The last day of the month following the month in which HPE coverage began; or

(ii) The day the agency determines the person is eligible for other apple health coverage.

(d) HPE coverage does not qualify a person for continuous eligibility under WAC 182-504-0015.

(e) If HPE coverage is based on pregnancy, the pregnant person is eligible for HPE coverage only once for that pregnancy.

(f) The HPE program covers only those services included in the programs listed in subsection (2)(e) of this section, except that pregnancy-related services are limited to ambulatory prenatal care.

(g) A child born to a person with HPE coverage is ineligible for apple health under WAC 182-505-0210(2). An HPE-qualified hospital must complete a separate HPE determination for the newborn child.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 17-12-018, § 182-505-0300, filed 5/30/17, effective 6/30/17. Statutory Authority: RCW 41.05.021, 41.05.160, Patient Protection and Affordable Care Act established under Public Law 111-148. WSR 15-06-039, § 182-505-0300, filed 2/26/15, effective 3/29/15.]

**OTS-4391.1**

AMENDATORY SECTION (Amending WSR 17-12-019, filed 5/30/17, effective 7/1/17)

**WAC 182-513-1605 Medicaid alternative care (MAC)—Eligibility.**

(1) The person receiving care must meet the financial eligibility criteria for medicaid alternative care (MAC).

(2) To be eligible for MAC services, the person receiving care must:

- (a) Be age (~~(fifty-five)~~) 55 or older;
- (b) Be assessed as meeting nursing facility level of care under WAC 388-106-0355, and choose to receive services under the MAC program instead of other long-term services and supports;
- (c) Meet residency requirements under WAC 182-503-0520;
- (d) Live at home and not in a residential or institutional setting;
- (e) Have an eligible unpaid caregiver under WAC 388-106-1905;
- (f) Meet citizenship and immigration status requirements under WAC 182-503-0535 (2) (a) or (b); and
- (g) Be eligible for either:
  - (i) A noninstitutional medicaid program, which provides categorically needy (CN) or alternative benefit plan (ABP) scope of care under WAC 182-501-0060; or
  - (ii) An SSI-related CN program by using spousal impoverishment protections institutionalized (SIPI) spouse rules under WAC 182-513-1660.

(3) An applicant whose eligibility is limited to one or more of the following programs is not eligible for MAC:

- (a) The medically needy program under WAC 182-519-0100;
  - (b) The medicare savings programs under WAC 182-517-0300;
  - (c) The family planning program under WAC 182-505-0115;
  - (d) The (~~(TAKE CHARGE)~~) family planning only programs under chapter 182-532 WAC (~~(182-532-720)~~);
  - (e) The medical care services (MCS) program under WAC 182-508-0005;
  - (f) The alien emergency medical (AEM) program under WAC 182-507-0110 through 182-507-0120;
  - (g) The state funded long-term care for noncitizens program under WAC 182-507-0125;
  - (h) The kidney disease program under chapter 182-540 WAC; or
  - (i) The tailored supports for older adults (TSOA) program under WAC 182-513-1610.
- (4) The following rules do not apply to services provided under the MAC benefit:
- (a) Transfer of asset penalties under WAC 182-513-1363;
  - (b) Excess home equity under WAC 182-513-1350; and
  - (c) Estate recovery under chapter 182-527 WAC.

[Statutory Authority: RCW 41.05.021, 41.05.160, 2016 1st sp.s. c 36 § 213 (1)(e), section 1115 of the Social Security Act, and 42 C.F.R. §§ 431.400 through 431.428. WSR 17-12-019, § 182-513-1605, filed 5/30/17, effective 7/1/17.]

AMENDATORY SECTION (Amending WSR 17-12-019, filed 5/30/17, effective 7/1/17)

**WAC 182-513-1615 Tailored supports for older adults (TSOA)—General eligibility.** (1) The person receiving care must meet the financial eligibility criteria for tailored supports for older adults (TSOA).

(2) To be eligible for the TSOA program, the person receiving care must:

- (a) Be age (~~(fifty-five)~~) 55 or older;
  - (b) Be assessed as meeting nursing facility level of care under WAC 388-106-0355;
  - (c) Meet residency requirements under WAC 182-503-0520;
  - (d) Live at home and not in a residential or institutional setting;
  - (e) Have an eligible unpaid caregiver under WAC 388-106-1905, or meet the criteria under WAC 388-106-1910 if the person does not have an eligible unpaid caregiver;
  - (f) Meet citizenship or immigration status requirements under WAC 182-503-0535. To be eligible for TSOA, a person must be a:
    - (i) U.S. citizen under WAC 182-503-0535 (1) (c);
    - (ii) U.S. national under WAC 182-503-0535 (1) (d);
    - (iii) Qualifying American Indian born abroad under WAC 182-503-0535 (1) (f); or
    - (iv) Qualified alien under WAC 182-503-0535 (1) (b) and have either met or is exempt from the five-year bar requirement for medicaid.
  - (g) Provide a valid Social Security number under WAC 182-503-0515;
  - (h) Have countable resources within specific program limits under WAC 182-513-1640; and
  - (i) Meet income requirements under WAC 182-513-1635.
- (3) TSOA applicants who receive coverage under Washington apple health programs are not eligible for TSOA, unless their enrollment is limited to the:
- (a) Medically needy program under WAC 182-519-0100;
  - (b) Medicare savings programs under WAC 182-517-0300;
  - (c) Family planning program under WAC 182-505-0115;
  - (d) (~~(TAKE CHARGE)~~) Family planning only programs under chapter 182-532 WAC (~~(182-532-720)~~); or
  - (e) Kidney disease program under chapter 182-540 WAC.
- (4) A person who receives apple health coverage under a categorically needy (CN) or alternative benefit plan (ABP) program is not eligible for TSOA but may qualify for:
- (a) Caregiver supports under medicaid alternative care (MAC) under WAC 182-513-1605; or
  - (b) Other long-term services and supports under chapter 182-513 or 182-515 WAC.
- (5) The following rules do not apply to services provided under the TSOA benefit:
- (a) Transfer of asset penalties under WAC 182-513-1363;
  - (b) Excess home equity under WAC 182-513-1350;
  - (c) Client financial responsibility under WAC 182-515-1509;
  - (d) Estate recovery under chapter 182-527 WAC;
  - (e) Disability requirements under WAC 182-512-0050;
  - (f) Requirement to do anything necessary to obtain income under WAC 182-512-0700(1); and

(g) Assignment of rights and cooperation under WAC 182-503-0540.

[Statutory Authority: RCW 41.05.021, 41.05.160, 2016 1st sp.s. c 36 § 213 (1)(e), section 1115 of the Social Security Act, and 42 C.F.R. §§ 431.400 through 431.428. WSR 17-12-019, § 182-513-1615, filed 5/30/17, effective 7/1/17.]

### OTS-4389.1

AMENDATORY SECTION (Amending WSR 17-07-001, filed 3/1/17, effective 4/1/17)

**WAC 182-530-7250 Reimbursement—Miscellaneous.** (1) The medicaid agency reimburses for covered drugs, devices, and drug-related supplies provided or administered by nonpharmacy providers under specified conditions, as follows:

(a) The agency reimburses for drugs administered or prepared and delivered for individual use by an authorized prescriber during an office visit according to specific program rules found in:

(i) Chapter 182-531 WAC, Physician-related services;

(ii) Chapter 182-532 WAC, Reproductive health/family planning only (~~/TAKE CHARGE~~); and

(iii) Chapter 182-540 WAC, Kidney disease program and kidney center services.

(b) Providers who are purchasers of Public Health Services (PHS) discounted drugs must comply with PHS 340B program requirements and Washington medicaid requirements for 340B providers participating with medicaid. (See WAC 182-530-7900.)

(2) The agency may request providers to submit a current invoice for the actual cost of the drug, device, or drug-related supply billed. If an invoice is requested, the invoice must show the:

(a) Name of the drug, device, or drug-related supply;

(b) Drug or product manufacturer;

(c) NDC of the product or products;

(d) Drug strength;

(e) Product description;

(f) Quantity; and

(g) Cost, including any discounts or free goods associated with the invoice.

(3) The agency does not reimburse providers for the cost of vaccines obtained through the state department of health (DOH). The agency does pay physicians, advanced registered nurse practitioners (ARNP), and pharmacists a fee for administering the vaccine.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 17-07-001, § 182-530-7250, filed 3/1/17, effective 4/1/17; WSR 16-01-046, § 182-530-7250, filed 12/9/15, effective 1/9/16. WSR 11-14-075, recodified as § 182-530-7250, filed 6/30/11, effective 7/1/11. Statutory Authority: RCW 74.04.050, 74.08.090, 74.09.530, and 74.09.700. WSR 07-20-049, § 388-530-7250, filed 9/26/07, effective 11/1/07.]

OTS-4388.1

AMENDATORY SECTION (Amending WSR 15-01-037, filed 12/8/14, effective 1/8/15)

**WAC 182-550-4900 Disproportionate share hospital (DSH) payments**

—**General provisions.** (1) As required by Section 1902 (a)(13)(A) of the Social Security Act (42 U.S.C. 1396 (a)(13)(A)) and RCW 74.09.730, the medicaid agency makes payment adjustments to eligible hospitals that serve a disproportionate number of low-income clients with special needs. These adjustments are also known as disproportionate share hospital (DSH) payments.

(2) No hospital has a legal entitlement to any DSH payment. A hospital may receive DSH payments only if:

(a) It satisfies the requirements of 42 U.S.C. 1396r-4;

(b) It satisfies all the requirements of agency rules and policies; and

(c) The legislature appropriates sufficient funds.

(3) For purposes of eligibility for DSH payments, the following definitions apply:

(a) "Base year" means the (~~twelve~~) 12-month medicare cost report year that ended during the calendar year immediately preceding the year in which the state fiscal year (SFY) for which the DSH application is being made begins.

(b) "Case mix index (CMI)" means the average of diagnosis related group (DRG) weights for all of an individual hospital's DRG-paid medicaid claims during the SFY two years prior to the SFY for which the DSH application is being made.

(c) "Charity care" means necessary hospital care rendered to persons unable to pay for the hospital services or unable to pay the deductibles or coinsurance amounts required by a third-party payer. The charity care amount is determined in accordance with the hospital's published charity care policy.

(d) "DSH reporting data file (DRDF)" means the information submitted by hospitals to the agency which the agency uses to verify medicaid client eligibility and applicable inpatient days.

(e) "Hospital-specific DSH cap" means the maximum amount of DSH payments a hospital may receive from the agency during a SFY. If a hospital does not qualify for DSH, the agency will not calculate the hospital-specific DSH cap and the hospital will not receive DSH payments.

(f) "Inpatient medicaid days" means inpatient days attributed to clients eligible for Title XIX medicaid programs. Excluded from this count are inpatient days attributed to clients eligible for state administered programs, medicare Part A, Title XXI, the refugee program and the (~~TAKE CHARGE~~) family planning only programs.

(g) "Low income utilization rate (LIUR)" means the sum of the following two percentages used to determine whether a hospital is DSH-eligible:

(i) The ratio of payments received by the hospital for patient services provided to clients under medicaid (including managed care), plus cash subsidies received by the hospital from state and local governments for patient services, divided by total payments received by the hospital from all patient categories; plus

(ii) The ratio of inpatient charity care charges less inpatient cash subsidies received by the hospital from state and local governments, less contractual allowances and discounts, divided by total charges for inpatient services.

(h) "Medicaid inpatient utilization rate (MIPUR)" means the calculation (expressed as a percentage) used to determine whether a hospital is DSH-eligible. The numerator of which is the hospital's number of inpatient days attributable to clients who (for such days) were eligible for medical assistance during the base year (regardless of whether such clients received medical assistance on a fee-for-service basis or through a managed care entity), and the denominator of which is the total number of the hospital's inpatient days in that period. "Inpatient days" include each day in which a person (including a newborn) is an inpatient in the hospital, whether or not the person is in a specialized ward and whether or not the person remains in the hospital for lack of suitable placement elsewhere.

(i) "Medicare cost report year" means the (~~twelve~~) 12-month period included in the annual cost report a medicare-certified hospital or institutional provider is required by law to submit to its fiscal intermediary.

(j) "Nonrural hospital" means a hospital that:

(i) Is not participating in the "full cost" public hospital certified public expenditure (CPE) payment program as described in WAC 182-550-4650;

(ii) Is not designated as an "institution for mental diseases (IMD)" as defined in WAC 182-550-2600 (2) (d);

(iii) Is not a small rural hospital as defined in (n) of this subsection; and

(iv) Is located in the state of Washington or in a designated bordering city. For DSH purposes, the agency considers as nonrural any hospital located in a designated bordering city.

(k) "Obstetric services" means routine, nonemergency obstetric services and the delivery of babies.

(l) "Service year" means the one year period used to measure the costs and associated charges for hospital services. The service year may refer to a hospital's fiscal year or medicare cost report year, or to a state fiscal year.

(m) "Statewide disproportionate share hospital (DSH) cap" means the maximum amount per SFY that the state can distribute in DSH payments to all qualifying hospitals during a SFY.

(n) "Small rural hospital" means a hospital that:

(i) Is not participating in the "full cost" public hospital certified public expenditure (CPE) payment program as described in WAC 182-550-4650;

(ii) Is not designated as an "institution for mental diseases (IMD)" as defined in WAC 182-550-2600 (2) (d);

(iii) Has fewer than (~~seventy-five~~) 75 acute beds;

(iv) Is located in the state of Washington; and

(v) Is located in a city or town with a nonstudent population of no more than (~~seventeen thousand eight hundred six~~) 17,806 in calendar year 2008, as determined by population data reported by the Washington state office of financial management population of cities, towns and counties used for the allocation of state revenues. This nonstudent population is used for SFY 2010, which begins July 1, 2009. For each subsequent SFY, the nonstudent population is increased by two percent.

(o) "Uninsured patient" means a person without creditable coverage as defined in 45 C.F.R. 146.113. (An "insured patient," for DSH program purposes, is a person with creditable coverage, even if the insurer did not pay the full charges for the service.) To determine whether a service provided to an uninsured patient may be included for DSH application and calculation purposes, the agency considers only services that would have been covered and paid through the agency's fee-for-service process.

(4) To be considered for a DSH payment for each SFY, a hospital must meet the criteria in this section:

(a) DSH application requirements.

(i) Only a hospital located in the state of Washington or in a designated bordering city is eligible to apply for and receive DSH payments. An institution for mental disease (IMD) owned and operated by the state of Washington is exempt from the DSH application requirement.

(ii) A hospital that meets DSH program criteria is eligible for DSH payments in any SFY only if the agency receives the hospital's DSH application by the deadline posted on the agency's website.

(b) The DSH application review and correction period.

(i) This subsection applies only to DSH applications that meet the requirements under (a) of this subsection.

(ii) The agency reviews and may verify any information provided by the hospital on a DSH application. However, each hospital has the responsibility for ensuring its DSH application is complete and accurate.

(iii) If the agency finds that a hospital's application is incomplete or contains incorrect information, the agency will notify the hospital. The hospital must submit a new, corrected application. The agency must receive the new DSH application from the hospital by the deadline for corrected DSH applications posted on the agency's website.

(iv) If a hospital finds that its application is incomplete or contains incorrect information, it may choose to submit changes and/or corrections to the DSH application. The agency must receive the corrected, complete, and signed DSH application from the hospital by the deadline for corrected DSH applications posted on the agency's website.

(c) Official DSH application.

(i) The agency considers as official the last signed DSH application submitted by the hospital as of the deadline for corrected DSH applications. A hospital cannot change its official DSH application. Only those hospitals with an official DSH application are eligible for DSH payments.

(ii) If the agency finds that a hospital's official DSH application is incomplete or contains inaccurate information that affects the hospital's LIDSH payment(s), the hospital does not qualify for, will not receive, and cannot retain, LIDSH payment(s). Refer to WAC 182-550-5000.

(5) A hospital is a disproportionate share hospital for a specific SFY if the hospital satisfies the medicaid inpatient utilization rate (MIPUR) requirement (discussed in (a) of this subsection), and the obstetric services requirement (discussed in (b) of this subsection).

(a) The hospital must have a MIPUR of one percent or more; and

(b) Unless one of the exceptions described in (i)(A) or (B) of this subsection applies, the hospital must have at least two obstetri-

cians who have staff privileges at the hospital and who have agreed to provide obstetric services to eligible individuals.

(i) The obstetric services requirement does not apply to a hospital that:

(A) Provides inpatient services predominantly to individuals younger than age ((eighteen)) 18; or

(B) Did not offer nonemergency obstetric services to the general public as of December 22, 1987, when section 1923 of the Social Security Act was enacted.

(ii) For hospitals located in rural areas, "obstetrician" means any physician with staff privileges at the hospital to perform non-emergency obstetric procedures.

(6) To determine a hospital's MIPUR, the agency uses inpatient days as follows:

(a) The total inpatient days on the official DSH application if this number is greater than the total inpatient hospital days on the medicare cost report; and

(b) The MMIS medicaid days as determined by the DSH reporting data file (DRDF) process if the Washington state medicaid days on the official DSH application do not match the eligible days on the final DRDF. If the hospital did not submit a DRDF, the agency uses paid medicaid days from MMIS.

(7) The agency administers the following DSH programs (depending on legislative budget appropriations):

(a) Low income disproportionate share hospital (LIDSH);

(b) Medical care services disproportionate share hospital (MCSDSH);

(c) Small rural disproportionate share hospital (SRDSH);

(d) Small rural indigent assistance disproportionate share hospital (SRIADSH);

(e) Nonrural indigent assistance disproportionate share hospital (NRIADSH);

(f) Public hospital disproportionate share hospital (PHDSH);

(g) Children's health program disproportionate share hospital (CHPDSH); and

(h) Sole community disproportionate share hospital (SCDSH).

(8) The agency allows a hospital to receive any one or all of the DSH payment it qualifies for, up to the individual hospital's DSH cap (see subsection (10) of this section) and provided that total DSH payments do not exceed the statewide DSH cap. To be eligible for payment under multiple DSH programs, a hospital must meet:

(a) The basic requirements in subsection (5) of this section; and

(b) The eligibility requirements for the particular DSH payment, as discussed in the applicable DSH program WAC.

(9) For each SFY, the agency calculates DSH payments for each DSH program for eligible hospitals using data from each hospital's base year. The agency does not use base year data for MCSDSH and CHPDSH payments, which are calculated based on specific claims data.

(10) The agency's total DSH payments to a hospital for any given SFY cannot exceed the hospital-specific DSH cap for that SFY. Except for critical access hospitals (CAHs), the agency determines a hospital's DSH cap as follows. The agency:

(a) Uses the overall ratio of costs-to-charges (RCC) to determine costs for:

(i) Medicaid services, including medicaid services provided under managed care organization (MCO) plans; and

(ii) Uninsured charges; then

(b) Subtracts all payments related to the costs derived in (a) of this subsection; then

(c) Makes any adjustments required and/or authorized by federal statute or regulation.

(11) A CAH's DSH cap is based strictly on the cost to the hospital of providing services to medicaid clients served under MCO plans, and uninsured patients. To determine a CAH's DSH cap amount, the agency:

(a) Uses the overall RCC to determine costs for:

(i) Medicaid services provided under MCO plans; and

(ii) Uninsured charges; then

(b) Subtracts the total payments made by, or on behalf of, the medicaid clients serviced under MCO plans, and uninsured patients.

(12) In any given federal fiscal year, the total of the agency's DSH payments cannot exceed the statewide DSH cap as published in the federal register.

(13) If the agency's DSH payments for any given federal fiscal year exceed the statewide DSH cap, the agency will adjust DSH payments to each hospital to account for the amount overpaid. The agency makes adjustments in the following program order:

(a) PHDSH;

(b) SRIADSH;

(c) SRDSH;

(d) SCDSH;

(e) NRIADSH;

(f) MCSDSH;

(g) CHPDSH; and

(h) LIDSH.

(14) If the statewide DSH cap is exceeded, the agency will recoup DSH payments made under the various DSH programs, in the order of precedence described in subsection (13) of this section, starting with PHDSH, until the amount exceeding the statewide DSH cap is reduced to zero. See specific program regulations in the Washington Administrative Code for description of how amounts to be recouped are determined.

(15) The total amount the agency may distribute annually under a particular DSH program is capped by legislative appropriation. Any changes in payment amount to a hospital in a particular DSH program means a redistribution of payments within that DSH program. When necessary, the agency will recoup from hospitals to make additional payments to other DSH-eligible hospitals within that DSH program.

(16) If funds in a specific DSH program need to be redistributed because of legislative, administrative, or other state action, only those hospitals eligible for that DSH program will be involved in the redistribution.

(a) If an individual hospital has been overpaid by a specified amount, the agency will recoup that overpayment amount from the hospital and redistribute it among the other eligible hospitals in the DSH program. The additional DSH payment to be given to each of the other hospitals from the recouped amount is proportional to each hospital's share of the particular DSH program.

(b) If an individual hospital has been underpaid by a specified amount, the agency will pay that hospital the additional amount owed by recouping from the other hospitals in the DSH program. The amount to be recouped from each of the other hospitals is proportional to each hospital's share of the particular DSH program.

(c) This subsection does not apply to the DSH independent audit findings and recoupment process described in WAC 182-550-4940.

(17) All information related to a hospital's DSH application is subject to audit by the agency or its designee. The agency determines the extent and timing of the audits. For example, the agency or its designee may choose to do an audit of an individual hospital's DSH application and/or supporting documentation, or audit all hospitals that qualified for a particular DSH program after payments have been distributed under that program.

(18) If a hospital's submission of incorrect information or failure to submit correct information results in DSH overpayment to that hospital, the agency will recoup the overpayment amount as allowed in RCW 74.09.220 and chapter 41.05A RCW.

(19) DSH calculations use fiscal year data, and DSH payments are distributed based on funding for a specific SFY. Therefore, unless otherwise specified, changes and clarifications to DSH program rules apply for the full SFY in which the rules are adopted.

[Statutory Authority: RCW 41.05.021 and 42 C.F.R. Part 455, Subpart F. WSR 15-01-037, § 182-550-4900, filed 12/8/14, effective 1/8/15. Statutory Authority: RCW 41.05.021 and 2013 2nd sp.s. c 4. WSR 14-08-038, § 182-550-4900, filed 3/26/14, effective 4/26/14. Statutory Authority: RCW 41.05.021. WSR 12-20-029, § 182-550-4900, filed 9/26/12, effective 10/27/12. WSR 11-14-075, recodified as § 182-550-4900, filed 6/30/11, effective 7/1/11. Statutory Authority: 2009 c 564 §§ 201 and 209, RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500. WSR 10-11-032, § 388-550-4900, filed 5/11/10, effective 6/11/10. Statutory Authority: RCW 74.08.090, 74.09.500. WSR 07-14-090, § 388-550-4900, filed 6/29/07, effective 8/1/07; WSR 06-08-046, § 388-550-4900, filed 3/30/06, effective 4/30/06. Statutory Authority: RCW 74.04.050, 74.08.090. WSR 05-12-132, § 388-550-4900, filed 6/1/05, effective 7/1/05. Statutory Authority: RCW 74.08.090, 74.04.050, and 2003 1st sp.s. c 25. WSR 04-12-044, § 388-550-4900, filed 5/28/04, effective 7/1/04. Statutory Authority: RCW 74.08.090, 74.09.500, 74.09.035(1), and 43.88.290. WSR 03-13-055, § 388-550-4900, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 74.08.090, 74.09.730 and 42 U.S.C. 1396r-4. WSR 99-14-040, § 388-550-4900, filed 6/30/99, effective 7/1/99. Statutory Authority: RCW 74.08.090, 74.09.730, 74.04.050, 70.01.010, 74.09.200, [74.09.]500, [74.09.]530 and 43.20B.020. WSR 98-01-124, § 388-550-4900, filed 12/18/97, effective 1/18/98.]

## WSR 23-11-008

## PERMANENT RULES

## DEPARTMENT OF REVENUE

[Filed May 4, 2023, 12:17 p.m., effective June 4, 2023]

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

Purpose: RCW 82.32.410 (1)(a) provides that the director shall adopt a rule identifying the criteria to be used to decide whether a determination is precedential. This rule making incorporates the criteria into a rule.

Citation of Rules Affected by this Order: New WAC 458-20-10005.

Statutory Authority for Adoption: RCW 82.32.410, 82.32.300.

Adopted under notice filed as WSR 23-04-098 on January 31, 2023.

Changes Other than Editing from Proposed to Adopted Version:

Changed the description of "determination" in the introduction; retained reference to WAC 458-20-100, consistent with proposed draft; and removed extraneous language.

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 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, 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: May 4, 2023.

Atif Aziz  
Rules Coordinator

### OTS-4076.3

#### NEW SECTION

**WAC 458-20-10005 Written determinations as precedents—Criteria for publication.** (1) **Introduction.** A determination is a department decision issued pursuant to WAC 458-20-100. This rule provides criteria the department uses to decide whether a determination is precedential, as required by RCW 82.32.410.

(2) **Criteria.** The department may publish a determination, and therefore designate the determination as precedential, when all of the following criteria are met:

(a) The determination is a well-reasoned application of the law to a specific set of facts.

(b) The determination addresses only the law and facts necessary to resolve the case.

(c) The determination is needed to:

(i) Provide guidance on a previously unaddressed area of the law and articulate the department's current policy;

- (ii) Apply the law to a significantly different set of facts;
- (iii) Overrule a published determination; or
- (iv) Provide a better or more current articulation on how the law should be interpreted.

(d) The determination can be effectively sanitized, or the taxpayer has granted a waiver of the secrecy clause. For purposes of this subsection, "effectively sanitized" means that information that could identify the taxpayer is removed without affecting the analysis or precedential value of the determination.

[]

## WSR 23-11-009

## PERMANENT RULES

## HEALTH CARE AUTHORITY

[Filed May 4, 2023, 12:18 p.m., effective June 4, 2023]

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

Purpose: The agency is correcting cross-references to repealed rules that were inadvertently not corrected at the time those rules were repealed. The agency is deleting WAC 182-508-0001 (3)(d) and 182-509-0001 (2)(d) because the income limit to which they refer ceased to exist on January 1, 2020, and WAC 182-511-1060 was repealed under WSR 19-23-063. The agency is replacing references to WAC 182-513-1305 with references to WAC 182-513-1205 because the information that had been in WAC 182-513-1305 was revised and recodified in WAC 182-513-1205, and WAC 182-513-1305 was repealed under WSR 17-03-116. The agency is replacing references to WAC 182-514-0255 with references to WAC 182-514-0263 because WAC 182-514-0255 was repealed under WSR 16-04-087. The agency is deleting WAC 182-519-0100 (1)(c) because the programs to which it refers ended in 2012 and WAC 182-515-1540 and 182-515-1550 were repealed under WSR 17-22-060.

Citation of Rules Affected by this Order: Amending WAC 182-508-0001, 182-509-0001, 182-519-0050, and 182-519-0100.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 23-06-052 on February 27, 2023.

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 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 4, Repealed 0.

Date Adopted: May 4, 2023.

Wendy Barcus  
Rules Coordinator

### OTS-4386.1

AMENDATORY SECTION (Amending WSR 14-21-040, filed 10/7/14, effective 11/7/14)

**WAC 182-508-0001 Washington apple health—Coverage options for adults not eligible under MAGI methodologies.** (1) This chapter provides information on eligibility determinations for adults who:

(a) Need a determination of eligibility on the basis of being aged, blind, or disabled;

(b) Need a determination of eligibility based on the need for long-term institutional care or home and community-based services;

(c) Are excluded from coverage under a modified adjusted gross income (MAGI)-based program as referenced in WAC 182-503-0510 on the basis of medicare entitlement;

(d) Are not eligible for health care coverage under chapter 182-505 WAC due to citizenship or immigration requirements; or

(e) Are not eligible for health care coverage under chapter 182-505 WAC due to income which exceeds the applicable standard for coverage.

(2) The agency determines eligibility for Washington apple health (WAH) noninstitutional categorically needy (CN) coverage under chapter 182-512 WAC for an adult who is age (~~(sixty-five)~~) 65 or older, or who meets the federal blind or disabled criteria of the federal SSI program, and:

(a) Meets citizenship/immigration, residency, and Social Security number requirements as described in chapter 182-503 WAC; and

(b) Has CN countable income and resources that do not exceed the income and resource standards in WAC 182-512-0010.

(3) The agency determines eligibility for WAH health care for workers with disabilities (HWD) CN coverage for adults who meet the requirements described in WAC 182-511-1050, as follows:

(a) Are age (~~(sixteen)~~) 16 through (~~(sixty-four)~~) 64;

(b) Meet citizenship/immigration, residency, and Social Security number requirements as described in chapter 182-503 WAC;

(c) Meet the federal disability requirements described in WAC 182-511-1150; and

(d) (~~(Have net income that does not exceed the income standard described in WAC 182-511-1060; and~~

~~(e-))~~ Are employed full- or part-time (including self-employment) as described in WAC 182-511-1200.

(4) The agency determines eligibility for WAH long-term care CN coverage for adults who meet the institutional status requirements defined in WAC 182-513-1320 under the following rules:

(a) When the person receives coverage under a MAGI-based program and needs long-term care services in an institution, the agency follows rules described in chapter 182-514 WAC;

(b) When the person meets aged, blind, or disabled criteria as defined in WAC 182-512-0050 and needs long-term care services, the agency follows rules described in:

(i) Chapter 182-513 WAC, for an adult who resides in an institution; and

(ii) Chapter 182-515 WAC, for an adult who is determined eligible for WAH home and community-based waiver services.

(5) The agency determines eligibility for WAH noninstitutional CN or medically needy (MN) health care coverage for an adult who resides in an alternate living facility under rules described in WAC (~~(182-513-1305)~~) 182-513-1205.

(6) The agency determines eligibility for WAH-CN coverage under institutional rules described in chapters 182-513 and 182-515 WAC for an adult who:

(a) Has made a voluntary election of hospice services;

(b) Is not otherwise eligible for noninstitutional CN or MN health care coverage or for whom hospice is not included in the benefit service package available to the person; and

(c) Meets the aged, blind, or disabled criteria described in WAC 182-512-0050.

(7) The agency uses the following rules to determine eligibility for an adult under the WAH-MN program:

(a) Noninstitutional WAH-MN is determined under chapter 182-519 WAC for an adult with countable income that exceeds the applicable CN standard; and

(b) Non-SSI-related institutional WAH-MN long-term care coverage is determined under WAC ((~~182-514-0255 for an adult age nineteen or twenty~~) 182-514-0263 for pregnant people and people age 20 and younger who:

(i) Meet((~~s~~)) institutional status requirements described in WAC 182-513-1320;

(ii) ((~~Does~~)) Do not meet blind or disabled criteria described in WAC 182-512-0050; and

(iii) ((~~Has~~)) Have countable income that exceeds the applicable CN standard.

(c) WAH-MN long-term care coverage is determined under WAC 182-513-1395 for an aged, blind, or disabled adult who resides in an institution and has countable income that exceeds the special income level (SIL).

(8) An adult is eligible for WAH-MN coverage when he or she:

(a) Meets citizenship/immigration, residency, and Social Security number requirements as described in WAC 182-503-0505;

(b) Has MN countable income that does not exceed the effective MN income standards in WAC 182-519-0050, or meets the excess income spenddown requirements in WAC 182-519-0110;

(c) Meets the countable resource standards in WAC 182-519-0050; and

(d) Is ((~~sixty-five~~)) 65 years of age or older or meets the blind or disabled criteria of the federal SSI program.

(9) WAH-MN coverage is available for an aged, blind, or disabled ineligible spouse of an SSI recipient. See WAC 182-519-0100 for additional information.

(10) An adult who does not meet citizenship or alien status requirements described in WAC 182-503-0535 may be eligible for the WAH alien emergency medical program as described in WAC 182-507-0110.

(11) An adult is eligible for the state-funded medical care services (MCS) program when he or she meets the requirements under WAC 182-508-0005.

(12) A person who is entitled to medicare is eligible for coverage under a medicare savings program or the state-funded buy-in program when he or she meets the requirements described in chapter 182-517 WAC.

[Statutory Authority: RCW 41.05.021, 41.05.160, P.L. 111-148, 42 C.F.R. §§ 431, 435, 457, and 45 C.F.R. § 155. WSR 14-21-040, § 182-508-0001, filed 10/7/14, effective 11/7/14. Statutory Authority: RCW 41.05.021, 74.09.035, and 2011 1st sp.s. c 36. WSR 12-19-051, § 182-508-0001, filed 9/13/12, effective 10/14/12.]

**OTS-4387.1**

AMENDATORY SECTION (Amending WSR 14-01-021, filed 12/9/13, effective 1/9/14)

- WAC 182-509-0001 Countable income for Washington apple health programs.** (1) For purposes of Washington apple health (WAH) program eligibility, a person's countable income is income which remains when:
- (a) The income cannot be specifically excluded; and
  - (b) All appropriate deductions and disregards allowed by a specific program have been applied.
- (2) A person's countable income may not exceed the income standard for the specific WAH program, unless the program allows for those limits to be exceeded. Specific program standards are described below:
- (a) For modified adjusted gross income (MAGI)-based programs described in WAC 182-503-0510, see WAC 182-505-0100 for the applicable program standard based on a percentage of the federal poverty level (FPL);
  - (b) For WAH SSI-related CN coverage, see WAC 182-512-0010;
  - (c) For WAH MN coverage, see WAC 182-519-0050;
  - (d) ~~((For WAH for workers with disabilities, see WAC 182-511-1060;~~
  - ~~(e))~~ For WAH medicare savings programs, see WAC 182-517-0100;
  - ~~((f))~~ (e) For WAH noninstitutional medical in an alternative living facility, see WAC ~~((182-513-1305))~~ 182-513-1205; and
  - ~~((g))~~ (f) For WAH long-term care programs, see WAC 182-513-1315 and 182-513-1395.
- (3) For the MAGI-based programs listed below, the agency or its designee determines eligibility based on the countable MAGI income of the members of the person's medical assistance unit as determined per WAC 182-506-0010:
- (a) WAH for parents and caretaker relatives program as described in WAC 182-505-0240;
  - (b) WAH pregnancy program as described in WAC 182-505-0115;
  - (c) WAH for kids programs as described in WAC 182-505-0210 with the following exceptions:
    - (i) Newborn children born to a woman who is eligible for WAH on the date of the newborn's birth, including a retroactive eligibility determination;
    - (ii) Children who are receiving SSI;
    - (iii) Children who are in foster care or receiving subsidized adoption services.
  - (d) WAH MAGI-based adult medical as described in WAC 182-505-0250; and
  - (e) WAH MAGI-based alien emergency medical as described in WAC 182-507-0110.
- (4) For the following SSI-related WAH programs, unless the state has adopted more liberal rules, income rules for the SSI program are used to determine a person's countable income:
- (a) WAH noninstitutional SSI-related CN or medically needy (MN) coverage described in chapters 182-511 and 182-512 WAC;
  - (b) WAH institutional SSI-related CN or MN long-term care or hospice coverage described in chapters 182-513 and 182-515 WAC;
  - (c) WAH alien emergency medical programs based on age ~~((sixty-five))~~ 65 or older or disability described in chapter 182-507 WAC; and
  - (d) WAH medicare savings programs described in chapter 182-517 WAC.
- (5) Anticipated nonrecurring lump sum payments received by an applicant or recipient of a WAH SSI-related medical program are counted

as income in the month of receipt, subject to reporting requirements, with the exception of retroactive supplemental security income (SSI)/ Social Security disability lump sum payments. See WAC 182-512-0300(4) and 182-512-0700 for more information.

(6) Countable income for the WAH refugee medical (RMA) program and WAH MN program for pregnant women and children is determined as follows:

(a) The agency or its designee allows the following deductions from a person's gross earnings:

(i) Fifty percent of gross earned income;

(ii) Actual work-related child and dependent care expenses, which are the person's responsibility; and

(iii) Court or administratively ordered current or back support paid to meet the needs of legal dependents.

(b) Only income actually contributed to an alien client from the alien's sponsor is countable unless the sponsor signs the affidavit of support I-864 or I-864A.

(c) Nonrecurring lump sum payments are counted as income in the month of receipt and as a resource if the person retains the payment after the month of receipt (resource limits do not apply to MN coverage for pregnant women and children). For RMA, nonrecurring lump sum payments are counted as income if received in the month of application and not considered if received thereafter per WAC 182-507-0130.

(7) Countable income rules for other WAH programs that are not MAGI-based or SSI-related are described in the specific program rules listed in WAC 182-503-0510 (3)(c).

(8) Some WAH programs are not based on a person's or household's countable income but are based on a specific status or entitlement in federal rule. The rules for these deemed eligible WAH programs are described in WAC 182-503-0510(4).

[Statutory Authority: RCW 41.05.021, Patient Protection and Affordable Care Act (P.L. 111-148), 42 C.F.R. §§ 431, 435, 457, and 45 C.F.R. § 155. WSR 14-01-021, § 182-509-0001, filed 12/9/13, effective 1/9/14. WSR 11-23-091, recodified as § 182-509-0001, filed 11/17/11, effective 11/21/11. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530, 74.09.700, and 2007 c 5. WSR 08-05-018, § 388-450-0210, filed 2/12/08, effective 3/14/08. Statutory Authority: RCW 74.08.090, 74.09.530, and 74.09.415. WSR 05-23-013, § 388-450-0210, filed 11/4/05, effective 1/1/06. Statutory Authority: RCW 74.08.090, 74.08A.100, 74.09.080, and 74.09.415. WSR 02-17-030, § 388-450-0210, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 74.08.090, 74.08A.100, and Title XIX State Plan amendment 00-008. WSR 02-03-009, § 388-450-0210, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-450-0210, filed 7/31/98, effective 9/1/98. Formerly WAC 388-505-0580, 388-505-0590 and 388-519-1910.]

**OTS-4390.1**

AMENDATORY SECTION (Amending WSR 15-17-012, filed 8/7/15, effective 9/7/15)

**WAC 182-519-0050 Monthly income and countable resource standards for medically needy (MN).**

(1) Changes to the medically needy income level (MNIL) occur on January 1st of each calendar year when the Social Security Administration (SSA) issues a cost-of-living adjustment.

(2) Medically needy (MN) standards for people who meet institutional status requirements are in WAC 182-513-1395. The standard for a client who lives in an alternate living facility is in WAC ~~((182-513-1305))~~ 182-513-1205.

(3) The resource standards for institutional programs are in WAC 182-513-1350. The institutional standard chart is found at: <http://www.dshs.wa.gov/manuals/eaz/sections/LongTermCare/LTCstandardspna.shtml>.

(4) Countable resource standards for the noninstitutional MN program are:

- (a) One person \$2,000
- (b) A legally married couple \$3,000
- (c) For each additional family member add \$50

(5) People who do not meet institutional status requirements use the "effective" MNIL income standard to determine eligibility for the MN program. The "effective" MNIL is the one-person federal benefit rate (FBR) established by SSA each year, or the MNIL listed below, whichever amount is higher. The FBR is the supplemental security income (SSI) payment standard. For example, in 2012, the FBR is (~~six hundred ninety-eight dollars~~) \$698.

1	2	3	4	5	6	7	8	9	10
467	592	667	742	858	975	1125	1242	1358	1483

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 15-17-012, § 182-519-0050, filed 8/7/15, effective 9/7/15. Statutory Authority: RCW 41.05.021. WSR 12-20-001, § 182-519-0050, filed 9/19/12, effective 10/20/12. WSR 11-23-091, recodified as § 182-519-0050, filed 11/17/11, effective 11/21/11. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500. WSR 08-11-098, § 388-478-0070, filed 5/20/08, effective 6/20/08. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, and Section 1924 of the Social Security Act (42 U.S.C. 1396r-5). WSR 06-06-013, § 388-478-0070, filed 2/17/06, effective 3/20/06. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 42 U.S.C. 9902(2). WSR 05-06-090, § 388-478-0070, filed 3/1/05, effective 4/1/05. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 42 U.S.C. 1396r-5. WSR 02-10-116, § 388-478-0070, filed 4/30/02, effective 5/31/02. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and Section 1924 (42 U.S.C. 1396R-5). WSR 01-12-073, § 388-478-0070, filed 6/4/01, effective 7/5/01. Statutory Authority: RCW 74.08.090, 74.04.050, 74.04.057, and 74.09.575. WSR 00-10-095, § 388-478-0070, filed 5/2/00, effective 5/2/00; WSR 99-11-054, § 388-478-0070, filed 5/17/99, effective 6/17/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-478-0070, filed 7/31/98, effective 9/1/98. Formerly WAC 388-507-0710, 388-507-0720, 388-511-1115, 388-518-1820, 388-518-1830, 388-518-1840 and 388-518-1850.]

AMENDATORY SECTION (Amending WSR 19-02-046, filed 12/27/18, effective 1/27/19)

**WAC 182-519-0100 Eligibility for the medically needy program.**

(1) A person who meets the following conditions may be eligible for medically needy (MN) coverage under the special rules in chapters 182-513 and 182-515 WAC:

(a) Meets the institutional status requirements of WAC 182-513-1320; or

(b) Resides in a medical institution as described in WAC 182-513-1395 (~~or~~

~~(c) Receives waiver services under a medically needy in-home waiver (MNIW) under WAC 182-515-1550 or a medically needy residential waiver (MNRW) under WAC 182-515-1540).~~

(2) A supplemental security income (SSI)-related person who lives in a medicaid agency-contracted alternate living facility may be eligible for MN coverage under WAC (~~182-513-1305~~) 182-513-1205.

(3) A person may be eligible for MN coverage under this chapter when he or she is:

(a) Not covered under subsection (1) and (2) of this section; and

(b) Eligible for categorically needy (CN) medical coverage in all other respects, except that his or her CN countable income is above the CN income standard.

(4) MN coverage may be available if the person is:

(a) A child;

(b) A pregnant woman;

(c) A refugee;

(d) An SSI-related person, including an aged, blind, or disabled person, with countable income under the CN income standard, who is an ineligible spouse of an SSI recipient; or

(e) A hospice client with countable income above the special income level (SIL).

(5) A person who is not eligible for CN medical who applies for MN coverage has the right to income deductions in addition to, or instead of, those used to calculate CN countable income. These deductions to income are applied to each month of the base period to calculate MN countable income:

(a) The agency disregards the difference between the medically needy income level (MNIL) described in WAC 182-519-0050 and the federal benefit rate (FBR) established by the Social Security Administration each year. The FBR is the one-person SSI payment standard;

(b) All health insurance premiums, except for medicare Part A through Part D premiums, expected to be paid by the person or family member during the base period or periods;

(c) Any allocations to a spouse or to dependents for an SSI-related person who is married or who has dependent children. Rules for allocating income are described in WAC 182-512-0900 through 182-512-0960;

(d) For an SSI-related person who is married and lives in the same home as his or her spouse who receives home and community-based waiver services under chapter 182-515 WAC, an income deduction equal to the MNIL, minus the nonapplying spouse's income; and

(e) A child or pregnant woman applying for MN coverage is eligible for income deductions allowed under temporary assistance for needy families (TANF) and state family assistance (SFA) rules and not under the rules for CN programs based on the federal poverty level. See WAC

182-509-0001(4) for exceptions to the TANF and SFA rules that apply to medical programs and not to the cash assistance program.

(6) The MNIL for a person who qualifies for MN coverage under subsection (1) of this section is based on rules in chapters 182-513 and 182-515 WAC.

(7) The MNIL for all other people is described in WAC 182-519-0050. If a person has countable income at or below the MNIL, the person is certified as eligible for up to (~~twelve~~) 12 months of MN medical coverage.

(8) If a person has countable income over the MNIL, the countable income that exceeds the agency's MNIL standards is called "excess income."

(9) A person with "excess income" is not eligible for MN coverage until the person gives the agency or its designee evidence of medical expenses incurred by that person, their spouse, or family members living in the home for whom they are financially responsible. See WAC 182-519-0110(8). An expense is incurred when:

(a) The person receives medical treatment or medical supplies, is financially liable for the medical expense, and has not paid the bill; or

(b) The person pays for the expense within the current or retro-active base period under WAC 182-519-0110.

(10) Incurred medical expenses or obligations may be used to offset any portion of countable income that is over the MNIL. This is the process of meeting "spenddown."

(11) The agency or its designee calculates the amount of a person's spenddown by multiplying the monthly excess income amount by the number of months in the certification period under WAC 182-519-0110. The qualifying medical expenses must be greater than or equal to the total calculated spenddown amount.

(12) A person who is considered for MN coverage under this chapter may not spenddown excess resources to become eligible for the MN program. Under this chapter, a person is ineligible for MN coverage if the person's resources exceed the program standard in WAC 182-519-0050. A person who is considered for MN coverage under WAC 182-513-1395, 182-514-0250 or (~~182-514-0255~~) 182-514-0263 is allowed to spenddown excess resources.

(13) There is no automatic redetermination process for MN coverage. A person must apply for each eligibility period under the MN program.

(14) A person who requests a timely administrative hearing under WAC 182-518-0025(5) is not eligible for continued benefits beyond the end of the original certification date under the MN program.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 19-02-046, § 182-519-0100, filed 12/27/18, effective 1/27/19; WSR 15-17-012, § 182-519-0100, filed 8/7/15, effective 9/7/15. Statutory Authority: RCW 41.05.021. WSR 12-20-001, amended and recodified as § 182-519-0100, filed 9/19/12, effective 10/20/12. Statutory Authority: RCW 74.04.055, 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 42 C.F.R. 435.831 (3)(e) and (f). WSR 09-08-003, § 388-519-0100, filed 3/19/09, effective 4/19/09. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-519-0100, filed 7/31/98, effective 9/1/98. Formerly WAC 388-503-0320, 388-518-1840, 388-519-1930 and 388-522-2230.]

## WSR 23-11-012

## PERMANENT RULES

## DEPARTMENT OF AGRICULTURE

[Filed May 5, 2023, 8:06 a.m., effective June 5, 2023]

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

Purpose: This rule-making order amends chapter 16-401 WAC, Nursery inspection fees and chapter 16-470 WAC, Quarantine—Agricultural pests. The department of agriculture (department) is restructuring, increasing, and consolidating fees for inspections requested by stakeholders, nursery license fees, nematode laboratory fees, and plant pathology laboratory fees. The department is also revising the language in these chapters to increase clarity and readability and to better serve industry inspection needs.

Citation of Rules Affected by this Order: Amending WAC 16-401-023, 16-401-027, 16-401-041, 16-470-905, 16-470-912, 16-470-917, and 16-470-921.

Statutory Authority for Adoption: RCW 15.13.260, 15.13.280, 15.14.015, and 17.24.131.

Adopted under notice filed as WSR 23-07-010 on March 2, 2023.

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 7, 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: May 3, 2023.

Derek I. Sandison  
Director

**OTS-4373.1**

AMENDATORY SECTION (Amending WSR 03-10-083, filed 5/6/03, effective 6/30/03)

**WAC 16-401-023 Schedule of fees and charges—Establishing hourly rates.** (1) Requested services are provided at the applicable hourly rate. (~~The nonbusiness hourly rate applies for service provided before~~) Services are generally available between 8:00 a.m. ((or after)) and 5:00 p.m. during the ((workday and for all services provided on Saturday, Sunday, or a)) workweek, except for on holidays listed in subsection (2) of this section.

(2) Holidays mean New Year's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Thanksgiving Day, the day immediately follow-

ing Thanksgiving Day, Veteran's Day, Christmas Day, President's Day, and Martin Luther King's Birthday.

(3) The hourly charge is assessed in one-half hour increments, with one-half hour being the minimum charge.

~~((4) Persons requesting service with less than twenty-four hours notice during nonbusiness hours may be subject to a charge of two additional hours at the nonbusiness hourly rate, if the department is required to pay call back to the employee(s) providing the requested service.))~~

[Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. WSR 03-10-083, § 16-401-023, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13 and 15.14 RCW. WSR 99-12-034, § 16-401-023, filed 5/26/99, effective 6/26/99. Statutory Authority: [Chapter 15.13 RCW]. WSR 92-24-067 (Order 4016), § 16-401-023, filed 12/1/92, effective 1/1/93.]

AMENDATORY SECTION (Amending WSR 15-21-022, filed 10/13/15, effective 12/1/15)

**WAC 16-401-027 Schedule of fees and charges—Applicable rates and charges.** The following rates apply for requested inspection services at licensed nursery facilities:

<b>(1) Fee or Charge:</b>	
Hourly rate—business hours	<del>(((\$50.00)) \$58.00</del>
<del>((Hourly rate—nonbusiness hours</del>	<del>\$75.00</del>
<del>Certificate issued at time of inspection</del>	<del>No charge</del>
<del>Certificate issued more than twenty-four hours after the inspection</del>	<del>\$24.50</del>
<del>Additional certificates</del>	<del>\$8.25</del>
<del>Fumigation lot or container fee</del>	<del>(\$25.00))</del>
<u>Phytosanitary certificate issued for licensed nurseries</u>	<u>\$20.00</u>
<del>Certificate of plant health for noncommercial movement</del>	<del>(((\$10.00)) \$20.00</del>
<del>Compliance agreement</del>	<del>(((\$50.00)) \$58.00</del>
Inspection tags or stickers (lots of 250)	\$10.00 per lot

(2) Mileage at the established office of financial management rate ~~((schedule A))~~, per diem and other authorized travel expenses at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections that are not a part of a regular work schedule. Such charge may be prorated among applicants if more than one applicant is provided service during a workday or trip when mileage and/or per diem are applicable.

(3) Inspections for phytosanitary certification, including growing season field inspections, are provided at the applicable hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between the department and an industry entity,

university, or public agency. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of inspection each calendar year for nurseries licensed under WAC 16-401-041 (1)(b) or (2)(a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-041 (1)(c) or (2)(b), are without charge.

~~((There is no additional charge for the first phytosanitary certificate issued at the time of the inspection.))~~

(4) Inspection and certification of nonplant material or equipment for sanitation (freedom from soil or pests) by visual examination or through witnessing a prescribed treatment (steam cleaning, hydro-washing, etc.) is charged at the applicable hourly rate.

~~(5) ((Witnessing and certification of fumigation is charged at the applicable hourly rate, plus a per lot or container fee.~~

~~(6))~~) The department may also charge fees and/or surcharges for transmittal to federal agencies.

~~((7))~~) (6) The department may issue a certificate of plant health for noncommercial movement of plant materials between states by unlicensed persons, up to a maximum of five plants, ~~((and))~~ for a flat fee without charges for hourly rate, provided that the plants are brought to a plant services office for inspection.

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate applies. ~~((One certificate for one service is issued at no charge.))~~

[Statutory Authority: RCW 15.13.260, 15.13.280, 15.14.015, 17.24.131, and chapter 34.05 RCW. WSR 15-21-022, § 16-401-027, filed 10/13/15, effective 12/1/15. Statutory Authority: RCW 15.13.260, 15.13.280, 15.13.370, 15.14.015, chapter 34.05 RCW, and 2009 c 564. WSR 09-23-005, § 16-401-027, filed 11/5/09, effective 1/1/10. Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. WSR 07-11-011, § 16-401-027, filed 5/3/07, effective 7/1/07; WSR 06-15-043, § 16-401-027, filed 7/11/06, effective 8/11/06; WSR 05-12-110, § 16-401-027, filed 5/31/05, effective 7/1/05; WSR 04-17-037, § 16-401-027, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13, 15.14, 17.24, and 34.05 RCW. WSR 03-21-166, § 16-401-027, filed 10/22/03, effective 11/22/03. Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. WSR 03-10-083, § 16-401-027, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13 and 15.14 RCW. WSR 01-11-031, § 16-401-027, filed 5/8/01, effective 6/8/01.]

AMENDATORY SECTION (Amending WSR 15-21-022, filed 10/13/15, effective 12/1/15)

**WAC 16-401-041 Nursery dealer license fees.** Annual license fees as established below, must accompany the application for nursery dealer license:

(1) Retail nursery dealer license fee:

(a) Gross business sales of horticultural plants and turf less than ~~((two thousand five hundred dollars))~~ \$2,500  
. . . . . ~~(((\$52.50))~~ \$67.20

(b) Gross business sales of horticultural plants and turf between ~~((two thousand five hundred dollars and fifteen thousand dollars))~~  
\$2,500 and \$15,000, the license fee is. . . . . ~~(((\$115.00))~~ \$147.20

- (c) Gross business sales of horticultural plants and turf of ~~((fifteen thousand dollars))~~ \$15,000 or more. . . . ~~(((\$228.00))~~ \$292.00
- (2) Wholesale nursery dealer license fee:
  - (a) Gross business sales of horticultural plants and turf less than ~~((fifteen thousand dollars))~~ \$15,000. . . . ~~(((\$115.00))~~ \$147.20
  - (b) Gross business sales of horticultural plants and turf of ~~((fifteen thousand dollars))~~ \$15,000 or more. . . . ~~(((\$228.00))~~ \$292.00
  - (3) As provided in RCW 15.13.285, a surcharge of ~~((twenty))~~ 20 percent of the base rate, in addition to the fees established on all classes of licenses in subsections (1) and (2) of this section, is established.
  - (4) Permit fee for those types of sales and organizations exempted from licensing requirements by RCW 15.13.270 . . . . . ~~(((\$10.00))~~ \$20.00

[Statutory Authority: RCW 15.13.260, 15.13.280, 15.14.015, 17.24.131, and chapter 34.05 RCW. WSR 15-21-022, § 16-401-041, filed 10/13/15, effective 12/1/15. Statutory Authority: RCW 15.13.260, 15.13.280, 15.13.370, 15.14.015, chapter 34.05 RCW, and 2009 c 564. WSR 09-23-005, § 16-401-041, filed 11/5/09, effective 1/1/10. Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. WSR 07-11-011, § 16-401-041, filed 5/3/07, effective 7/1/07; WSR 06-15-043, § 16-401-041, filed 7/11/06, effective 8/11/06; WSR 05-12-110, § 16-401-041, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapters 15.13, 15.14, 17.24 and 34.05 RCW. WSR 03-21-166, § 16-401-041, filed 10/22/03, effective 11/22/03. Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. WSR 03-10-083, § 16-401-041, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.13 and 15.14 RCW. WSR 01-11-031, § 16-401-041, filed 5/8/01, effective 6/8/01; WSR 99-12-034, § 16-401-041, filed 5/26/99, effective 6/26/99.]

**OTS-4374.1**

AMENDATORY SECTION (Amending WSR 03-10-082, filed 5/6/03, effective 6/30/03)

**WAC 16-470-905 Schedule of fees and charges—Establishing hourly rates.**

- (1) Requested services are provided at the applicable hourly rate except as provided in subsection ~~((+5))~~ (4) of this section. ~~((The hourly rate for nonbusiness hours applies for service provided before))~~ Services are generally available between 8:00 a.m. ((or af-ter)) and 5:00 p.m. during the ((workday and for all services provided on Saturday, Sunday, or)) workweek, except for on a holiday listed in subsection (2) of this section.
- (2) Holidays shall mean New Year's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Veteran's Day, Christmas Day, President's Day, and Martin Luther King's Birthday.
- (3) Charges are assessed in one-half hour increments, with one-half hour as a minimum.

(4) ((Persons requesting service with less than twenty-four hours notice during nonbusiness hours, may be subject to a charge of two additional hours at the nonbusiness hourly rate if the department is required to pay call back pay to the employee(s) providing the requested service.

(5)) The department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate for projects with one of the following characteristics:

(a) Projects requiring multiple periodic inspections and/or certificates; or

(b) Projects requiring field inspections of crops not regulated under chapter 15.13 or 15.14 RCW.

The rate charged shall not be less than the cost to the department of providing the services.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. WSR 03-10-082, § 16-470-905, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapter 17.24 RCW. WSR 99-12-035, § 16-470-905, filed 5/26/99, effective 6/26/99; WSR 92-07-023, § 16-470-905, filed 3/10/92, effective 4/10/92.]

AMENDATORY SECTION (Amending WSR 15-21-022, filed 10/13/15, effective 12/1/15)

**WAC 16-470-912 Schedule of fees and charges—Applicable fees and charges.** (1) Hourly rate(~~(-)~~) . . . . . \$72.50

<del>((Hourly rate - Business hours</del>	\$62.50
<del>Hourly rate - Nonbusiness hours</del>	<del>(\$93.75))</del>

(2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

(3) Plant pathology laboratory diagnostic fees:

- (a) Nematode assay (plant material). . . . . (~~(\$38.00)~~) \$48.00
- (b) Nematode assay (soil). . . . . (~~(\$60.00)~~) \$65.00
- (c) Assay for dwarf bunt (TCK), Karnal bunt, flag smut . . . . . (~~(\$60.00)~~) \$70.00

Note: Fee is for one sample for one specific organism, unless more than one organism can be detected in a single test without additional inputs.

(4) The department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate for projects with at least one of the following characteristics:

- (a) Projects greater than (~~(one hundred)~~) 100 samples;
- (b) Projects requiring materials not readily available; or
- (c) Projects requiring special handling, multiple phase test procedures, or prolonged incubation periods.

The rate charged shall not be less than the cost to the department of performing the tests.

[Statutory Authority: RCW 15.13.260, 15.13.280, 15.14.015, 17.24.131, and chapter 34.05 RCW. WSR 15-21-022, § 16-470-912, filed 10/13/15, effective 12/1/15. Statutory Authority: RCW 17.24.131, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-22-028, § 16-470-912, filed 10/31/12, effective 12/1/12. Statutory Authority: RCW 17.24.021, 17.24.131, chapter 34.05 RCW, and 2009 c 564. WSR 09-23-006, §

16-470-912, filed 11/5/09, effective 1/1/10. Statutory Authority: Chapters 17.24 and 34.05 RCW. WSR 07-11-012, § 16-470-912, filed 5/3/07, effective 7/1/07; WSR 06-15-044, § 16-470-912, filed 7/11/06, effective 8/11/06; WSR 05-12-111, § 16-470-912, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapters 17.24, 15.14, and 34.05 RCW. WSR 05-01-180, § 16-470-912, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapters 17.24 and 34.05 RCW. WSR 04-17-036, § 16-470-912, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13, 15.14, 17.24, and 34.05 RCW. WSR 03-21-166, § 16-470-912, filed 10/22/03, effective 11/22/03. Statutory Authority: Chapters 17.24 and 34.05 RCW. WSR 03-10-082, § 16-470-912, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 17.24 and 15.14 RCW. WSR 01-11-033, § 16-470-912, filed 5/8/01, effective 6/8/01.]

AMENDATORY SECTION (Amending WSR 15-21-022, filed 10/13/15, effective 12/1/15)

**WAC 16-470-917 Schedule of fees and charges—Fees for post entry inspection services.** (1) Post entry site inspection (~~and/or~~), permit review and approval (~~(. . . . .)~~ ~~\$125.00~~ ~~(2)~~) and subsequent inspections of post entry plant materials are provided at the applicable hourly rate.

~~((3))~~ (2) Post entry inspection fees may be waived for state universities, United States Department of Agriculture researchers, and other public entities.

[Statutory Authority: RCW 15.13.260, 15.13.280, 15.14.015, 17.24.131, and chapter 34.05 RCW. WSR 15-21-022, § 16-470-917, filed 10/13/15, effective 12/1/15. Statutory Authority: RCW 17.24.131, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-22-028, § 16-470-917, filed 10/31/12, effective 12/1/12. Statutory Authority: RCW 17.24.021, 17.24.131, chapter 34.05 RCW, and 2009 c 564. WSR 09-23-006, § 16-470-917, filed 11/5/09, effective 1/1/10. Statutory Authority: Chapters 17.24 and 34.05 RCW. WSR 07-11-012, § 16-470-917, filed 5/3/07, effective 7/1/07; WSR 06-15-044, § 16-470-917, filed 7/11/06, effective 8/11/06; WSR 05-12-111, § 16-470-917, filed 5/31/05, effective 7/1/05; WSR 04-17-036, § 16-470-917, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13, 15.14, 17.24, and 34.05 RCW. WSR 03-21-166, § 16-470-917, filed 10/22/03, effective 11/22/03. Statutory Authority: Chapters 17.24 and 34.05 RCW. WSR 03-10-082, § 16-470-917, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 17.24 and 15.14 RCW. WSR 01-11-033, § 16-470-917, filed 5/8/01, effective 6/8/01.]

AMENDATORY SECTION (Amending WSR 15-21-022, filed 10/13/15, effective 12/1/15)

**WAC 16-470-921 Schedule of fees and charges—Miscellaneous fees.** (1) Mileage at the established office of financial management rate (~~(schedule A)~~), per diem and other authorized travel expenses at actual cost, and travel time at the applicable hourly rate may be as-

sessed for requested inspections or post entry inspections that are not a part of a regular work schedule. Such charges may be prorated among applicants if more than one applicant is provided service during a workday or trip when per diem is applicable.

(2) Postage, special handling services and other miscellaneous costs exceeding five dollars will be charged back to the applicant at the actual cost.

(3) Certificates of inspection, phytosanitary certificates, and other official documents will be provided to the applicant subject to the charges and conditions established below:

Fee or Charge:	
((Certificate issued at time of inspection	No charge
Certificate issued more than twenty-four hours after the inspection	\$30.00
Additional certificates	\$10.00
Fumigation lot or container fee	<del>\$25.00</del> )
Each phytosanitary certificate issued to a nonnursery	\$26.00
Compliance agreement	<del>(\$62.50)</del> \$72.50

[Statutory Authority: RCW 15.13.260, 15.13.280, 15.14.015, 17.24.131, and chapter 34.05 RCW. WSR 15-21-022, § 16-470-921, filed 10/13/15, effective 12/1/15. Statutory Authority: RCW 17.24.131, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-22-028, § 16-470-921, filed 10/31/12, effective 12/1/12. Statutory Authority: RCW 17.24.021, 17.24.131, chapter 34.05 RCW, and 2009 c 564. WSR 09-23-006, § 16-470-921, filed 11/5/09, effective 1/1/10. Statutory Authority: Chapters 17.24 and 34.05 RCW. WSR 03-10-082, § 16-470-921, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 17.24 and 15.14 RCW. WSR 01-11-033, § 16-470-921, filed 5/8/01, effective 6/8/01. Statutory Authority: Chapter 17.24 RCW. WSR 99-12-035, § 16-470-921, filed 5/26/99, effective 6/26/99.]

**WSR 23-11-031**  
**PERMANENT RULES**  
**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Behavioral Health Administration)

[Filed May 10, 2023, 2:18 p.m., effective June 10, 2023]

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

Purpose: The department recognizes these WAC have not been updated since 2013 and since then, there have been policy and RCW changes that require an update. The department has decided to combine WAC 388-880-056 through 388-880-058 into one WAC. This will help clarify expectations of the senior clinical team and clarify how the special commitment center (SCC) reviews residents whose less restrictive alternative (LRA) status is revoked. WAC 388-880-059 is being amended to clarify communication expectations for SCC when a resident is conditionally released or discharged. Definitions will also be updated to ensure consistency as WAC are updated.

Citation of Rules Affected by this Order: Repealing WAC 388-880-055, 388-880-057 and 388-880-058; and amending WAC 388-880-010, 388-880-056, and 388-880-059.

Statutory Authority for Adoption: RCW 71.09.070, 71.09.090, and 71.09.097.

Adopted under notice filed as WSR 23-01-074 and 23-07-068 on December 15, 2022, and March 10, 2023.

Changes other than editing from proposed to adopted version: Changes made to original WAC in preparation for initial rule hearing are as follows:

- Added a definition for chief executive officer, as there is no longer a superintendent of the special commitment center.
- Removed mention of juvenile rehabilitation administration under the evaluation definition, as this is no longer an administration under the department of social and health services.
- Added a definition for risk factors.
- Amended the definition of senior clinical team to align with current practice.
- Amended sexual predator program title to align with more person-centered language.
- Added a definition for special commitment center.
- Combined WAC 388-880-056 through 388-880-058 to remove redundancy.
- Amended what the senior clinical team reviews to include language from legislation passed in 2021.
- Amended WAC 388-880-059 to clarify roles and update title changes.
- Several housekeeping items throughout all updated WAC to clean up acronyms, title changes, and other grammatical pieces.

Changes made following the hearing dated January 24, 2023, are as follows:

- Added in department of children, youth, and families to replace juvenile rehabilitation administration under the evaluation definition.
- Changed "native format" to "original format."
- Changed "characteristics" to "factors" under the risk factors definition.
- Clarified definition of senior clinical team.

- Removed amendment to sexual predator program definition and re-verted to original wording.
- Clarified which penile plethysmograph assessment results could be reviewed.
- Added the resident's attorney as appropriate.
- Clarified that it is not SCC's responsibility to petition the court for residents to be conditionally released or discharged.
- Clarified the investigation language from department of corrections related to placement.

Changes made following the supplemental hearing dated April 25, 2023, are as follows:

- Added language to evaluation definition to match what is found in Washington jury instructions (WPI 365.10).
- Changed language from "discharge" to "release" for consistency with RCW.
- Added language to sexually violent offense to also include relevant case law.
- Added clarifying language to allow the senior clinical team to also review the most recent forensic evaluation as well as progress since the most recent forensic evaluation.
- Changed "sole" to "primary" to clarify that lack of resources will not be the only reason for recommendation to an LRA setting.
- Added "trial court" as an entity to receive SCC's position pertaining to the resident's status.

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 3, 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 3, Repealed 3.

Date Adopted: May 10, 2023.

Katherine I. Vasquez  
Rules Coordinator

## SHS-4955.7

AMENDATORY SECTION (Amending WSR 10-13-130, filed 6/22/10, effective 7/23/10)

**WAC 388-880-010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

**"Appropriate facility"** means the total confinement facility the department uses to hold and evaluate a person court-detained under chapter 71.09 RCW.

**"Authorized third party"** means a person approved in writing by the resident on a DSHS Form 17-063 (Authorization to disclose records), who may request and have access to the resident clinical file under chapter 71.09 RCW or the resident's medical records under chapter 70.02 RCW.

**"Care"** means a service the department provides during a person's detention or commitment within a secure facility toward adequate health, shelter, and physical sustenance.

**"Chief executive officer (CEO)"** means the person appointed by the secretary of the department to be responsible for the general operation, program, and facilities of the SCC. Also referred to as "superintendent of the special commitment center" and "superintendent" under chapter 71.09 RCW.

**"Control"** means a restraint, restriction, or confinement the department applies protecting a person from endangering self, others, or property during a period of custody under chapter 71.09 RCW.

**"Department"** means the department of social and health services or DSHS.

**"Escorted leave"** means a leave of absence under the continuous supervision of an escort from a facility housing persons who are court-detained or civilly committed under chapter 71.09 RCW.

**"Evaluation"** means an examination, report, or recommendation by a professionally qualified person to determine if a person has a personality disorder, ((and/or)) mental abnormality, or both, which causes serious difficulty in controlling their sexually violent behavior and renders the person likely to engage in predatory acts of sexual violence if not confined in a secure facility. The four types of evaluations that occur related to a person's commitment or detention under chapter 71.09 RCW are as follows:

- The **initial evaluation** occurs before the person is detained at the SCC, usually occurring while the person is in prison, department of children, youth, and families, ((juvenile rehabilitation administration (JRA)),) a state mental hospital, a county jail, or in the community following commission of a recent overt act.
- **Supplemental evaluations**, as required by RCW 71.09.040, are performed for civil commitment trial purposes.
- **Annual review evaluations** occur only after a person has been civilly committed under RCW 71.09.070.
- **Post commitment evaluations**, as required by RCW 71.09.090, when the person qualifies for a conditional or unconditional release trial.

**"Health care facility"** means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility, or federally approved blood bank.

**"Health care practitioner"** means an individual or firm licensed or certified to engage actively in a regulated health profession.

**"Health care services"** means those services provided by health professionals licensed pursuant to RCW 18.120.020(4).

**"Health profession"** means those licensed or regulated professions set forth in RCW 18.120.020(4).

**"Immediate family"** includes a resident's parents, stepparents, parent surrogates, legal guardians, grandparents, spouse, brothers,

sisters, half or stepbrothers or sisters, children, stepchildren, registered domestic partner, and other dependents.

**"Indigent"** refers to the financial status of a resident who has maintained a total balance of (~~forty dollars~~) \$40 or less, combined, in (~~his/her~~) their resident trust and resident store accounts for the past (~~thirty~~) 30 days, after paying court ordered legal financial obligations, child support, or cost-of-care reimbursement, and who swears or affirms under penalty of perjury that (~~he/she has~~) they have no additional outside resources, including but not limited to pension income, business income, and a spouse's or registered domestic partner's employment or other income.

**"Individual treatment plan (ITP)"** means an outline the SCC staff persons develop detailing how control, care, and treatment services are provided to a civilly committed person or to a court-detained person.

**"Legal mail"** means a resident's written communications, to or from: Courts/court staff regarding a legal action currently before a court, a licensed attorney, a public defense agency, a licensed private investigator retained by private counsel representing a resident or appointed by a court, an expert retained by an attorney representing a resident or appointed by a court, and a law enforcement agency.

**"Less restrictive alternative (LRA)"** means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions stated in RCW 71.09.092. A less restrictive alternative may not include placement in the community protection program as pursuant to RCW 71A.12.230.

**"Less restrictive alternative facility"** means a secure community transition facility as defined under RCW 71.09.020(16).

**"Mental abnormality"** means a congenital or acquired condition affecting the person's emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

**"((Native)) Original format"** means the format in which a record subject to public disclosure was originally produced.

**"Oversight"** means official direction, guidance, review, inspection, investigation, and information gathering activities conducted for the purposes of program quality assurance by persons or entities within, or external to, the SCC.

**"Personality disorder"** means an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has onset in adolescence or early adulthood, is stable over time, and leads to distress or impairment. Purported evidence of a personality disorder must be supported by testimony of a licensed forensic psychologist or psychiatrist.

**"Predatory"** means acts a person directs toward:

- (1) Strangers;
- (2) Individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or
- (3) Persons of casual acquaintance with whom no substantial personal relationship exists.

**"Professionally qualified person":**

- (1) **"Psychiatrist"** means a person licensed as a physician in this state, in accordance with chapters 18.71 and 18.57 RCW. In addition, the person (~~shall~~) must:

(a) Have completed three years of graduate training in a psychiatry program approved by the American Medical Association or the American Osteopathic Association; and

(b) Be certified, or eligible to be certified, by the American Board of Psychiatry and Neurology.

(2) **"Psychologist"** means a person licensed as a doctoral level psychologist in this state, in accordance with chapter 18.83 RCW.

**"Relapse prevention plan (RPP)"** details static and dynamic risk factors particular to the resident and contains a written plan of interventions for the purpose of reducing the risk of sexual offending.

**"Resident"** means a person court-detained or civilly committed pursuant to chapter 71.09 RCW.

**"Resident trust account"** means the custodial bank account, held by the state, which represents the resources of the individual resident which is held for the individual resident's use.

**"Responsivity"** refers to the delivery of treatment in a manner that is consistent with the abilities and learning style of the (~~offender~~) resident. Responsivity can be conceptualized within the following categories: Physical limitations and sensory impairments, cognitive and learning impairments, mental health symptoms and behavioral disorders, cultural and subcultural differences to the extent that these differences may interfere with treatment participation.

**"Risk factors"** means resident factors, supported by empirical evidence, shown to increase the likelihood an individual will engage in sexual offending behavior.

**"Secretary"** means the secretary of the department of social and health services or the secretary's designee.

**"Secure community transition facility (SCTF)"** means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include, but are not limited to, the facilities established in RCW 71.09.~~((201))~~250 and any community-based facilities established under chapter 71.09 RCW and operated by the secretary or under contract with the secretary.

**"SCTF residential community transition team (~~(CTT-SCTF)~~) (RCTT)"** means a team made up of three key individuals who will be closely involved with day to day decision making related to the transition activities of a resident residing in an SCTF operated by the department of social and health services. These three individuals include the department of corrections (DOC) (~~community corrections officer~~) correctional specialist, the certified sex offender treatment provider employed by (~~the department~~) DSHS or who has been contracted by SCC, and the SCTF manager, the chief of clinical (~~director~~) services or designee may substitute for the SCTF manager. The (~~CTT-SCTF~~) RCTT must approve all community activities of an SCTF resident. As the agency responsible for funding SCTF activities, (~~the department~~) DSHS through its SCTF manager may consider budgetary constraints when approving or supporting discretionary activities such as community shopping or recreation, or personal activities such as visiting family and friends.

**"Secure facility"** means a residential facility for persons court-detained or civilly committed under the provisions of chapter 71.09 RCW that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure com-

munity transition facilities, and any residence used as a court-ordered placement in RCW 71.09.096.

**"Senior clinical team"** means a ~~((body of clinical professionals as described below which has been designated by the superintendent))~~ team of professionally qualified persons employed by the department which are designated by the CEO to meet regularly to:

- Make decisions about the implementation of the sex ~~((offender))~~ offense treatment ((program)).

~~((Review for the purposes of approval or denial, treatment team recommendations for phase promotions or demotions.))~~

- Make clinical recommendations to provide input about residents ~~((in community))~~ releasing to less restrictive alternative (LRA) settings.

- Provide general consultation regarding resident treatment and behavioral management issues.

- Conduct outreach to program areas of SCC including staffing and consultation of residents in sex ~~((offender))~~ offense treatment.

- As requested, provide guidance and advice to the ~~((clinical director, the superintendent))~~ chief of clinical services, the CEO, and the treatment teams.

Members of the senior clinical team are expected to ~~((take into account))~~ consider all available relevant information, including contextual and situational factors, to make optimal, clinically supportable decisions.

~~((The senior clinical team shall consist of a team of professionally qualified persons employed by the department which are designated by the superintendent.))~~ The team may include either a SCC contracted community-based psychologist with advanced forensic assessment and treatment expertise, ~~((and/or))~~ a contracted community-based psychiatrist with advanced expertise in forensic assessment and treatment, or both.

The senior clinical team ~~((shall))~~ may not include the following persons, ~~((+))~~ unless needed at the request of the ~~((clinical director))~~ chief of clinical services for consultation on a specific issue(s):

- The resident's attorney;
- The prosecuting agency;
- Any representative from DOC;
- Potential certified sex offender treatment providers (CSOTPs) or community providers of any type who may treat the resident; or
- Any other party who may serve to financially gain from the resident's release.

**"Sexual predator program"** means a department-administered and operated program including the special commitment center (SCC) established for:

(1) A court-detained person's custody and evaluation; or

(2) Control, care, and treatment of a civilly committed person defined as a sexually violent predator under chapter 71.09 RCW.

**"Sexually violent offense"** means an act defined under ~~((chapter 9A.28 RCW,))~~ RCW ~~((9.94A.030 and))~~ 71.09.020.

**"Sexually violent predator"** means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

~~(("Superintendent" means the person appointed by the secretary of the department to be responsible for the general operation, program, and facilities of the SCC.))~~

"Special commitment center (SCC)" means the department operated secure facility that provides supervision and sex offender treatment services in a total confinement setting for individuals detained or committed under RCW 71.09.

**"Total confinement facility"** means a facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a secure facility by the secretary.

[Statutory Authority: Chapter 71.09 RCW and RCW 72.01.090. WSR 10-13-130, § 388-880-010, filed 6/22/10, effective 7/23/10. Statutory Authority: RCW 71.09.040(4). WSR 03-23-022, § 388-880-010, filed 11/10/03, effective 12/11/03. Statutory Authority: Chapter 71.09 RCW, 2000 c 44, 2001 c 286. WSR 02-02-054, § 388-880-010, filed 12/27/01, effective 1/27/02. WSR 99-21-001, recodified as § 388-880-010, filed 10/6/99, effective 10/6/99. Statutory Authority: RCW 71.09.230. WSR 97-24-054, § 275-155-010, filed 12/1/97, effective 1/1/98. Statutory Authority: 1990 c 3. WSR 90-17-120 (Order 3054), § 275-155-010, filed 8/21/90, effective 9/21/90.]

AMENDATORY SECTION (Amending WSR 10-13-130, filed 6/22/10, effective 7/23/10)

**WAC 388-880-056 How SCC considers a resident for release to an LRA.** When the department ~~(, based on a forensic evaluation or progress in sex offender treatment,)~~ considers a ~~((SCC))~~ resident in total confinement for a less restrictive alternative, modification or revocation of a less restrictive alternative, ~~((placement under RCW 71.09.090(1), or considers a resident currently residing in a secure community transition facility (SCTF) on a conditional release for further transition into a nonSCTF less restrictive alternative,))~~ or unconditional discharge, ~~((the clinical director shall schedule))~~ the senior clinical team ~~((to))~~ must review the matter and formulate a clinical recommendation to the ~~((superintendent))~~ chief executive officer (CEO). When the department, based on a forensic evaluation that opined that a resident no longer meets the definition of a sexually violent predator, the senior clinical meeting must occur within 30 days and provide a recommendation to the CEO.

The senior clinical meeting will provide ~~((an adequate staffing of the case, to include the resident's))~~ a review of the resident's case, to include:

(1) Participation and progress in sex ~~((offender))~~ offense treatment.

(2) Behavior.

(3) Most recent annual forensic evaluation.

~~((3-Latest))~~ (4) Progress since most recent annual forensic evaluation.

~~((4-Relapse prevention plan))~~ (5) Manifestation and management of risk factors.

~~((5) Any other relevant information such as: medication compliance, manifestation and management of dynamic risk factors, evidence~~

~~or absence of paraphilia and personality disorder, responsivity, psychological testing, polygraph results, PPG assessments results, etc.)~~)

~~(6) ((When the resident is being considered for a LRA placement in a nonstate sponsored setting such as a private home or apartment option, the team shall also consider the resident's finances such as savings, benefits, eligibility for social services, housing options, employment or employability, absence or availability of community supports, family supports, etc.))~~ Barriers to discharge.

(7) Other factors related to an LRA recommendation, if applicable, including:

(i) The resident's transition activity;

(ii) The factors surrounding the situation(s)/behavior(s) causing the revocation review;

(iii) The ability of SCC and department of corrections (DOC) to adequately manage the resident in the community given existing resources;

(iv) The ability of SCC and DOC to adequately assure for the public's safety and the resident's compliance with less restrictive alternative conditions if the resident remains in the community or is allowed community access.

(8) Any other relevant information which may include, but is not limited to: medication compliance, evidence or absence of paraphilia and personality disorder, responsivity, psychological testing, polygraph results, existing penile plethysmograph (PPG) assessment results, etc.

(9) Lack of resources will not be the primary factor in recommending that a resident not be released on an LRA.

The CEO or designee will notify the prosecuting attorney, the resident's attorney, the resident's corrections specialist (CS), certified sex offender treatment provider (CSOTP), trial court, and local law enforcement of SCC's position pertaining to the resident's less restrictive alternative or unconditional release status.

[Statutory Authority: Chapter 71.09 RCW and RCW 72.01.090. WSR 10-13-130, § 388-880-056, filed 6/22/10, effective 7/23/10.]

AMENDATORY SECTION (Amending WSR 10-13-130, filed 6/22/10, effective 7/23/10)

**WAC 388-880-059 Communicating and coordinating resident discharge and conditional release related matters. (1) Communication with the department.**

~~(a) ((The SCC clinical director, or designee serves as the principal party at SCC responsible to communicate discharge and release matters internally within SCC.~~

~~(b) When a resident's request for advancement to community transition status is approved by the superintendent, the superintendent shall inform the DSHS secretary.~~

~~(c) If the SCC superintendent endorses the resident's request to petition the court for conditional release to either a secure community transition facility or other type of less restrictive alternative, the superintendent (as the secretary's designee) shall formally authorize the resident, in writing, to petition the court for a less restrictive alternative hearing in accordance with RCW 71.09.090.))~~ If the SCC CEO endorses the resident's request to petition the court for

conditional release to either a secure community transition facility or other type of less restrictive alternative, the CEO (as the secretary's designee) must formally authorize the resident, in writing, to petition the court for a less restrictive alternative hearing in accordance with RCW 71.09.090.

~~((d))~~ (b) Once the ~~((superintendent))~~ CEO has made a decision to support a resident's request to petition the court, the ~~((superintendent shall))~~ CEO must notify ~~((the clinical director))~~ forensic services of that decision. ~~((At that point the clinical director or designee shall serve as the principal party at))~~ SCC ~~((to))~~ staff will communicate discharge and release matters to the resident, their attorney, to external stakeholders which, among others, ~~((shall))~~ must include the state attorney general's criminal justice division's sexually violent predator unit, and the King County prosecuting attorney's sexually violent predator unit, and ~~((to))~~ organize the necessary activities in support of that discharge or conditional release.

**(2) Responsibility to communicate court related activities.**

(a) ~~((The resident's attorney is responsible to coordinate the court hearing.))~~ It is not the SCC's responsibility to petition the court for a resident to be conditionally released or discharged.

(b) When the court orders a resident to be conditionally released to a less restrictive alternative, ~~((the))~~ SCC ~~((clinical director or designee shall))~~ must:

(i) Manage the release process, including community notification to the appropriate law enforcement agency at least ~~((thirty))~~ 30 days prior to the resident's release to the court-approved LRA.

(ii) Keep internal SCC stakeholders apprised of the status of the case.

(iii) Coordinate the transition with the:

(A) DOC end of sentence review committee program manager;

(B) Assigned DOC community ~~((corrections officer))~~ correctional specialist, if applicable;

(C) Court-approved certified sex offender treatment provider, if applicable;

(D) Appropriate SCTF manager, if applicable; and

(E) Other court-approved providers or persons for the resident's court-approved living setting.

(iv) The coordination will address civil commitment issues, community safety, and the court-ordered conditions of release.

**(3) When the secretary or designee objects to a pending release.**

When the ~~((DSHS))~~ secretary or designee objects to a pending release under RCW 71.09.090, before the scheduled less restrictive alternative court hearing or following the hearing such as in the case of newly discovered information, that objection ~~((shall))~~ must be presented to the court in writing and ~~((shall be))~~ signed by the secretary or designee.

**(4) When a less restrictive alternative placement is approved by the court.**

When a resident ~~((of))~~ from SCC or a resident already conditionally released is approved to transfer to a less restrictive alternative placement ~~((or a resident of a secure community transition facility is approved to transfer to an alternative less restrictive alternative placement)),~~ that placement will occur ~~((no sooner than thirty))~~ within 30 days following the day the court approves that placement but not before the department of corrections files their investigation or the court orders release to a specific placement, whichever occurs first. This ~~((thirty))~~ 30 day period will allow SCC

to fulfill its law enforcement notification obligations under RCW 9A.44.130 and the affected county sheriff to fulfill their public notification obligations under RCW 4.24.550.

(5) **When a resident is unconditionally released by the court.**

When a resident of the SCC total confinement facility or a secure community transition facility is determined by the court to no longer meet the criteria of a sexually violent predator under chapter 71.09 RCW, and the court orders that the resident ~~((shall))~~ be unconditionally released, SCC ~~((shall))~~ must release the person within ~~((twenty-four))~~ 24 hours of the court's decision.

(6) **When a resident or attorney proposes ~~((an alternative))~~ a different less restrictive alternative placement.**

(a) When a resident or attorney proposes ~~((an alternative))~~ a different less restrictive alternative placement other than what SCC recommends or supports, the resident or the attorney ~~((shall))~~ must bear the responsibility to locate and identify that alternative.

(b) The department ~~((shall))~~ may not reimburse attorneys or other parties for assisting residents in finding ~~((an alternative))~~ a different less restrictive alternative placement unless otherwise ordered by the commitment court for good cause.

[Statutory Authority: Chapter 71.09 RCW and RCW 72.01.090. WSR 10-13-130, § 388-880-059, filed 6/22/10, effective 7/23/10.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-880-055	How SCC processes recommendations related to releases, discharges and revocations.
WAC 388-880-057	How SCC considers a resident's revocation of LRA status.
WAC 388-880-058	How SCC considers a recommendation for a resident's unconditional discharge.

## WSR 23-11-038

## PERMANENT RULES

## HEALTH CARE AUTHORITY

[Filed May 11, 2023, 10:32 a.m., effective June 11, 2023]

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

Purpose: The agency is amending WAC 182-512-0500 to exclude from the calculation of available resources fully and partially paid burial space purchase agreements. The agency is making additional nonsubstantive changes so that the rule is easier to understand and apply.

Citation of Rules Affected by this Order: Amending WAC 182-512-0500.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 23-08-046 on March 30, 2023.

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 1, Repealed 0.

Date Adopted: May 11, 2023.

Wendy Barcus  
Rules Coordinator

## OTS-4060.5

AMENDATORY SECTION (Amending WSR 14-07-059, filed 3/14/14, effective 4/14/14)

**WAC 182-512-0500 SSI-related medical—Burial funds, contracts and spaces excluded as resources.** (1) For the purposes of this section, burial funds are funds set aside and clearly designated solely for burial and related expenses, and kept separate from all other resources not intended for burial. These include:

(a) Revocable burial contracts;

(b) Revocable burial trusts; or

(c) ~~((Installment contracts for purchase of a burial space on which payments are still owing;~~

~~(d))~~ Other revocable burial arrangements. The designation is effective the first day of the month in which the person intended the funds to be set aside for burial.

(2) ~~((The following))~~ Burial funds in a revocable burial contract, burial trust, cash accounts, or other financial instruments with a definite cash value are excluded as resources for the person and ~~((his or her))~~ their spouse, up to ~~((fifteen hundred dollars))~~ \$1,500 each, when set aside solely for ~~((the expenses of))~~ burial or

cremation and ((expenses)) related ((to the burial or cremation, and the funds are either:

~~(a) An installment contract for purchase of a burial space that is not yet paid in full; or~~

~~(b) In a revocable burial contract, burial trust, cash accounts, or other financial instrument with a definite cash value)) expenses.~~

(3) Interest earned in burial funds and appreciation in the value of excluded burial arrangements in subsection (2) ~~((a) and (b))~~ of this section are excluded from resources and are not counted as income if left to accumulate and become part of the separate burial fund.

(4) An irrevocable burial account, burial trust, or other irrevocable burial arrangement, set aside solely for burial and related expenses, is not considered a resource. To be excluded, the amount set aside must be reasonably related to the anticipated death-related expenses.

(5) The ((fifteen hundred dollar)) \$1,500 exclusion for burial funds described in subsection (2) of this section is reduced by:

(a) The face value of life insurance with CSV excluded in WAC 182-512-0450; and

~~(b) Amounts ((in an irrevocable burial trust, or other irrevocable arrangement available to meet burial expenses, or burial space purchase agreement installment contracts on which money is still owing. If these reductions bring the balance of the available exclusion to zero, no additional funds can be excluded as burial funds.~~

~~(5) An irrevocable burial account, burial trust, or other irrevocable burial arrangement, set aside solely for burial and related expenses is not considered a resource. The amount set aside must be reasonably related to the anticipated death-related expenses in order to be excluded)) that meet the requirements of subsection (4) of this section.~~

(6) A person's burial funds are no longer excluded when they are mixed with other resources that are not related to burial.

(7) When excluded burial funds are spent for other purposes, the spent amount is added to other countable resources and any amount exceeding the resource limit is considered available income on the first of the month it is used. The amount remaining in the burial fund remains excluded.

(8) Burial space and accessories for the person and any member of the person's immediate family described in subsection (9) of this section are excluded. Burial space and accessories include:

(a) Conventional gravesites;

(b) Crypts, niches, and mausoleums;

(c) Urns, caskets and other repositories customarily used for the remains of deceased persons;

(d) Necessary and reasonable improvements to the burial space including, but not limited to:

(i) Vaults and burial containers;

(ii) Headstones, markers and plaques;

(iii) Arrangements for the opening and closing of the gravesite;

and

(iv) Contracts for care and maintenance of the gravesite.

~~(e) A burial space purchase agreement that is ((currently paid for and owned by the person is also defined as a burial space. The entire value of the purchase agreement is excluded; as well as any interest accrued, which is left to accumulate as part of the value of the agreement. The value of this agreement does not reduce the amount~~

~~of burial fund exclusion available to the person))~~ fully or partially paid, and any accrued interest.

(9) Immediate family, for the purposes of subsection (8) of this section includes the person's:

- (a) Spouse;
- (b) Parents and adoptive parents;
- (c) Minor and adult children, including adoptive and stepchildren;
- (d) Siblings (brothers and sisters), including adoptive and step-siblings;
- (e) Spouses of any of the above.

None of the family members listed above, need to be dependent on or living with the person, to be considered immediate family members.

[Statutory Authority: RCW 41.05.021 and Patient Protection and Affordable Care Act (Public Law 111-148), 42 C.F.R. §§ 431, 435, 457 and 45 C.F.R. § 155. WSR 14-07-059, § 182-512-0500, filed 3/14/14, effective 4/14/14. WSR 11-24-018, recodified as § 182-512-0500, filed 11/29/11, effective 12/1/11. Statutory Authority: RCW 74.04.050, 74.08.090. WSR 04-09-003, § 388-475-0500, filed 4/7/04, effective 6/1/04.]

## WSR 23-11-039

## PERMANENT RULES

## HEALTH CARE AUTHORITY

[Filed May 11, 2023, 10:39 a.m., effective June 11, 2023]

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

Purpose: Section 5115 of the federal Consolidated Appropriations Act, 2023, amends Section 2404 of the Patient Protection and Affordable Care Act (42 U.S.C. 1396r-5 note) to extend spousal impoverishment protections to September 30, 2027. The agency is amending the rules identified above to replace "September 30, 2023" with "September 30, 2027" to comply with this change in federal law. The agency is also making technical changes to remove or amend references to outdated programs.

Citation of Rules Affected by this Order: Amending WAC 182-513-1100, 182-513-1215, 182-513-1220, and 182-513-1660.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: 42 U.S.C. 1396r-5 note.

Adopted under notice filed as WSR 23-08-047 on March 30, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 4, 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 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 4, Repealed 0.

Date Adopted: May 11, 2023.

Wendy Barcus  
Rules Coordinator

## OTS-4379.2

AMENDATORY SECTION (Amending WSR 21-10-051, filed 4/29/21, effective 5/30/21)

**WAC 182-513-1100 Definitions related to long-term services and supports (LTSS).** This section defines the meaning of certain terms used in chapters 182-513 and 182-515 WAC. Within these chapters, institutional, home and community based (HCB) waiver, program of all-inclusive care for the elderly (PACE), and hospice in a medical institution are referred to collectively as long-term care (LTC). Long-term services and supports (LTSS) is a broader definition which includes institutional, HCB waiver, and other services such as medicaid personal care (MPC), community first choice (CFC), PACE, and hospice in the community. See chapter 182-500 WAC for additional definitions.

**"Adequate consideration"** means that the fair market value (FMV) of the property or services received, in exchange for transferred property, approximates the FMV of the property transferred.

**"Administrative costs"** or **"costs"** means necessary costs paid by the guardian including attorney fees.

**"Aging and long-term support administration (AL TSA)"** means the administration within the Washington state department of social and health services (DSHS).

**"Alternate living facility (ALF)"** is not an institution under WAC 182-500-0050; it is one of the following community residential facilities:

- (a) An adult family home (AFH) licensed under chapter 70.128 RCW.
- (b) An adult residential care facility (ARC) licensed under chapter 18.20 RCW.
- (c) A behavioral health adult residential treatment facility licensed under chapter 246-337 WAC.
- (d) An assisted living facility (AL) licensed under chapter 18.20 RCW.
- (e) A developmental disabilities administration (DDA) group home (GH) licensed as an adult family home under chapter 70.128 RCW or an assisted living facility under chapter 18.20 RCW.
- (f) An enhanced adult residential care facility (EARC) licensed as an assisted living facility under chapter 18.20 RCW.
- (g) An enhanced service facility (ESF) licensed under chapter 70.97 RCW.
- (h) A staffed residential facility licensed under chapter 74.15 RCW.
- (i) A group care facility for medically complex children licensed under chapter 74.15 RCW.
- (j) A facility for children and youth (~~(twenty)~~) 20 years of age and younger where a state-operated living alternative program, as defined under chapter 71A.10 RCW, is operated.

**"Assets"** means all income and resources of a person and of the person's spouse, including any income or resources which that person or that person's spouse would otherwise currently be entitled to but does not receive because of action:

- (a) By that person or that person's spouse;
- (b) By another person, including a court or administrative body, with legal authority to act in place of or on behalf of the person or the person's spouse; or
- (c) By any other person, including any court or administrative body, acting at the direction or upon the request of the person or the person's spouse.

**"Authorization date"** means the date payment begins for long-term services and supports (LTSS) under WAC 388-106-0045.

**"Clothing and personal incidentals (CPI)"** means the cash payment (under WAC 388-478-0090, 388-478-0006, and 388-478-0033) issued by the department for clothing and personal items for people living in an ALF or medical institution.

**"Community first choice (CFC)"** means a medicaid state plan home and community based service developed under the authority of section 1915(k) of the Social Security Act under chapter 388-106 WAC.

**"Community options program entry system (COPES)"** means a medicaid HCB waiver program developed under the authority of section 1915(c) of the Social Security Act under chapter 388-106 WAC.

**"Community spouse (CS)"** means the spouse of an institutionalized spouse.

**"Community spouse resource allocation (CSRA)"** means the resource amount that may be transferred without penalty from:

- (a) The institutionalized spouse (IS) to the community spouse (CS); or
- (b) The spousal impoverishment protections institutionalized (SIPI) spouse to the spousal impoverishment protections community (SIPC) spouse.

**"Community spouse resource evaluation"** means the calculation of the total value of the resources owned by a married couple on the first day of the first month of the institutionalized spouse's most recent continuous period of institutionalization.

**"Comprehensive assessment reporting evaluation (CARE) assessment"** means the evaluation process defined under chapter 388-106 WAC used by a department designated social services worker or a case manager to determine a person's need for long-term services and supports (LTSS).

**"Continuing care contract"** means a contract to provide a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved.

**"Continuing care retirement community"** means an entity which provides shelter and services under continuing care contracts with its members and which sponsors or includes a health care facility or a health service.

**"Dependent"** means a minor child, or one of the following who meets the definition of a tax dependent under WAC 182-500-0105: Adult child, parent, or sibling.

**"Developmental disabilities administration (DDA)"** means an administration within the Washington state department of social and health services (DSHS).

**"Developmental disabilities administration (DDA) home and community based (HCB) waiver"** means a medicaid HCB waiver program developed under the authority of section 1915(c) of the Social Security Act under chapter 388-845 WAC authorized by DDA. There are five DDA HCB waivers:

- (a) Basic Plus;
- (b) Core;
- (c) Community protection;
- (d) Children's intensive in-home behavioral support (CIIBS); and
- (e) Individual and family services (IFS).

**"Equity"** means the fair market value of real or personal property less any encumbrances (mortgages, liens, or judgments) on the property.

**"Fair market value (FMV)"** means the price an asset may reasonably be expected to sell for on the open market in an agreement, made by two parties freely and independently of each other, in pursuit of their own self-interest, without pressure or duress, and without some special relationship (arm's length transaction), at the time of transfer or assignment.

**"Guardianship fees"** or **"fees"** means necessary fees charged by a guardian for services rendered on behalf of a client.

**"Home and community based (HCB) waiver programs authorized by home and community services (HCS)"** means medicaid HCB waiver programs developed under the authority of Section 1915(c) of the Social Security Act under chapter 388-106 WAC authorized by HCS. There are three HCS HCB waivers: Community options program entry system (COPES), new

freedom consumer directed services (New Freedom), and residential support waiver (RSW).

**"Home and community based services (HCBS)"** means LTSS provided in the home or a residential setting to persons assessed by the department.

**"Institutional services"** means services paid for by Washington apple health, and provided:

(a) In a medical institution;

(b) Through an HCB waiver; or

(c) Through programs based on HCB waiver rules for post-eligibility treatment of income under chapter 182-515 WAC.

**"Institutionalized individual"** means a person who has attained institutional status under WAC 182-513-1320.

**"Institutionalized spouse"** means a person who, regardless of legal or physical separation:

(a) Has attained institutional status under WAC 182-513-1320; and

(b) Is legally married to a person who is not in a medical institution.

**"Life care community"** see continuing care community.

**"Likely to reside"** means the agency or its designee reasonably expects a person will remain in a medical institution for ~~((thirty))~~ 30 consecutive days. Once made, the determination stands, even if the person does not actually remain in the facility for that length of time.

**"Long-term care services"** see "Institutional services."

**"Long-term services and supports (LTSS)"** includes institutional and noninstitutional services authorized by the department.

**"Medicaid personal care (MPC)"** means a medicaid state plan home and community based service under chapter 388-106 WAC.

**"Most recent continuous period of institutionalization (MRCPI)"** means the current period an institutionalized spouse has maintained uninterrupted institutional status when the request for a community spouse resource evaluation is made. Institutional status is determined under WAC 182-513-1320.

**"Noninstitutional medicaid"** means any apple health program not based on HCB waiver rules under chapter 182-515 WAC, or rules based on a person residing in an institution for ~~((thirty))~~ 30 days or more under chapter 182-513 WAC.

**"Nursing facility level of care (NFLOC)"** is under WAC 388-106-0355.

**"Participation"** means the amount a person must pay each month toward the cost of long-term care services received each month; it is the amount remaining after the post-eligibility process under WAC 182-513-1380, 182-515-1509, or 182-515-1514. Participation is not room and board.

**"Penalty period"** or **"period of ineligibility"** means the period of time during which a person is not eligible to receive services that are subject to transfer of asset penalties.

**"Personal needs allowance (PNA)"** means an amount set aside from a person's income that is intended for personal needs. The amount a person is allowed to keep as a PNA depends on whether the person lives in a medical institution, ALF, or at home.

**"Room and board"** means the amount a person must pay each month for food, shelter, and household maintenance requirements when that person resides in an ALF. Room and board is not participation.

**"Short stay"** means residing in a medical institution for a period of ~~((twenty-nine))~~ 29 days or fewer.

**"Special income level (SIL)"** means the monthly income standard that is (~~three hundred~~) 300 percent of the supplemental security income (SSI) federal benefit rate.

**"Spousal impoverishment protections"** means the financial provisions within Section 1924 of the Social Security Act that protect income and assets of the community spouse through income and resource allocation. The allocation process is used to discourage the impoverishment of a spouse due to the other spouse's need for LTSS. This includes services provided in a medical institution, HCB waivers authorized under 1915(c) of the Social Security Act, and through September 30, (~~2023~~) 2027, services authorized under 1115 and 1915(k) of the Social Security Act.

**"Spousal impoverishment protections community (SIPC) spouse"** means the spouse of a SIPI spouse.

**"Spousal impoverishment protections institutionalized (SIPI) spouse"** means a legally married person who qualifies for the noninstitutional categorically needy (CN) Washington apple health SSI-related program only because of the spousal impoverishment protections under WAC 182-513-1220.

**"State spousal resource standard"** means the minimum CSRA standard for a CS or SIPC spouse.

**"Third-party resource (TPR)"** means funds paid to or on behalf of a person by a third party, where the purpose of the funds is for payment of activities of daily living, medical services, or personal care. The agency does not pay for these services if there is a third-party resource available.

**"Transfer"** means, in the context of long-term care eligibility, the changing of ownership or title of an asset, such as income, real property, or personal property, by one of the following:

- (a) An intentional act that changes ownership or title; or
- (b) A failure to act that results in a change of ownership or title.

**"Uncompensated value"** means the fair market value (FMV) of an asset on the date of transfer, minus the FMV of the consideration the person receives in exchange for the asset.

**"Undue hardship"** means a person is not able to meet shelter, food, clothing, or health needs. A person may apply for an undue hardship waiver based on criteria under WAC 182-513-1367.

[Statutory Authority: RCW 41.05.021, 41.05.160 and Consolidated Appropriations Act of 2021, H.R. 133, Division CC, Title II, Sec. 204 (b) (1) (A) and Sec. 205. WSR 21-10-051, § 182-513-1100, filed 4/29/21, effective 5/30/21. Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 19-24-065, § 182-513-1100, filed 11/27/19, effective 12/28/19. Statutory Authority: RCW 41.05.021, 41.05.160, P.L. 111-148, 42 C.F.R. §§ 431, 435, and 457, and 45 C.F.R. § 155. WSR 17-03-116, § 182-513-1100, filed 1/17/17, effective 2/17/17.]

AMENDATORY SECTION (Amending WSR 23-04-034, filed 1/25/23, effective 2/25/23)

**WAC 182-513-1215 Community first choice (CFC)—Eligibility.** (1)  
A client who is determined functionally eligible for community first

choice (CFC) services under WAC 388-106-0270 through 388-106-0295 is financially eligible to receive CFC services if the client is:

(a) Eligible for a noninstitutional Washington apple health (medicaid) program which provides categorically needy (CN) or alternative benefits plan (ABP) scope of care;

(b) Through September 30, ((2023)) 2027, a spousal impoverishment protections institutional (SIPI) spouse under WAC 182-513-1220; or

(c) Determined eligible for a home and community based (HCB) waiver program under chapter 182-515 WAC.

(2) A client whose only coverage is through one of the following programs is not eligible for CFC:

(a) Medically needy program under WAC 182-519-0100;

(b) Premium-based children's program under WAC 182-505-0215;

(c) Medicare savings programs under WAC 182-517-0300;

(d) Family planning program under WAC 182-505-0115;

(e) ~~((Take charge program under WAC 182-532-0720))~~ Family planning only under chapter 182-532 WAC;

(f) Medical care services program under WAC 182-508-0005;

(g) Pregnant minor program under WAC 182-505-0117;

(h) Alien emergency medical program under WAC 182-507-0110 through 182-507-0120;

(i) State-funded long-term care (LTC) for noncitizens program under WAC 182-507-0125; or

(j) Kidney disease program under chapter 182-540 WAC.

(3) Transfer of asset penalties under WAC 182-513-1363 do not apply to CFC applicants, unless the client is applying for long-term services and supports (LTSS) that are available only through one of the HCB waivers under chapter 182-515 WAC.

(4) Home equity limits under WAC 182-513-1350 do apply.

(5) Post-eligibility treatment of income rules do not apply if the client is eligible under subsection (1)(a) or (b) of this section.

(6) Clients eligible under subsection (1)(a) or (b) of this section, who reside in an alternate living facility (ALF):

(a) Keep a personal needs allowance (PNA) under WAC 182-513-1105; and

(b) Pay up to the room and board standard under WAC 182-513-1105 except when CN eligibility is based on the rules under WAC 182-513-1205.

(7) A client who receives CFC services under the health care for workers with disabilities (HWD) program under chapter 182-511 WAC must pay the HWD premium in addition to room and board under WAC 182-513-1105, if residing in an ALF.

(8) Post-eligibility treatment of income rules do apply if a client is eligible under subsection (1)(c) of this section.

(9) A client may have to pay third-party resources as defined under WAC 182-513-1100 in addition to the room and board and participation.

(10) PNA, MNIL, and room and board standards are found at [www.hca.wa.gov/free-or-low-cost-health-care/i-help-others-apply-and-access-apple-health/program-standard-income-and-resources](http://www.hca.wa.gov/free-or-low-cost-health-care/i-help-others-apply-and-access-apple-health/program-standard-income-and-resources).

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 23-04-034, § 182-513-1215, filed 1/25/23, effective 2/25/23. Statutory Authority: RCW 41.05.021, 41.05.160 and Consolidated Appropriations Act of 2021, H.R. 133, Division CC, Title II, Sec. 204 (b)(1)(A) and Sec. 205. WSR 21-10-051, § 182-513-1215, filed 4/29/21, effective 5/30/21. Statutory Authority: RCW 41.05.021, 41.05.160 and P.L. 111-148, Title II, §

2404. WSR 18-06-031, § 182-513-1215, filed 2/28/18, effective 3/31/18. Statutory Authority: RCW 41.05.021, 41.05.160, 2017 c 270. WSR 17-23-039, § 182-513-1215, filed 11/8/17, effective 1/1/18. Statutory Authority: RCW 41.05.021, 41.05.160, P.L. 111-148, 42 C.F.R. §§ 431, 435, and 457, and 45 C.F.R. § 155. WSR 17-03-116, § 182-513-1215, filed 1/17/17, effective 2/17/17.]

AMENDATORY SECTION (Amending WSR 23-04-034, filed 1/25/23, effective 2/25/23)

**WAC 182-513-1220 Community first choice (CFC)—Spousal impoverishment protections for noninstitutional Washington apple health clients.** (1) This section is effective through September 30, ((2023)) 2027.

(2) The agency or its designee determines eligibility for community first choice (CFC) using spousal impoverishment protections under this section, when an applicant:

(a) Is married to, or marries, a person not in a medical institution;

(b) Meets institutional level of care and eligibility for CFC services under WAC 388-106-0270 through 388-106-0295;

(c) Is ineligible for a noninstitutional categorically needy (CN) SSI-related program:

(i) Due to spousal deeming rules under WAC 182-512-0920, or due to exceeding the resource limit in WAC 182-512-0010, or both; or

(ii) In an ALF due to combined spousal resources exceeding the resource limit in WAC 182-512-0010; and

(d) Meets the aged, blindness, or disability criteria under WAC 182-512-0050.

(3) The agency or its designee determines countable income using the SSI-related income rules under chapter 182-512 WAC but uses only the applicant's or recipient's separate income and not the income of the applicant's or recipient's spouse.

(4) The agency or its designee determines countable resources using the SSI-related resource rules under chapter 182-512 WAC, except pension funds owned by the spousal impoverishment protections community (SIPC) spouse are not excluded as described under WAC 182-512-0550:

(a) For the applicant or recipient, the resource standard is \$2000.

(b) Before determining countable resources used to establish eligibility for the applicant, the agency allocates the state spousal resource standard to the SIPC spouse.

(c) The resources of the SIPC spouse are unavailable to the spousal impoverishment protections institutionalized (SIPI) spouse the month after eligibility for CFC services is established (~~unless subsection (9) of this section applies~~).

(5) The SIPI spouse has until the end of the month of the first regularly scheduled eligibility review to transfer countable resources in excess of \$2000 to the SIPC spouse.

(6) A redetermination of the couple's resources under subsection (4) of this section is required if:

(a) The SIPI spouse has a break in CFC services of at least 30 consecutive days;

(b) The SIPI spouse's countable resources exceed the standard under subsection (4)(a) of this section; or

(c) The SIPI spouse does not transfer the amount under subsection (5) of this section to the SIPC spouse by the end of the month of the first regularly scheduled eligibility review.

(7) If the applicant lives at home and the applicant's separate countable income is at or below the SSI categorically needy income level (CNIL) and the applicant is resource eligible, the applicant is a SIPI spouse and is financially eligible for noninstitutional CN coverage and CFC services.

(8) If the applicant lives in an ALF, has separate countable income at or below the standard under WAC 182-513-1205(2), and is resource eligible, the applicant is a SIPI spouse and is financially eligible for noninstitutional CN coverage and CFC services.

~~(9) ((If the applicant is employed and has separate countable income at or below the standard under WAC 182-511-1060, the applicant is a SIPI spouse and is financially eligible for noninstitutional CN coverage and CFC services.~~

~~(10))~~ Once a person no longer receives CFC services for 30 consecutive days, the agency redetermines eligibility without using spousal impoverishment protection, under WAC 182-504-0125.

~~((11))~~ (10) If the applicant's separate countable income is above the standards under subsections ~~(7) ((, (8), and (9))~~ and (8) of this section, the applicant is not eligible for CFC services under this section.

~~((12))~~ (11) The spousal impoverishment protections under this section expire on September 30, ~~((2023))~~ 2027.

~~((13))~~ (12) Standards are found at [www.hca.wa.gov/free-or-low-cost-health-care/i-help-others-apply-and-access-apple-health/program-standard-income-and-resources](http://www.hca.wa.gov/free-or-low-cost-health-care/i-help-others-apply-and-access-apple-health/program-standard-income-and-resources).

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 23-04-034, § 182-513-1220, filed 1/25/23, effective 2/25/23. Statutory Authority: RCW 41.05.021, 41.05.160 and Consolidated Appropriations Act of 2021, H.R. 133, Division CC, Title II, Sec. 204 (b)(1)(A) and Sec. 205. WSR 21-10-051, § 182-513-1220, filed 4/29/21, effective 5/30/21. Statutory Authority: RCW 41.05.021, 41.05.160 and P.L. 111-148, Title II, § 2404. WSR 18-06-031, § 182-513-1220, filed 2/28/18, effective 3/31/18. Statutory Authority: RCW 41.05.021, 41.05.160, P.L. 111-148, 42 C.F.R. §§ 431, 435, and 457, and 45 C.F.R. § 155. WSR 17-03-116, § 182-513-1220, filed 1/17/17, effective 2/17/17.]

AMENDATORY SECTION (Amending WSR 23-04-034, filed 1/25/23, effective 2/25/23)

**WAC 182-513-1660 Medicaid alternative care (MAC) and tailored supports for older adults (TSOA)—Spousal impoverishment.** (1) The medicaid agency or the agency's designee determines financial eligibility for medicaid alternative care (MAC) or tailored supports for older adults (TSOA) using spousal impoverishment protections under this section, when an applicant or recipient:

(a) Is married to, or marries, a person who is not in a medical institution; and

(b) Is ineligible for a noninstitutional categorically needy (CN) SSI-related program or the TSOA program due to:

- (i) Spousal deeming rules under WAC 182-512-0920 for MAC;
- (ii) Exceeding the resource limit in WAC 182-512-0010 for MAC, or the limit under WAC 182-513-1640 for TSOA; or
- (iii) Both (b)(i) and (ii) of this subsection.

(2) When a resource test applies, the agency or the agency's designee determines countable resources using the SSI-related resource rules under chapter 182-512 WAC, except pension funds owned by the spousal impoverishment protections community (SIPC) spouse are not excluded as described under WAC 182-512-0550:

(a) Resource standards:

(i) For MAC, the resource standard is \$2,000; or

(ii) For TSOA, the resource standard is \$53,100.

(b) Before determining countable resources used to establish eligibility for the applicant, the agency or the agency's designee allocates the state spousal resource standard to the SIPC spouse.

(c) The resources of the SIPC spouse are unavailable to the spousal impoverishment protections institutionalized (SIPI) spouse the month after eligibility for MAC or TSOA services is established.

(3) The SIPI spouse has until the end of the month of the first regularly scheduled eligibility review to transfer countable resources in excess of \$2,000 (for MAC) or \$53,100 (for TSOA) to the SIPC spouse.

(4) Income eligibility:

(a) For MAC:

(i) The agency or the agency's designee determines countable income using the SSI-related income rules under chapter 182-512 WAC, but uses only the applicant or recipient's income;

(ii) If the applicant's or recipient's countable income is at or below the SSI categorically needy income level (CNIL), the applicant or recipient is considered a SIPI spouse and is income eligible for noninstitutional CN coverage and MAC services(†

~~(iii) If the applicant is employed and the applicant's countable income is at or below the standard under WAC 182-511-1060, the applicant is considered a SIPI spouse and is income eligible for noninstitutional CN coverage under the health care for workers with disabilities (HWD) program and MAC services).~~

(b) For TSOA, see WAC 182-513-1635.

(5) Once a person no longer receives MAC services, eligibility is redetermined without using spousal impoverishment protections under WAC 182-504-0125.

(6) If the applicant's separate countable income is above the standards described in subsection (4) of this section, the applicant is not income eligible for MAC or TSOA services.

(7) The spousal impoverishment protections described in this section are time-limited and expire on September 30, ((2023)) 2027.

(8) Standards described in this chapter are located at [www.hca.wa.gov/free-or-low-cost-health-care/i-help-others-apply-and-access-apple-health/program-standard-income-and-resources](http://www.hca.wa.gov/free-or-low-cost-health-care/i-help-others-apply-and-access-apple-health/program-standard-income-and-resources).

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 23-04-034, § 182-513-1660, filed 1/25/23, effective 2/25/23. Statutory Authority: RCW 41.05.021, 41.05.160 and Consolidated Appropriations Act of 2021, H.R. 133, Division CC, Title II, Sec. 204 (b)(1)(A) and Sec. 205. WSR 21-10-051, § 182-513-1660, filed 4/29/21, effective 5/30/21. Statutory Authority: RCW 41.05.021, 41.05.160, 2016 1st sp.s. c 36 § 213 (1)(e),

section 1115 of the Social Security Act, and 42 C.F.R. §§ 431.400 through 431.428. WSR 17-12-019, § 182-513-1660, filed 5/30/17, effective 7/1/17.]

## WSR 23-11-042

## PERMANENT RULES

## DEPARTMENT OF AGRICULTURE

[Filed May 11, 2023, 1:17 p.m., effective June 11, 2023]

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

Purpose: The Washington state department of agriculture (WDSA) is amending chapter 16-70 WAC to:

- Clarify reporting requirements for veterinarians and veterinary laboratories;
- Modify the list of reportable diseases by making the list inclusive of all diseases that are required to be reported by WDSA, the World Organisation of Animal Health (WOAH), United States Department of Agriculture, and the Washington state department of health;
- Simplify reporting times from 24 hours, 72 hours, monthly, etc. to immediate reporting for veterinarians;
- Create a new section (WAC 16-70-015) specific to reporting requirements for veterinary laboratories;
- Modify the definitions section to include:
  - Adding definitions for "Case," "New, emerging or unusual animal diseases," WOAH notifiable diseases list, "WOAH," and "Zoonotic."
  - Removing definitions for "OIE notifiable disease list" and "OIE."
  - Amending definitions for "Reportable diseases list" and "Veterinary Laboratory."
- Revise language to increase clarity and readability.

Citation of Rules Affected by this Order: New WAC 16-70-015; and amending WAC 16-70-005, 16-70-010, and 16-70-020.

Statutory Authority for Adoption: RCW 16.36.040.

Adopted under notice filed as WSR 23-07-134 on March 22, 2023.

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 1, Amended 3, 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 0, Amended 0, Repealed 0.

Date Adopted: May 10, 2023.

Derek I. Sandison  
Director

OTS-4255.3

AMENDATORY SECTION (Amending WSR 15-02-027, filed 12/30/14, effective 1/30/15)

**WAC 16-70-005 Definitions.** For the purpose of this chapter:

"Animal" means any animal species except fish and insects including all those so classified as wild, captive wild, exotic wild, alternative livestock, semidomesticated, domestic or farm.

~~("OIE notifiable disease list" means the diseases listed by the OIE in the *Terrestrial Animal Health Code* (22nd Edition, 2013). The OIE notifiable disease list may be found on the internet at: <http://www.oie.int/en/international-standard-setting/terrestrial-code/>. The list may also be found in the Washington state department of agriculture's *Animal Health Handbook for Veterinarians*.~~

~~"OIE" means Office International des Epizooties. The OIE is the World Organization of Animal Health.)~~

"Case" means a mammalian species including piscine or apian, alive or dead, with a diagnosis or suspected diagnosis of a disease.

"New, emerging, or unusual animal diseases" means diseases in animals that have never or rarely been observed in Washington state (new or emerging); or appear in a new species; or show evidence of higher pathogenicity; or appear in a higher than expected number of animals clustered in time or space. Any of these diseases may or may not be of potential public health significance.

~~"Reportable disease list" means the list of diseases ((that include the OIE notifiable disease list and other diseases listed in this chapter))~~ identified in Table 1 of WAC 16-70-020.

"Veterinary laboratory" means a private or state-funded place equipped for performing diagnostic or investigative procedures on submitted specimens from animals and fish by personnel ((whose primary duties are to conduct such procedures)) who conduct such procedures for, and report to, Washington state licensed veterinarians or sample submitter.

"WOAH notifiable disease list" means the diseases listed by the WOAH in the *Terrestrial Animal Health Code* (2022). The WOAH notifiable disease list may be found at <https://www.woah.org/en/what-we-do/animal-health-and-welfare/animal-diseases/>.

"WOAH" means World Organisation of Animal Health, founded as OIE (Office International des Epizooties).

"Zoonotic" means a disease that can be transmitted between animals and humans.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. WSR 15-02-027, § 16-70-005, filed 12/30/14, effective 1/30/15. Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 07-10-087, § 16-70-005, filed 5/1/07, effective 6/1/07. Statutory Authority: RCW 16.36.010(1), [16.36.]040 and [16.36.]080(4). WSR 00-06-064, § 16-70-005, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.096 and 16.36.040. WSR 93-19-127 (Order 5011), § 16-70-005, filed 9/21/93, effective 10/22/93.]

AMENDATORY SECTION (Amending WSR 15-02-027, filed 12/30/14, effective 1/30/15)

**WAC 16-70-010 Reporting requirements for ((reporting diseases that are on the OIE notifiable disease list)) veterinarians.** ((+1)

Any veterinary laboratory or person licensed to practice veterinary medicine in the state of Washington shall immediately report to the office of the state veterinarian the existence or suspected existence among any animals within the state of any reportable or notifiable diseases as published by the OIE (effective May 2013) or in this chapter.

(2) Case definitions shall conform to OIE standards under the *Terrestrial Animal Health Code* (22nd Edition, 2013) and the *OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals*, 6th Edition, (2008), with updates published online at: <http://www.oie.int/manual-of-diagnostic-tests-and-vaccines-for-terrestrial-animals/>.

(a) A case means an individual animal affected by one of the diseases listed on the OIE notifiable disease list or a disease listed in this chapter.

(b) The criterion by which "affected" is defined for each disease (for example: Clinical signs, serological evidence, etc.) is found in the *Terrestrial Animal Health Code* and *Manual of Diagnostic Tests and Vaccines for Terrestrial Animals*.

(c) The OIE *Terrestrial Animal Health Code* can be found on the internet <http://www.oie.int/en/international-standard-setting/terrestrial-code/access-online/>. The *Terrestrial Animal Health Code* is available in web format; a hard copy version may be ordered from OIE.) (1) All licensed veterinarians must immediately notify the state veterinarian of:

(a) Any case of a reportable disease, including any new, emerging, or unusual animal diseases listed in Table 1 in WAC 16-70-020.

(b) Any higher than expected mortality or morbidity event.

(c) Any highly unusual clinical signs such as: Mouth or muzzle lesions, especially if accompanied by foot, udder, vulva, or skin lesions resembling blisters or vesicles.

(d) Encephalitis conditions in all animals and avians.

(2) Licensed veterinarians reporting to the state veterinarian shall provide the following information:

(a) Veterinarian's name;

(b) Veterinarian's phone number;

(c) Animal county of residence;

(d) Animal species;

(e) Diagnosis or suspected diagnosis of the condition;

(f) Laboratory name and laboratory confirmed test result.

(3) Reports may be submitted to the state veterinarian in the following ways:

(a) Online at <https://agr.wa.gov/departments/animals-livestock-and-pets/animal-health/reportable-diseases>;

(b) Phone at 360-902-1878;

(c) Email at [ahealth@agr.wa.gov](mailto:ahealth@agr.wa.gov);

(d) Fax at 360-902-2087.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. WSR 15-02-027, § 16-70-010, filed 12/30/14, effective 1/30/15. Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 07-10-087, § 16-70-010, filed 5/1/07, effective 6/1/07. Statutory Authority: RCW 16.36.010(1), [16.36.]040 and [16.36.]080(4). WSR 00-06-064, § 16-70-010, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.096 and 16.36.040. WSR 93-19-127 (Order 5011), § 16-70-010, filed 9/21/93, effective 10/22/93; Order 1005, Regulations 1-3, filed 7/22/66, effective 8/22/66; Order 655, Regulation 1, effective 5/19/53.]

NEW SECTION

**WAC 16-70-015 Reporting requirements for veterinary laboratories.** (1) All veterinary laboratories must notify the state veterinarian of preliminary and final positive test results of diseases identified in WAC 16-70-010 (1)(a) and (b) as follows:

(a) Immediately when a disease agent listed in Table 1 in WAC 16-70-020 is identified:

(i) By culture, isolation, PCR, or sequencing; or

(ii) By single serum titer and paired with clinical signs of disease; or

(iii) By paired serology (acute and convalescent) and paired with clinical signs of disease.

(b) Immediately when the disease is a new, emerging, or unusual animal disease, or a zoonotic disease.

(c) Monthly when the disease agent is identified by serology with no clinical signs of disease.

(2) Veterinary laboratories reporting to the state veterinarian shall provide a laboratory report with the following information:

(a) Laboratory name;

(b) Submitter's name (name of veterinarian and/or owner);

(c) Submitter's phone number;

(d) Submitter's county;

(e) Animal species;

(f) Laboratory confirmed test result.

(3) Reports may be submitted to the state veterinarian in the following ways:

(a) Online at <https://fortress.wa.gov/agr.apps/rad/>;

(b) Phone at 360-902-1878;

(c) Email at [ahealth@agr.wa.gov](mailto:ahealth@agr.wa.gov);

(d) Fax at 360-902-2087.

[]

AMENDATORY SECTION (Amending WSR 15-02-027, filed 12/30/14, effective 1/30/15)

**WAC 16-70-020 ((Other diseases reportable to WSDA.)) Reportable disease list.** ((1) In addition to the diseases published on the OIE notifiable disease list, the state veterinarian may request reports on other diseases of concern from a statistical or survey standpoint associated with overall disease control measures.

(2) Any veterinarian or veterinary laboratory must report to the office of the state veterinarian any of the diseases listed in subsection (5) of this section. Reports may be faxed to 360-902-2087 or sent to:

Washington State Department of Agriculture  
Animal Services Division  
1111 Washington Street S.E.  
P.O. Box 42577  
Olympia, Washington 98504-2577

(3) In addition to reporting requirements listed in the chart below, laboratories must send to the office of the state veterinarian reports of cultures of isolates from *Mycobacterium tuberculosis*, *Cryp-*

~~tococcus excluding confirmed *Cryptococcus neoformans*, and Vancomycin resistant *Staphylococcus aureus* immediately after they are identified or the next business day.~~

~~(4) Veterinary laboratory directors must submit positive specimens of the diseases listed in subsection (3) of this section and any requested information to the state public health laboratories at:~~

~~Washington State Public Health Laboratories  
Washington State Department of Health  
1610 N.E. 150th Street  
Seattle, Washington 98155~~

~~(5) The tables below describe the time frames associated with reportable diseases.~~

<b>EMERGENCY CONDITIONS or DISEASE Report to state veterinarian immediately upon suspicion</b>
<b>MULTIPLE SPECIES</b>
<ul style="list-style-type: none"> <li>• Anthrax (<i>Bacillus anthracis</i>)</li> <li>• Crimean Congo hemorrhagic fever</li> <li>• Foot and mouth disease</li> <li>• Heartwater (<i>Cowdria ruminantium</i>)</li> <li>• Japanese encephalitis</li> <li>• Livestock exposed to toxic substances which may threaten public health</li> <li>• Malignant catarrhal fever (all forms)</li> <li>• <i>Mycobacterium tuberculosis</i></li> <li>• Rabies in any species (excluding bats)</li> <li>• Rift Valley fever</li> <li>• Rinderpest (cattle plague)</li> <li>• Sereworm myiasis (<i>Cochliomyia hominivorax</i> or <i>Chrysomya bezziana</i>)</li> <li>• Surra (<i>Trypanosoma evansi</i>)</li> <li>• Theileriosis (Corridor disease, East Coast fever)</li> <li>• Unexplained increase in dead or diseased animals</li> <li>• Vancomycin resistant (<i>Staphylococcus aureus</i>)</li> <li>• Vesicular stomatitis</li> </ul>
<b>BOVINE</b>
<ul style="list-style-type: none"> <li>• African trypanosomiasis (Tsetse fly diseases)</li> <li>• Bovine babesiosis (piroplasmosis)</li> <li>• Bovine spongiform encephalopathy (mad cow)</li> <li>• Contagious bovine pleuropneumonia (<i>Mycoplasma mycoides mycoides</i>)</li> <li>• Lumpy skin disease</li> </ul>
<b>CAPRINE/OVINE</b>
<ul style="list-style-type: none"> <li>• Contagious agalactia (<i>Mycoplasma agalactia</i>)</li> <li>• Contagious caprine pleuropneumonia (<i>Mycoplasma capricolum capripneumoniae</i>)</li> <li>• Nairobi sheep disease</li> <li>• Goat plague (<i>Peste des petits ruminants</i>)</li> <li>• <i>Salmonella abortus ovis</i></li> <li>• Sheep and goat pox</li> </ul>
<b>PORCINE</b>

<b>EMERGENCY CONDITIONS or DISEASE Report to state veterinarian immediately upon suspicion</b>
<ul style="list-style-type: none"> <li>• African swine fever</li> <li>• Classical swine fever (hog cholera)</li> <li>• Nipah virus</li> <li>• Swine vesicular disease</li> <li>• Vesicular exanthema of swine</li> </ul> <p><b>POULTRY</b></p> <ul style="list-style-type: none"> <li>• Exotic Newcastle disease (Viscerotropic velogenic Newcastle disease)</li> <li>• High pathogenic avian influenza and low pathogenic avian influenza</li> <li>• Turkey rhinotracheitis</li> </ul> <p><b>EQUINE</b></p> <ul style="list-style-type: none"> <li>• African horse sickness</li> <li>• Dourine (<i>Trypanosoma equiperdum</i>)</li> <li>• Equine piroplasmosis (<i>Theileria equi</i> and <i>Babesia caballi</i>)</li> <li>• Glanders (Farcy) (<i>Pseudomonas mallei</i>)</li> <li>• Hendra virus (Equine morbillivirus)</li> <li>• Venezuelan equine encephalomyelitis</li> </ul> <p><b>OTHER SPECIES</b></p> <ul style="list-style-type: none"> <li>• Viral hemorrhagic disease of rabbits (calicivirus)</li> </ul>

<b>CONDITIONS OF REGULATORY IMPORTANCE Report to state veterinarian within twenty-four hours of suspicion or confirmation</b>
<p><b>MULTIPLE SPECIES</b></p> <ul style="list-style-type: none"> <li>• Bluetongue</li> <li>• Brucellosis                             <ul style="list-style-type: none"> <li>• Bovine (<i>Brucella abortus</i>)</li> <li>• Canine (<i>Brucella canis</i>)</li> <li>• Caprine (<i>Brucella abortus</i> and <i>B. melitensis</i>)</li> <li>• Cervids (<i>Brucella abortus</i>)</li> <li>• Ovine (<i>Brucella ovis</i>)</li> <li>• Porcine (<i>Brucella suis</i>)</li> </ul> </li> <li>• <i>Cryptococcus</i> not confirmed to be <i>Cryptococcus neoformans</i></li> <li>• Plague (<i>Yersinia pestis</i>)</li> <li>• Pseudorabies (Aujeszky's disease)</li> <li>• Tularemia</li> <li>• West Nile virus</li> </ul> <p><b>BOVINE</b></p> <ul style="list-style-type: none"> <li>• Bovine tuberculosis (<i>Mycobacterium bovis</i>)</li> <li>• Trichomoniasis (<i>Trichomonas fetus</i>)</li> </ul> <p><b>CAPRINE/OVINE</b></p> <ul style="list-style-type: none"> <li>• Contagious ecthyma (Orf)</li> <li>• Serapie</li> </ul> <p><b>POULTRY</b></p> <ul style="list-style-type: none"> <li>• Avian infectious laryngotracheitis</li> </ul>

<b>CONDITIONS OF REGULATORY IMPORTANCE Report to state veterinarian within twenty-four hours of suspicion or confirmation</b>
<ul style="list-style-type: none"> <li>• Ornithosis (psittacosis or avian chlamydiosis) (<i>Chlamydia psittaci</i>)</li> <li>• Pullorum disease (fowl typhoid) (<i>Salmonella gallinarum</i> and <i>S. pullorum</i>)</li> </ul> <p><b>EQUINE</b></p> <ul style="list-style-type: none"> <li>• Contagious equine metritis (<i>Taylorella equigenitalis</i>)</li> <li>• Ehrlichiosis (Potomac horse fever)</li> <li>• Equine encephalomyelitis (Eastern and Western equine encephalitis)</li> <li>• Equine infectious anemia (swamp fever)</li> <li>• Equine rhinopneumonitis (Equine herpesvirus-1 neurologic form)</li> </ul> <p><b>SWINE</b></p> <ul style="list-style-type: none"> <li>• Porcine epidemic diarrhea virus (PEDv)</li> </ul> <p><b>OTHER SPECIES</b></p> <ul style="list-style-type: none"> <li>• Chronic wasting disease in cervids</li> <li>• Tuberculosis in cervids</li> </ul>

<b>MONITORED CONDITIONS Report by monthly summaries</b>
<p><b>MULTIPLE SPECIES</b></p> <ul style="list-style-type: none"> <li>• Avian tuberculosis (<i>Mycobacterium avium</i>)</li> <li>• Coccidioidomycosis (<i>Coccidioides immitis</i>) (valley fever)</li> <li>• Echinococcosis/Hydatidosis (<i>Echinococcus</i> sp.)</li> <li>• Johne's disease (<i>Mycobacterium avium</i> subspecies <i>paratuberculosis</i>)</li> <li>• Leishmaniasis</li> <li>• Leptospirosis</li> <li>• Listeriosis</li> <li>• Lyme Disease</li> <li>• Q Fever (<i>Coxiella burnetii</i>)</li> <li>• Salmonella</li> <li>• Seabies</li> </ul> <p><b>BOVINE</b></p> <ul style="list-style-type: none"> <li>• Anaplasmosis (<i>Anaplasma marginale</i> or <i>A. centrale</i>)</li> <li>• Beef measles (<i>Taenia saginata</i>)</li> <li>• Bovine genital campylobacteriosis (<i>Campylobacter fetus venerealis</i>)</li> <li>• Bovine viral diarrhea</li> <li>• Enzootic bovine leukosis (Bovine leukemia virus)</li> </ul> <p><b>CAPRINE/OVINE</b></p> <ul style="list-style-type: none"> <li>• Caprine (contagious) arthritis/encephalitis)</li> <li>• Caseous lymphadenitis</li> <li>• Enzootic abortion of ewes (<i>Chlamydophila abortus</i>)</li> <li>• Maedi-Visna (Ovine progressive pneumonia)</li> </ul> <p><b>PORCINE</b></p>

<b>MONITORED CONDITIONS Report by monthly summaries</b>	
•	Porcine circovirus (post-weaning multisystemic wasting syndrome)
•	Porcine cysticercosis ( <i>Taenia solium</i> in humans)
•	Porcine reproductive and respiratory syndrome
•	Transmissible gastroenteritis (coronavirus)
•	Trichinellosis ( <i>Trichinella spiralis</i> )
<b>POULTRY</b>	
•	Avian infectious bronchitis
•	Avian mycoplasmosis ( <i>Mycoplasma synoviae</i> )
•	Duck viral hepatitis
•	Fowl cholera ( <i>Pasteurella multocida</i> )
•	Infectious bursal disease (Gumboro disease)
•	Infectious coryza ( <i>Avibacterium paragallinarum</i> )
•	Marek's disease
•	Mycoplasmosis ( <i>Mycoplasma gallisepticum</i> )
<b>EQUINE</b>	
•	Equine influenza
•	Equine rhinopneumonitis (Equine herpesvirus-1 non-neurologic form)
•	Equine viral arteritis
•	Strangles ( <i>Streptococcus equi</i> subsp. <i>equi</i> )
•	Pigeon Fever ( <i>Corynebacterium pseudotuberculosis</i> )
<b>OTHER SPECIES</b>	
•	Fish diseases on the OIE notifiable disease list
•	Heartworm
•	Hemorrhagic diseases of deer (bluetongue, adenovirus, and epizootic hemorrhagic disease)
•	Myxomatosis in commercial rabbits)

This section sets forth the list of diseases that licensed veterinarians and veterinary laboratories must report to the state veterinarian as described in WAC 16-70-010 and 16-70-015. It includes diseases listed by the state veterinarian, by WOA on the WOA notifiable disease list, and by the state board of health under chapter 246-101 WAC.

**Table 1: List of reportable diseases**

<b>Disease</b>	<b>Animal Type</b>
<u>New, emerging, or unusual animal diseases/zoonotic diseases</u>	<u>Amphibian</u>
<u>Ranaviriosis (<i>Ranavirus</i> species)</u>	<u>Amphibian</u>
<u>Acarapisosis (<i>Acarapis woodi</i>)</u>	<u>Apian (bee)</u>
<u>American foulbrood (<i>Paenibacillus larva</i>)</u>	<u>Apian</u>
<u>European foulbrood (<i>Melissococcus plutonius</i>)</u>	<u>Apian</u>
<u>New, emerging, or unusual animal diseases/zoonotic diseases</u>	<u>Apian</u>
<u>Small hive beetle infestation (<i>Aethina tumida</i>)</u>	<u>Apian</u>
<u><i>Tropilaelaps</i></u>	<u>Apian</u>
<u>Varroosis (<i>Varroa</i> spp.)</u>	<u>Apian</u>
<u>Avian infectious bronchitis</u>	<u>Avian (bird)</u>

<b>Disease</b>	<b>Animal Type</b>
<u>Avian infectious laryngotracheitis (ILT)</u>	<u>Avian (bird)</u>
<u>Avian influenza, high pathogenic</u>	<u>Avian (bird)</u>
<u>Avian influenza, low pathogenic</u>	<u>Avian (bird)</u>
<u>Avian mycoplasmosis (<i>Mycoplasma gallisepticum</i>)</u>	<u>Avian (bird)</u>
<u>Avian mycoplasmosis (<i>Mycoplasma synoviae</i>)</u>	<u>Avian (bird)</u>
<u>Carbapenem-resistant organisms</u>	<u>Avian (bird)</u>
<u>Duck viral hepatitis</u>	<u>Avian (bird)</u>
<u>Fowl typhoid (<i>Salmonella gallinarum</i>)</u>	<u>Avian (bird)</u>
<u>Infectious bursal disease (Gumboro disease)</u>	<u>Avian (bird)</u>
<u>Infectious coryza (<i>Avibacterium paragallinarum</i>)</u>	<u>Avian (bird)</u>
<u>Japanese encephalitis</u>	<u>Avian (bird)</u>
<u>Livestock exposed to toxic substances which may threaten public health</u>	<u>Avian (bird)</u>
<u>New, emerging, or unusual animal diseases/zoonotic diseases</u>	<u>Avian (bird)</u>
<u>Newcastle disease</u>	<u>Avian (bird)</u>
<u>Ornithosis (<i>Chlamydia psittaci</i>, psittacosis, parrot fever, or avian chlamydiosis)</u>	<u>Avian (bird)</u>
<u>Pullorum disease (<i>Salmonella pullorum</i>)</u>	<u>Avian (bird)</u>
<u>Shiga toxin-producing <i>Escherichia coli</i> infections/enterohemorrhagic <i>E. coli</i> infections</u>	<u>Avian (bird)</u>
<u>St. Louis encephalitis virus (SLEV)</u>	<u>Avian (bird)</u>
<u>Turkey rhinotracheitis</u>	<u>Avian (bird)</u>
<u>Unexplained increase in dead or diseased animals</u>	<u>Avian (bird)</u>
<u>West Nile virus</u>	<u>Avian (bird)</u>
<u>Akabane disease (<i>Akabane virus</i>)</u>	<u>Bovine (cow)</u>
<u>Anthrax</u>	<u>Bovine (cow)</u>
<u>Beef measles (<i>Taenia saginata</i>, Bovine cysticercosis)</u>	<u>Bovine (cow)</u>
<u>Bluetongue (<i>Orbivirus</i>)</u>	<u>Bovine (cow)</u>
<u>Bovine anaplasmosis (<i>Anaplasma marginale</i>, <i>A. centrale</i>)</u>	<u>Bovine (cow)</u>
<u>Bovine babesiosis (<i>Babesia bovis</i>, <i>B. bigemina</i>, piroplasmosis, tick fever)</u>	<u>Bovine (cow)</u>
<u>Bovine genital campylobacteriosis (<i>Campylobacter fetus venerealis</i>)</u>	<u>Bovine (cow)</u>
<u>Bovine spongiform encephalopathy (BSE, mad cow disease)</u>	<u>Bovine (cow)</u>
<u>Bovine viral diarrhea (BVD, mucosal disease)</u>	<u>Bovine (cow)</u>
<u>Brucellosis (<i>Brucella abortus</i>)</u>	<u>Bovine (cow)</u>
<u>Contagious bovine pleuropneumonia (<i>Mycoplasma mycoides mycoides</i>, CBPP)</u>	<u>Bovine (cow)</u>
<u>Crimean Congo haemorrhagic fever (CCHF)</u>	<u>Bovine (cow)</u>
<u><i>Cryptococcus gattii</i></u>	<u>Bovine (cow)</u>
<u><i>Cryptococcus</i> (undifferentiated species not identified as <i>C. neoformans</i>)</u>	<u>Bovine (cow)</u>
<u>Enzootic bovine leukosis (Bovine leukemia virus, BLV)</u>	<u>Bovine (cow)</u>
<u>Epizootic hemorrhagic disease (EHD)</u>	<u>Bovine (cow)</u>
<u>Foot-and-mouth disease (FMD)</u>	<u>Bovine (cow)</u>
<u>Hemorrhagic septicaemia (<i>Pastuerella multocida</i>, serotypes B/Asian or E/African)</u>	<u>Bovine (cow)</u>
<u>Heartwater (<i>Ehrlichia ruminantium</i>, Cowdriosis)</u>	<u>Bovine (cow)</u>
<u>Infectious bovine rhinotracheitis (IBR,S Infectious pustular vulvovaginitis)</u>	<u>Bovine (cow)</u>
<u>Jamestown Canyon virus (JCV, California serogroup)</u>	<u>Bovine (cow)</u>
<u>Johne's disease (paratuberculosis, <i>Mycobacterium avium</i> subspecies paratuberculosis, MAP, paratuberculosis)</u>	<u>Bovine (cow)</u>
<u>Leptospirosis</u>	<u>Bovine (cow)</u>

<b>Disease</b>	<b>Animal Type</b>
<u>Livestock exposed to toxic substances which may threaten public health</u>	<u>Bovine (cow)</u>
<u>Lumpy skin disease (Lumpy skin disease virus)</u>	<u>Bovine (cow)</u>
<u>Lyme disease (<i>Borrelia burgdorferi</i>)</u>	<u>Bovine (cow)</u>
<u>Malignant catarrhal fever (MCF)</u>	<u>Bovine (cow)</u>
<u>Melioidosis (<i>Burkholderia pseudomallei</i>)</u>	<u>Bovine (cow)</u>
<u>New, emerging, or unusual animal diseases/zoonotic diseases</u>	<u>Bovine (cow)</u>
<u>Pseudorabies (Aujeszky's disease)</u>	<u>Bovine (cow)</u>
<u>Q Fever (<i>Coxiella burnetti</i>)</u>	<u>Bovine (cow)</u>
<u>Rabies</u>	<u>Bovine (cow)</u>
<u>Rift Valley fever</u>	<u>Bovine (cow)</u>
<u>Rinderpest (cattle plague)</u>	<u>Bovine (cow)</u>
<u>Scabies (<i>Sarcoptes sp.</i>)</u>	<u>Bovine (cow)</u>
<u>Screwworm, new world (<i>Cochliomyia hominivorax</i>)</u>	<u>Bovine (cow)</u>
<u>Screwworm, old world (<i>Chrysomya bezziana</i>)</u>	<u>Bovine (cow)</u>
<u>Shiga toxin-producing <i>Escherichia coli</i> infections/enterohemorrhagic <i>E. coli</i> infections</u>	<u>Bovine (cow)</u>
<u>Snowshoe hare virus (SSHV, California serogroup)</u>	<u>Bovine (cow)</u>
<u>Surra (<i>Trypanosoma evansi</i>)</u>	<u>Bovine (cow)</u>
<u>Theileriosis (<i>Theileria annulata</i>, <i>T. parva</i>, Corridor disease, East Coast fever)</u>	<u>Bovine (cow)</u>
<u>Trichomoniasis (<i>Tritrichomonas fetus</i>)</u>	<u>Bovine (cow)</u>
<u>Trypanosomiasis (Tsetse fly diseases, <i>Trypanosoma congolense</i>, <i>T. vivax</i>, <i>T. brucei</i>, <i>T. evansi</i>)</u>	<u>Bovine (cow)</u>
<u>Tuberculosis (<i>Mycobacterium bovis</i>)</u>	<u>Bovine (cow)</u>
<u>Unexplained increase in dead or diseased animals</u>	<u>Bovine (cow)</u>
<u>Vesicular stomatitis</u>	<u>Bovine (cow)</u>
<u>Anthrax</u>	<u>Camelid (camel)</u>
<u>Bluetongue (Orbivirus)</u>	<u>Camelid (camel)</u>
<u>Camelpox Bluetongue (Orbivirus)</u>	<u>Camelid (camel)</u>
<u><i>Cryptococcus gattii</i></u>	<u>Camelid (camel)</u>
<u><i>Cryptococcus</i> (undifferentiated species not identified as <i>C. neoformans</i>)</u>	<u>Camelid (camel)</u>
<u>Epizootic hemorrhagic disease (EHD)</u>	<u>Camelid (camel)</u>
<u>Foot-and-mouth disease (FMD)</u>	<u>Camelid (camel)</u>
<u>Leptospirosis</u>	<u>Camelid (camel)</u>
<u>Livestock exposed to toxic substances which may threaten public health</u>	<u>Camelid (camel)</u>
<u>New, emerging, or unusual animal diseases/zoonotic diseases</u>	<u>Camelid (camel)</u>
<u>Plague (<i>Yersinia pestis</i>)</u>	<u>Camelid (camel)</u>
<u>Rabies</u>	<u>Camelid (camel)</u>
<u>Rift Valley fever</u>	<u>Camelid (camel)</u>
<u>Rinderpest (cattle plague)</u>	<u>Camelid (camel)</u>
<u>Scabies (<i>Sarcoptes sp.</i>)</u>	<u>Camelid (camel)</u>
<u>Screwworm, new world (<i>Cochliomyia hominivorax</i>)</u>	<u>Camelid (camel)</u>
<u>Screwworm, old world (<i>Chrysomya bezziana</i>)</u>	<u>Camelid (camel)</u>
<u>Shiga toxin-producing <i>Escherichia coli</i> infections/enterohemorrhagic <i>E. coli</i> infections</u>	<u>Camelid (camel)</u>
<u>Surra (<i>Trypanosoma evansi</i>)</u>	<u>Camelid (camel)</u>
<u>Vesicular stomatitis</u>	<u>Camelid (camel)</u>
<u>Unexplained increase in dead or diseased animals</u>	<u>Camelid (camel)</u>

<b>Disease</b>	<b>Animal Type</b>
<u>Anthrax</u>	<u>Canine (dog)</u>
<u>Brucellosis (<i>Brucella canis</i>)</u>	<u>Canine (dog)</u>
<u>Coccidioidomycosis (<i>Coccidioides immitis</i>, valley fever)</u>	<u>Canine (dog)</u>
<u><i>Cryptococcus gattii</i></u>	<u>Canine (dog)</u>
<u><i>Cryptococcus</i> (undifferentiated species not identified as <i>C. neoformans</i>)</u>	<u>Canine (dog)</u>
<u>Echinococcosis/Hydatidosis (<i>Echinococcus granulosus</i>)</u>	<u>Canine (dog)</u>
<u>Echinococcosis/Hydatidosis (<i>Echinococcus multilocularis</i>)</u>	<u>Canine (dog)</u>
<u>Ehrlichiosis (<i>Ehrlichia</i> species)</u>	<u>Canine (dog)</u>
<u>Heartworm</u>	<u>Canine (dog)</u>
<u>La Crosse encephalitis virus (LACV)</u>	<u>Canine (dog)</u>
<u>Leishmaniasis</u>	<u>Canine (dog)</u>
<u>Leptospirosis</u>	<u>Canine (dog)</u>
<u>Lyme disease (<i>Borrelia burgdorferi</i>)</u>	<u>Canine (dog)</u>
<u>Melioidosis (<i>Burkholderia pseudomallei</i>)</u>	<u>Canine (dog)</u>
<u>New, emerging, or unusual animal diseases/zoonotic diseases</u>	<u>Canine (dog)</u>
<u>Pseudorabies (Aujeszky's disease)</u>	<u>Canine (dog)</u>
<u>Q Fever (<i>Coxiella burnetti</i>)</u>	<u>Canine (dog)</u>
<u>Rabies</u>	<u>Canine (dog)</u>
<u>Rift Valley fever</u>	<u>Canine (dog)</u>
<u>SARS-CoV-2 (COVID-19)</u>	<u>Canine (dog)</u>
<u>Scabies (<i>Sarcoptes sp.</i>)</u>	<u>Canine (dog)</u>
<u>Screwworm, new world (<i>Cochliomyia hominivorax</i>)</u>	<u>Canine (dog)</u>
<u>Screwworm, old world (<i>Chrysomya bezziana</i>)</u>	<u>Canine (dog)</u>
<u>Shiga toxin-producing <i>Escherichia coli</i> infections/enterohemorrhagic <i>E. coli</i> infections</u>	<u>Canine (dog)</u>
<u>Surra (<i>Trypanosoma evansi</i>)</u>	<u>Canine (dog)</u>
<u>Unexplained increase in dead or diseased animals</u>	<u>Canine (dog)</u>
<u>West Nile virus</u>	<u>Canine (dog)</u>
<u>Akabane disease (<i>Akabane virus</i>)</u>	<u>Caprine (goat)</u>
<u>Anthrax</u>	<u>Caprine (goat)</u>
<u>Bluetongue (<i>Orbivirus</i>)</u>	<u>Caprine (goat)</u>
<u>Brucellosis (<i>Brucella abortus</i>)</u>	<u>Caprine (goat)</u>
<u>Brucellosis (<i>Brucella melitensis</i>)</u>	<u>Caprine (goat)</u>
<u>Caprine contagious arthritis and encephalitis (CAE)</u>	<u>Caprine (goat)</u>
<u>Caseous lymphadenitis (<i>Corynebacterium pseudotuberculosis</i>)</u>	<u>Caprine (goat)</u>
<u>Contagious agalactia (<i>Mycoplasma agalactiae</i>, <i>M. capricolum capricolum</i>, <i>M. putrefaciens</i>, <i>M. mycoides mycoides</i>)</u>	<u>Caprine (goat)</u>
<u>Contagious caprine pleuropneumonia (<i>Mycoplasma capricolum capripneumoniae</i>)</u>	<u>Caprine (goat)</u>
<u>Contagious ecthyma (Orf, sore mouth)</u>	<u>Caprine (goat)</u>
<u>Crimean Congo hemorrhagic fever</u>	<u>Caprine (goat)</u>
<u><i>Cryptococcus gattii</i></u>	<u>Caprine (goat)</u>
<u><i>Cryptococcus</i> (undifferentiated species not identified as <i>C. neoformans</i>)</u>	<u>Caprine (goat)</u>
<u>Enzootic abortion of ewes (<i>Chlamydophila abortus</i>, ovine chlamydiosis)</u>	<u>Caprine (goat)</u>
<u>Epizootic hemorrhagic disease (EHD)</u>	<u>Caprine (goat)</u>
<u>Foot-and-mouth disease (FMD)</u>	<u>Caprine (goat)</u>
<u>Goat pox</u>	<u>Caprine (goat)</u>

<b>Disease</b>	<b>Animal Type</b>
<u>Heartwater (<i>Ehrlichia ruminantium</i>, Cowdriosis)</u>	<u>Caprine (goat)</u>
<u>Johne's disease (paratuberculosis)</u>	<u>Caprine (goat)</u>
<u>La Crosse encephalitis virus (LACV, La Crosse virus)</u>	<u>Caprine (goat)</u>
<u>Leptospirosis</u>	<u>Caprine (goat)</u>
<u>Listeriosis</u>	<u>Caprine (goat)</u>
<u>Livestock exposed to toxic substances which may threaten public health</u>	<u>Caprine (goat)</u>
<u>Maedi-Visna (Ovine progressive pneumonia, OPP)</u>	<u>Caprine (goat)</u>
<u>Malignant catarrhal fever (MCF)</u>	<u>Caprine (goat)</u>
<u>Mange (<i>Sarcoptes scabiei</i>, <i>Chorioptes bovis</i>, <i>Psoroptes ovis</i>, <i>Psoroptes cuniculi</i>, <i>Psoregates ovis</i>)</u>	<u>Caprine (goat)</u>
<u>Melioidosis (<i>Burkholderia pseudomallei</i>)</u>	<u>Caprine (goat)</u>
<u>Nairobi sheep disease</u>	<u>Caprine (goat)</u>
<u>New, emerging, or unusual animal diseases/zoonotic diseases</u>	<u>Caprine (goat)</u>
<u>Peste des petits ruminants</u>	<u>Caprine (goat)</u>
<u>Plague (<i>Yersinia pestis</i>)</u>	<u>Caprine (goat)</u>
<u>Pseudorabies (Aujeszky's disease)</u>	<u>Caprine (goat)</u>
<u>Q Fever (<i>Coxiella burnetti</i>)</u>	<u>Caprine (goat)</u>
<u>Rabies</u>	<u>Caprine (goat)</u>
<u>Rift Valley fever</u>	<u>Caprine (goat)</u>
<u>Rinderpest (cattle plague)</u>	<u>Caprine (goat)</u>
<u>Salmonellosis (<i>Salmonella abortus ovis</i>)</u>	<u>Caprine (goat)</u>
<u>Scrapie</u>	<u>Caprine (goat)</u>
<u>Screwworm, new world (<i>Cochliomyia hominivorax</i>)</u>	<u>Caprine (goat)</u>
<u>Screwworm, old world (<i>Chrysomya bezziana</i>)</u>	<u>Caprine (goat)</u>
<u>Sheep pox (Goat pox)</u>	<u>Caprine (goat)</u>
<u>Shiga toxin-producing <i>Escherichia coli</i> infections/enterohemorrhagic <i>E. coli</i> infections</u>	<u>Caprine (goat)</u>
<u>Surra (<i>Trypanosoma evansi</i>)</u>	<u>Caprine (goat)</u>
<u>Theileriosis (<i>Theileria annulata</i>, <i>T. parva</i>, Corridor disease, East Coast fever)</u>	<u>Caprine (goat)</u>
<u>Vesicular stomatitis</u>	<u>Caprine (goat)</u>
<u>Unexplained increase in dead or diseased animals</u>	<u>Caprine (goat)</u>
<u>Adenovirus hemorrhagic disease</u>	<u>Cervine (deer)</u>
<u>Anthrax</u>	<u>Cervine (deer)</u>
<u>Bluetongue (<i>Orbivirus</i>)</u>	<u>Cervine (deer)</u>
<u>Brucellosis (<i>Brucella abortus</i>)</u>	<u>Cervine (deer)</u>
<u>Ehrlichiosis (<i>Ehrlichia</i> species)</u>	<u>Cervine (deer)</u>
<u>Chronic wasting disease (CWD)</u>	<u>Cervine (deer)</u>
<u>Epizootic hemorrhagic disease (EHD)</u>	<u>Cervine (deer)</u>
<u>Foot-and-mouth disease (FMD)</u>	<u>Cervine (deer)</u>
<u>Jamestown Canyon virus (JCV, California serogroup)</u>	<u>Cervine (deer)</u>
<u>La Crosse encephalitis virus (LACV, La Crosse virus)</u>	<u>Cervine (deer)</u>
<u>Leptospirosis</u>	<u>Cervine (deer)</u>
<u>Malignant catarrhal fever (MCF)</u>	<u>Cervine (deer)</u>
<u>New, emerging, or unusual animal diseases/zoonotic diseases</u>	<u>Cervine (deer)</u>
<u>Ovine epididymitis (<i>Brucella ovis</i>)</u>	<u>Cervine (deer)</u>
<u>Rabies</u>	<u>Cervine (deer)</u>

<b>Disease</b>	<b>Animal Type</b>
<u>Rift Valley fever</u>	<u>Cervine (deer)</u>
<u>Scabies (<i>Sarcoptes sp.</i>)</u>	<u>Cervine (deer)</u>
<u>Screwworm, new world (<i>Cochliomyia hominivorax</i>)</u>	<u>Cervine (deer)</u>
<u>Screwworm, old world (<i>Chrysomya bezziana</i>)</u>	<u>Cervine (deer)</u>
<u>Shiga toxin-producing <i>Escherichia coli</i> infections/enterohemorrhagic <i>E. coli</i> infections</u>	<u>Cervine (deer)</u>
<u>Surra (<i>Trypanosoma evansi</i>)</u>	<u>Cervine (deer)</u>
<u>Tuberculosis (<i>Mycobacterium bovis</i>)</u>	<u>Cervine (deer)</u>
<u>Vesicular stomatitis</u>	<u>Cervine (deer)</u>
<u>Unexplained increase in dead or diseased animals</u>	<u>Cervine (deer)</u>
<u>Acute hepatopancreatic necrosis disease (<i>Vibrio parahaemolyticus</i>)</u>	<u>Crustacean</u>
<u><i>Aphanomyces astaci</i> (Crayfish plague)</u>	<u>Crustacean</u>
<u><i>Hepatobacter penaei</i> (necrotising hepatopancreatitis)</u>	<u>Crustacean</u>
<u>Infection with infectious hypodermal and haematopoietic necrosis virus</u>	<u>Crustacean</u>
<u>Infectious myonecrosis virus</u>	<u>Crustacean</u>
<u>Macrobrachium rosenbergii nodavirus (white tail disease)</u>	<u>Crustacean</u>
<u>New, emerging, or unusual animal diseases/zoonotic diseases</u>	<u>Crustacean</u>
<u>Taura syndrome virus</u>	<u>Crustacean</u>
<u>White spot syndrome virus</u>	<u>Crustacean</u>
<u>Yellow head virus genotype 1</u>	<u>Crustacean</u>
<u>Unexplained increase in dead or diseased animals</u>	<u>Crustacean</u>
<u>African horse sickness</u>	<u>Equine (horse)</u>
<u>Anthrax</u>	<u>Equine (horse)</u>
<u>Contagious equine metritis (<i>Taylorella equigenitalis</i>, CEM)</u>	<u>Equine (horse)</u>
<u><i>Cryptococcus gattii</i></u>	<u>Equine (horse)</u>
<u><i>Cryptococcus</i> (undifferentiated species not identified as <i>C. neoformans</i>)</u>	<u>Equine (horse)</u>
<u>Dourine (<i>Trypanosoma equiperdum</i>)</u>	<u>Equine (horse)</u>
<u>Ehrlichiosis (Potomac horse fever)</u>	<u>Equine (horse)</u>
<u>Equine encephalomyelitis, Eastern (EEE)</u>	<u>Equine (horse)</u>
<u>Equine encephalomyelitis, Venezuelan (VEE)</u>	<u>Equine (horse)</u>
<u>Equine encephalomyelitis, Western (WEE)</u>	<u>Equine (horse)</u>
<u>Equine infectious anemia (EIA, swamp fever)</u>	<u>Equine (horse)</u>
<u>Equine influenza</u>	<u>Equine (horse)</u>
<u>Equine piroplasmosis (<i>Babesia caballi</i>, <i>Theileria equi</i>, babesiosis, Theileriosis)</u>	<u>Equine (horse)</u>
<u>Equine rhinopneumonitis (Equine herpesvirus-1, EHV-1)</u>	<u>Equine (horse)</u>
<u>Equine rhinopneumonitis (Equine herpesvirus-1 neurologic form, EHV-1 myelocencephalopathy, EHV-1-EHM)</u>	<u>Equine (horse)</u>
<u>Equine rhinopneumonitis (Equine herpesvirus-1 non-neurologic form, EHV-1 myelocencephalopathy, EHV-1-EHM)</u>	<u>Equine (horse)</u>
<u>Equine viral arteritis (EVA)</u>	<u>Equine (horse)</u>
<u>Glanders (<i>Burkholderia mallei</i>)</u>	<u>Equine (horse)</u>
<u>Hendra virus (Equine morbillivirus)</u>	<u>Equine (horse)</u>
<u>Jamestown Canyon virus (JCV, California serogroup)</u>	<u>Equine (horse)</u>
<u>Japanese encephalitis</u>	<u>Equine (horse)</u>
<u>Leishmaniasis</u>	<u>Equine (horse)</u>
<u>Leptospirosis</u>	<u>Equine (horse)</u>
<u>Livestock exposed to toxic substances which may threaten public health</u>	<u>Equine (horse)</u>

<b>Disease</b>	<b>Animal Type</b>
<u>Lyme disease (<i>Borrelia burgdorferi</i>)</u>	<u>Equine (horse)</u>
<u>Melioidosis (<i>Burkholderia pseudomallei</i>)</u>	<u>Equine (horse)</u>
<u>New, emerging, or unusual animal diseases/zoonotic diseases</u>	<u>Equine (horse)</u>
<u>Pigeon Fever (<i>Corynebacterium pseudotuberculosis</i>, ulcerative lymphangitis)</u>	<u>Equine (horse)</u>
<u>Rabies</u>	<u>Equine (horse)</u>
<u>Scabies (<i>Sarcoptes sp.</i>)</u>	<u>Equine (horse)</u>
<u>Screwworm, new world (<i>Cochliomyia hominivorax</i>)</u>	<u>Equine (horse)</u>
<u>Screwworm, old world (<i>Chrysomya bezziana</i>)</u>	<u>Equine (horse)</u>
<u>Snowshoe hare virus (SSHV, California serogroup)</u>	<u>Equine (horse)</u>
<u>Strangles (<i>Streptococcus equi</i> subsp. <i>equi</i>)</u>	<u>Equine (horse)</u>
<u>Shiga toxin-producing <i>Escherichia coli</i> infections/enterohemorrhagic <i>E. coli</i> infections</u>	<u>Equine (horse)</u>
<u>St. Louis encephalitis virus (SLEV)</u>	<u>Equine (horse)</u>
<u>Surra (<i>Trypanosoma evansi</i>)</u>	<u>Equine (horse)</u>
<u>Unexplained increase in dead or diseased animals</u>	<u>Equine (horse)</u>
<u>Vesicular stomatitis</u>	<u>Equine (horse)</u>
<u>West Nile virus (WNV)</u>	<u>Equine (horse)</u>
<u>Coccidioidomycosis (<i>Coccidioides immitis</i>, valley fever)</u>	<u>Feline (cat)</u>
<u><i>Cryptococcus gattii</i></u>	<u>Feline (cat)</u>
<u><i>Cryptococcus</i> (undifferentiated species not identified as <i>C. neoformans</i>)</u>	<u>Feline (cat)</u>
<u>Heartworm</u>	<u>Feline (cat)</u>
<u>Leishmaniasis</u>	<u>Feline (cat)</u>
<u>Listeriosis</u>	<u>Feline (cat)</u>
<u>Melioidosis (<i>Burkholderia pseudomallei</i>)</u>	<u>Feline (cat)</u>
<u>New, emerging, or unusual animal diseases/zoonotic diseases</u>	<u>Feline (cat)</u>
<u>Plague (<i>Yersinia pestis</i>)</u>	<u>Feline (cat)</u>
<u>Pseudorabies (Aujeszky's disease)</u>	<u>Feline (cat)</u>
<u>Q Fever (<i>Coxiella burnetti</i>)</u>	<u>Feline (cat)</u>
<u>Rabies</u>	<u>Feline (cat)</u>
<u>Rift Valley fever</u>	<u>Feline (cat)</u>
<u>SARS-CoV-2 (COVID-19)</u>	<u>Feline (cat)</u>
<u>Scabies (<i>Sarcoptes sp.</i>)</u>	<u>Feline (cat)</u>
<u>Screwworm, new world (<i>Cochliomyia hominivorax</i>)</u>	<u>Feline (cat)</u>
<u>Screwworm, old world (<i>Chrysomya bezziana</i>)</u>	<u>Feline (cat)</u>
<u>Shiga toxin-producing <i>Escherichia coli</i> infections/enterohemorrhagic <i>E. coli</i> infections</u>	<u>Feline (cat)</u>
<u>Surra (<i>Trypanosoma evansi</i>)</u>	<u>Feline (cat)</u>
<u>Unexplained increase in dead or diseased animals</u>	<u>Feline (cat)</u>
<u>West Nile virus (WNV)</u>	<u>Feline (cat)</u>
<u>Anthrax</u>	<u>Lagomorph (hare, rabbit, pika)</u>
<u>Crimean Congo hemorrhagic fever (CCHF)</u>	<u>Lagomorph (hare, rabbit, pika)</u>
<u>Myxomatosis</u>	<u>Lagomorph (hare, rabbit, pika)</u>
<u>New, emerging, or unusual animal diseases/zoonotic diseases</u>	<u>Lagomorph (hare, rabbit, pika)</u>
<u>Plague (<i>Yersinia pestis</i>)</u>	<u>Lagomorph (hare, rabbit, pika)</u>
<u>Scabies (<i>Sarcoptes sp.</i>)</u>	<u>Lagomorph (hare, rabbit, pika)</u>
<u>Screwworm, new world (<i>Cochliomyia hominivorax</i>)</u>	<u>Lagomorph (hare, rabbit, pika)</u>

<b>Disease</b>	<b>Animal Type</b>
Screwworm, old world ( <i>Chrysomya bezziana</i> )	<u>Lagomorph (hare, rabbit, pika)</u>
Shiga toxin-producing <i>Escherichia coli</i> infections/enterohemorrhagic <i>E. coli</i> infections	<u>Lagomorph (hare, rabbit, pika)</u>
Snowshoe hare virus (SSHV, California serogroup)	<u>Lagomorph (hare, rabbit, pika)</u>
Tularemia ( <i>Francisella tularensis</i> )	<u>Lagomorph (hare, rabbit, pika)</u>
Viral hemorrhagic disease of rabbits (Rabbit hemorrhagic disease, RHD, calicivirus)	<u>Lagomorph (hare, rabbit, pika)</u>
Unexplained increase in dead or diseased animals	<u>Lagomorph (hare, rabbit, pika)</u>
West Nile virus (WNV)	<u>Lagomorph (hare, rabbit, pika)</u>
Abalone viral ganglioneuritis ( <i>Abalone herpesvirus</i> )	<u>Mollusc</u>
Bonamiosis ( <i>Bonamia exitiosa</i> )	<u>Mollusc</u>
Bonamiosis ( <i>Bonamia ostreae</i> )	<u>Mollusc</u>
Marteiliosis ( <i>Marteilia refringens</i> )	<u>Mollusc</u>
New, emerging, or unusual animal diseases/zoonotic diseases	<u>Mollusc</u>
Perkinsosis ( <i>Perkinsus marinus</i> )	<u>Mollusc</u>
Perkinsosis ( <i>Perkinsus olseni</i> )	<u>Mollusc</u>
Withering abalone syndrome ( <i>Xenohaliotis californiensis</i> )	<u>Mollusc</u>
Unexplained increase in dead or diseased animals	<u>Mollusc</u>
Akabane disease ( <i>Akabane virus</i> )	<u>Multiple Species</u>
Anthrax	<u>Multiple Species</u>
Bluetongue ( <i>Orbivirus</i> )	<u>Multiple Species</u>
Brucellosis	<u>Multiple Species</u>
Brucellosis ( <i>Brucella abortus</i> )	<u>Multiple Species</u>
Brucellosis ( <i>Brucella canis</i> )	<u>Multiple Species</u>
Brucellosis ( <i>Brucella melitensis</i> )	<u>Multiple Species</u>
Brucellosis ( <i>Brucella ovis</i> )	<u>Multiple Species</u>
Brucellosis ( <i>Brucella suis</i> )	<u>Multiple Species</u>
Chikungunya	<u>Multiple Species</u>
Coccidioidomycosis ( <i>Coccidioides immitis</i> , valley fever)	<u>Multiple Species</u>
Crimean Congo hemorrhagic fever (CCHF)	<u>Multiple Species</u>
<i>Cryptococcus gattii</i>	<u>Multiple Species</u>
<i>Cryptococcus</i> (undifferentiated species not identified as <i>C. neoformans</i> )	<u>Multiple Species</u>
Dengue	<u>Multiple Species</u>
Echinococcosis/Hydatidosis	<u>Multiple Species</u>
Echinococcosis/Hydatidosis ( <i>Echinococcus granulosus</i> )	<u>Multiple Species</u>
Echinococcosis/Hydatidosis ( <i>Echinococcus multilocularis</i> )	<u>Multiple Species</u>
Ehrlichiosis ( <i>Ehrlichia</i> species)	<u>Multiple Species</u>
Epizootic hemorrhagic disease (EHD)	<u>Multiple Species</u>
Equine encephalomyelitis	<u>Multiple Species</u>
Equine encephalomyelitis (Eastern, EEE)	<u>Multiple Species</u>
Equine encephalomyelitis (Venezuelan, VEE)	<u>Multiple Species</u>
Equine encephalomyelitis (Western, WEE)	<u>Multiple Species</u>
Foot-and-mouth disease (FMD)	<u>Multiple Species</u>
Heartwater ( <i>Ehrlichia ruminantium</i> , Cowdriosis)	<u>Multiple Species</u>
Heartworm	<u>Multiple Species</u>
Jamestown Canyon virus (JCV, California serogroup)	<u>Multiple Species</u>
Japanese encephalitis	<u>Multiple Species</u>

<b>Disease</b>	<b>Animal Type</b>
<u>Johne's disease (paratuberculosis)</u>	<u>Multiple Species</u>
<u>La Crosse encephalitis virus (LACV)</u>	<u>Multiple Species</u>
<u>Leishmaniasis</u>	<u>Multiple Species</u>
<u>Leptospirosis</u>	<u>Multiple Species</u>
<u>Livestock exposed to toxic substances which may threaten public health</u>	<u>Multiple Species</u>
<u>Lyme disease (<i>Borrelia burgdorferi</i>)</u>	<u>Multiple Species</u>
<u>Melioidosis (<i>Burkholderia pseudomallei</i>)</u>	<u>Multiple Species</u>
<u>Malignant catarrhal fever (MCF)</u>	<u>Multiple Species</u>
<u>New, emerging, or unusual animal diseases/zoonotic diseases</u>	<u>Multiple Species</u>
<u>Plague (<i>Yersinia pestis</i>)</u>	<u>Multiple Species</u>
<u>Powassan virus (POWV)</u>	<u>Multiple Species</u>
<u>Pseudorabies (Aujeszky's disease)</u>	<u>Multiple Species</u>
<u>Q Fever (<i>Coxiella burnetti</i>)</u>	<u>Multiple Species</u>
<u>Rabies</u>	<u>Multiple Species</u>
<u>Rift Valley fever</u>	<u>Multiple Species</u>
<u>Rinderpest (cattle plague)</u>	<u>Multiple Species</u>
<u>Scabies (<i>Sarcoptes sp.</i>)</u>	<u>Multiple Species</u>
<u>SARS-CoV-2 (COVID-19)</u>	<u>Multiple Species</u>
<u>Screwworm</u>	<u>Multiple Species</u>
<u>Screwworm, new world (<i>Cochliomyia hominivorax</i>)</u>	<u>Multiple Species</u>
<u>Screwworm, old world (<i>Chrysomya bezziana</i>)</u>	<u>Multiple Species</u>
<u>Shiga toxin-producing <i>Escherichia coli</i> infections/enterohemorrhagic <i>E. coli</i> infections</u>	<u>Multiple Species</u>
<u>Snowshoe hare virus (SSHV, California serogroup)</u>	<u>Multiple Species</u>
<u>St. Louis encephalitis virus (SLEV)</u>	<u>Multiple Species</u>
<u>Surra (<i>Trypanosoma evansi</i>)</u>	<u>Multiple Species</u>
<u>Theileriosis (Corridor disease, East Coast fever, <i>Theileria annulata</i>, <i>Theileria parva</i>)</u>	<u>Multiple Species</u>
<u>Transmissible Spongiform Encephalopathy (TSE)</u>	<u>Multiple Species</u>
<u>Trichinellosis (<i>Trichinella</i> spp., Trichinosis)</u>	<u>Multiple Species</u>
<u>Tuberculosis</u>	<u>Multiple Species</u>
<u>Tuberculosis (<i>Mycobacterium avium</i>)</u>	<u>Multiple Species</u>
<u>Tuberculosis (<i>Mycobacterium tuberculosis</i>)</u>	<u>Multiple Species</u>
<u>Tularemia (<i>Francisella tularensis</i>)</u>	<u>Multiple Species</u>
<u>Unexplained increase in dead or diseased animals</u>	<u>Multiple Species</u>
<u>Vancomycin resistant (<i>Staphylococcus aureus</i>)</u>	<u>Multiple Species</u>
<u>Vesicular stomatitis</u>	<u>Multiple Species</u>
<u>West Nile virus (WNV)</u>	<u>Multiple Species</u>
<u>Zika</u>	<u>Multiple Species</u>
<u>Zoonotic viral hemorrhagic fever</u>	<u>Multiple Species</u>
<u>Akabane disease (<i>Akabane virus</i>)</u>	<u>Ovine (sheep)</u>
<u>Anthrax</u>	<u>Ovine (sheep)</u>
<u>Bluetongue (<i>Orbivirus</i>)</u>	<u>Ovine (sheep)</u>
<u>Brucellosis (<i>Brucella abortus</i>)</u>	<u>Ovine (sheep)</u>
<u>Brucellosis (<i>Brucella melitensis</i>)</u>	<u>Ovine (sheep)</u>
<u>Brucellosis (<i>Brucella ovis</i>)</u>	<u>Ovine (sheep)</u>
<u>Caprine arthritis and encephalitis (CAE)</u>	<u>Ovine (sheep)</u>

<b>Disease</b>	<b>Animal Type</b>
Caseous lymphadenitis ( <i>Corynebacterium pseudotuberculosis</i> )	Ovine (sheep)
Contagious agalactia ( <i>Mycoplasma agalactiae</i> , <i>M Capricolum capricolum</i> , <i>M putrefaciens</i> , <i>M. mycoides mycoide</i> , <i>M. mycoides mycoides</i> )	Ovine (sheep)
Contagious caprine pleuropneumonia	Ovine (sheep)
Contagious ecthyma (Orf, sore mouth)	Ovine (sheep)
Crimean Congo hemorrhagic fever (CCHF)	Ovine (sheep)
<i>Cryptococcus gattii</i>	Ovine (sheep)
<i>Cryptococcus</i> (undifferentiated species not identified as <i>C. neoformans</i> )	Ovine (sheep)
Epizootic hemorrhagic disease (EHD)	Ovine (sheep)
Enzootic abortion of ewes ( <i>Chlamydomphila abortus</i> , ovine chlamydiosis)	Ovine (sheep)
Echinococcosis/Hydatidosis ( <i>Echinococcus granulosus</i> )	Ovine (sheep)
Echinococcosis/Hydatidosis ( <i>Echinococcus multilocularis</i> )	Ovine (sheep)
Foot-and-mouth disease (FMD)	Ovine (sheep)
Goat pox (Sheep pox)	Ovine (sheep)
Heartwater ( <i>Ehrlichia ruminantium</i> , Cowdriosis)	Ovine (sheep)
Jamestown Canyon virus (JCV, California serogroup)	Ovine (sheep)
Johne's disease (paratuberculosis)	Ovine (sheep)
Leptospirosis	Ovine (sheep)
Livestock exposed to toxic substances which may threaten public health	Ovine (sheep)
Maedi-Visna (Ovine progressive pneumonia, OPP)	Ovine (sheep)
Malignant catarrhal fever (MCF)	Ovine (sheep)
Mange ( <i>Sarcoptes scabiei</i> , <i>Chorioptes bovis</i> , <i>Psoroptes ovis</i> , <i>Psoroptes cuniculi</i> , <i>Psoregates ovis</i> )	Ovine (sheep)
Melioidosis ( <i>Burkholderia pseudomallei</i> )	Ovine (sheep)
Nairobi sheep disease	Ovine (sheep)
New, emerging, or unusual animal diseases/zoonotic diseases	Ovine (sheep)
Peste des petits ruminants	Ovine (sheep)
Plague ( <i>Yersinia pestis</i> )	Ovine (sheep)
Pseudorabies (Aujeszky's disease)	Ovine (sheep)
Q Fever ( <i>Coxiella burnetti</i> )	Ovine (sheep)
Rabies	Ovine (sheep)
Rift Valley fever	Ovine (sheep)
Rinderpest (cattle plague)	Ovine (sheep)
Salmonellosis ( <i>Salmonella abortus ovis</i> )	Ovine (sheep)
Scrapie	Ovine (sheep)
Screwworm, new world ( <i>Cochliomyia hominivorax</i> )	Ovine (sheep)
Screwworm, old world ( <i>Chrysomya bezziana</i> )	Ovine (sheep)
Sheep pox	Ovine (sheep)
Shiga toxin-producing <i>Escherichia coli</i> infections/enterohemorrhagic <i>E. coli</i> infections	Ovine (sheep)
Snowshoe hare virus (SSHV, California serogroup)	Ovine (sheep)
Surra ( <i>Trypanosoma evansi</i> )	Ovine (sheep)
Theileriosis (Corridor disease, East Coast fever, <i>Theileria annulata</i> , <i>T. parva</i> )	Ovine (sheep)
Vesicular stomatitis	Ovine (sheep)
Unexplained increase in dead or diseased animals	Ovine (sheep)
Epizootic hematopoietic necrosis disease	Piscine (fish)
Epizootic ulcerative syndrome ( <i>Aphanomyces invadans</i> , EUS)	Piscine (fish)

<b>Disease</b>	<b>Animal Type</b>
<u><i>Gyrodactylus salaris</i> (Gyrodactylosis)</u>	<u>Piscine (fish)</u>
<u>Salmon anemia virus</u>	<u>Piscine (fish)</u>
<u>HPR-deleted or HPRO infectious salmon anaemia virus</u>	<u>Piscine (fish)</u>
<u>Koi herpesvirus disease</u>	<u>Piscine (fish)</u>
<u>New, emerging, or unusual animal diseases/zoonotic diseases</u>	<u>Piscine (fish)</u>
<u>Salmonid alphavirus infection</u>	<u>Piscine (fish)</u>
<u>Red sea bream iridoviral disease</u>	<u>Piscine (fish)</u>
<u>Spring viremia of carp (SVC)</u>	<u>Piscine (fish)</u>
<u>Tilapia lake virus disease (<i>Tilapia tilapinevirus</i>, <i>TiLV</i>)</u>	<u>Piscine (fish)</u>
<u>Unexplained increase in dead or diseased animals</u>	<u>Piscine (fish)</u>
<u>Viral hemorrhagic septicemia (VHS)</u>	<u>Piscine (fish)</u>
<u>African swine fever (ASF)</u>	<u>Porcine (pig)</u>
<u>Anthrax</u>	<u>Porcine (pig)</u>
<u>Brucellosis (<i>Brucella suis</i>)</u>	<u>Porcine (pig)</u>
<u>Classical swine fever (CSF, hog cholera)</u>	<u>Porcine (pig)</u>
<u><i>Cryptococcus gattii</i></u>	<u>Porcine (pig)</u>
<u><i>Cryptococcus</i> (undifferentiated species not identified as <i>C. neoformans</i>)</u>	<u>Porcine (pig)</u>
<u>Foot-and-mouth disease (FMD)</u>	<u>Porcine (pig)</u>
<u>Japanese encephalitis</u>	<u>Porcine (pig)</u>
<u>Leptospirosis</u>	<u>Porcine (pig)</u>
<u>Livestock exposed to toxic substances which may threaten public health</u>	<u>Porcine (pig)</u>
<u>Malignant catarrhal fever (MCF)</u>	<u>Porcine (pig)</u>
<u>Melioidosis (<i>Burkholderia pseudomallei</i>)</u>	<u>Porcine (pig)</u>
<u>New, emerging, or unusual animal diseases/zoonotic diseases</u>	<u>Porcine (pig)</u>
<u>Nipah virus</u>	<u>Porcine (pig)</u>
<u>Porcine circovirus (post-weaning multisystemic wasting syndrome)</u>	<u>Porcine (pig)</u>
<u>Porcine cysticercosis (<i>Taenia solium</i>)</u>	<u>Porcine (pig)</u>
<u>Porcine epidemic diarrhea virus (PEDv)</u>	<u>Porcine (pig)</u>
<u>Porcine reproductive and respiratory syndrome (PRRS)</u>	<u>Porcine (pig)</u>
<u>Pseudorabies (Aujeszky's disease)</u>	<u>Porcine (pig)</u>
<u>Q Fever (<i>Coxiella burnetti</i>)</u>	<u>Porcine (pig)</u>
<u>Rabies</u>	<u>Porcine (pig)</u>
<u>Rinderpest (cattle plague)</u>	<u>Porcine (pig)</u>
<u>Scabies (<i>Sarcoptes sp.</i>)</u>	<u>Porcine (pig)</u>
<u>Screwworm, new world (<i>Cochliomyia hominivorax</i>)</u>	<u>Porcine (pig)</u>
<u>Screwworm, old world (<i>Chrysomya bezziana</i>)</u>	<u>Porcine (pig)</u>
<u>Senecavirus A (SVA, Seneca Valley virus)</u>	<u>Porcine (pig)</u>
<u>Shiga toxin-producing <i>Escherichia coli</i> infections/enterohemorrhagic <i>E. coli</i> infections</u>	<u>Porcine (pig)</u>
<u>Surra (<i>Trypanosoma evansi</i>)</u>	<u>Porcine (pig)</u>
<u>Swine influenza</u>	<u>Porcine (pig)</u>
<u>Swine vesicular disease</u>	<u>Porcine (pig)</u>
<u>Transmissible gastroenteritis (<i>coronavirus</i>, TGE)</u>	<u>Porcine (pig)</u>
<u>Trichinellosis (<i>Trichinella spiralis</i>, Trichinosis)</u>	<u>Porcine (pig)</u>
<u>Unexplained increase in dead or diseased animals</u>	<u>Porcine (pig)</u>
<u>Vesicular exanthema of swine</u>	<u>Porcine (pig)</u>

<u>Disease</u>	<u>Animal Type</u>
<u>Vesicular stomatitis</u>	<u>Porcine (pig)</u>
<u>New, emerging, or unusual animal diseases</u>	<u>Reptilian</u>
<u>Unexplained increase in dead or diseased animals</u>	<u>Reptilian</u>
<u>Anthrax</u>	<u>Rodent</u>
<u>Foot-and-mouth disease (FMD)</u>	<u>Rodent</u>
<u>La Crosse encephalitis virus (LACV)</u>	<u>Rodent</u>
<u>Leishmaniasis</u>	<u>Rodent</u>
<u>New, emerging, or unusual animal diseases/zoonotic diseases</u>	<u>Rodent</u>
<u>Plague (<i>Yersinia pestis</i>)</u>	<u>Rodent</u>
<u>Q Fever (<i>Coxiella burnetti</i>)</u>	<u>Rodent</u>
<u>Rift Valley fever</u>	<u>Rodent</u>
<u>Shiga toxin-producing <i>Escherichia coli</i> infections/enterohemorrhagic <i>E. coli</i> infections</u>	<u>Rodent</u>
<u>Unexplained increase in dead or diseased animals</u>	<u>Rodent</u>

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. WSR 15-02-027, § 16-70-020, filed 12/30/14, effective 1/30/15. Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-13-055, § 16-70-020, filed 6/10/10, effective 7/11/10; WSR 07-10-087, § 16-70-020, filed 5/1/07, effective 6/1/07. Statutory Authority: RCW 16.36.096 and 16.36.040. WSR 93-19-127 (Order 5011), § 16-70-020, filed 9/21/93, effective 10/22/93; Order 1005, Regulation 4, filed 7/22/66, effective 8/22/66.]

## WSR 23-11-043

## PERMANENT RULES

## DEPARTMENT OF AGRICULTURE

[Filed May 11, 2023, 1:20 p.m., effective June 11, 2023]

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

Purpose: The department is amending chapter 16-80 WAC to:

- Change the title of the chapter to "Domestic and Feral Swine in Washington State";
- Remove definitions for "Department," "Director," "Exposed," and "Pseudorabies infected herd";
- Update the definition of "Official USDA-approved identification" to reference the January 9, 2013, version of 9 C.F.R Chapter 1, Section 71.19;
- Update hyperlinks to standards adopted in WAC 16-80-006 and 16-80-008;
- Repeal WAC 16-80-009 and 16-80-010;
- Clarify official United States Department of Agriculture-approved identification requirements for swine in WAC 16-80-045; and
- Require observations of feral swine to be reported to the Washington invasive species council.

Citation of Rules Affected by this Order: Repealing WAC 16-80-009 and 16-80-010; and amending WAC 16-80-005, 16-80-006, 16-80-008, 16-80-045, and 16-80-060.

Statutory Authority for Adoption: RCW 16.36.040.

Adopted under notice filed as WSR 23-07-136 on March 22, 2023.

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 5, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 2.

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: May 10, 2023.

Derek I. Sandison  
Director

OTS-4256.2

**Chapter 16-80 WAC**

**DOMESTIC AND FERAL SWINE ((~~DISEASES REGULATED~~)) IN WASHINGTON STATE**

AMENDATORY SECTION (Amending WSR 10-13-057, filed 6/10/10, effective 7/11/10)

**WAC 16-80-005 Definitions.** In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

~~("Department" means the Washington state department of agriculture.~~

~~"Director" means the director of agriculture of the state of Washington or his or her authorized representative.~~

~~"Exposed" means to have had contact with an animal infected with an infectious or communicable disease.)~~

"Feral swine" means animals included in any of the following categories:

- Animals of the genus *Sus* that are free roaming on public or private lands and do not appear to be domesticated;
- Swine from domesticated stocks that have escaped or been released or born into the wild state;
- European wild hogs and their hybrid forms (also known as European wild boars or razorbacks), regardless of whether they are free roaming or kept in confinement; or
- Animals of the family *Tayassuidae* such as peccaries and javelinas, regardless of whether they are free roaming or kept in confinement.

"Official USDA-approved identification" means methods of identification, as approved in 9 C.F.R. (~~Chapter 1, Section 71.19, January 1, 2009~~) Sec. 71.19, revised January 9, 2013.

~~("Pseudorabies infected herd" means a herd of swine in which pseudorabies has been diagnosed in one or more animals by the National Veterinary Service Laboratory (NVSL) or a state laboratory approved by USDA to conduct official pseudorabies tests.)~~

"USDA" means the United States Department of Agriculture.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-13-057, § 16-80-005, filed 6/10/10, effective 7/11/10. Statutory Authority: RCW 16.36.040. WSR 00-06-066, § 16-80-005, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. WSR 91-08-027, § 16-80-005, filed 3/29/91, effective 4/29/91.]

AMENDATORY SECTION (Amending WSR 10-13-057, filed 6/10/10, effective 7/11/10)

**WAC 16-80-006 Adoption of USDA pseudorabies eradication program standards.** In addition to the rules adopted in this chapter, the Washington state department of agriculture adopts the procedures and methods of the USDA pseudorabies eradication state-federal-industry program standards, effective November 1, 2003. The department maintains a copy of this document for public inspection. You may ~~((also))~~ find the information on the internet at ~~((: http://www.aphis.usda.gov/animal\_health/animal\_diseases/pseudorabies/downloads/program\_stds.pdf))~~ https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/swine-disease-information/swine-pseudorabies.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-13-057, § 16-80-006, filed 6/10/10, effective 7/11/10.]

AMENDATORY SECTION (Amending WSR 10-13-057, filed 6/10/10, effective 7/11/10)

**WAC 16-80-008 Adoption of USDA swine brucellosis control and eradication program standards.** In addition to the rules adopted in this chapter, the Washington state department of agriculture adopts the procedures and methods of the USDA swine brucellosis control and eradication state-federal-industry program standards, effective April, 1998. The department maintains a copy of this document for public inspection. You may ~~((also))~~ find the information on the internet at ~~(([http://www.aphis.usda.gov/animal\\_health/animal\\_dis\\_spec/swine/downloads/sbruumr.pdf](http://www.aphis.usda.gov/animal_health/animal_dis_spec/swine/downloads/sbruumr.pdf)))~~ <https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/swine-disease-information/swine-brucellosis>.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-13-057, § 16-80-008, filed 6/10/10, effective 7/11/10.]

AMENDATORY SECTION (Amending WSR 10-13-057, filed 6/10/10, effective 7/11/10)

**WAC 16-80-045 Official identification of swine.** All swine ~~((moving through))~~ that leave the farm of origin or move through a public livestock market ~~((s))~~ or collection ~~((facilities in intrastate or interstate commerce))~~ facility and all exhibition swine, must have official USDA-approved identification ~~((in compliance with 9 C.F.R. Chapter 1, Section 71.19, January 1, 2009))~~ unless going direct to slaughter.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-13-057, § 16-80-045, filed 6/10/10, effective 7/11/10. Statutory Authority: RCW 16.36.040. WSR 00-06-066, § 16-80-045, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. WSR 91-08-027, § 16-80-045, filed 3/29/91, effective 4/29/91.]

AMENDATORY SECTION (Amending WSR 10-13-057, filed 6/10/10, effective 7/11/10)

**WAC 16-80-060 Feral swine.** Feral swine are ~~((illegal))~~ prohibited in the state of Washington. ~~((If found, feral swine will be eradicated and disposed of in a humane manner.))~~ If observed, feral swine must be reported to the Washington invasive species council by telephone at 1-888-268-9219 or at their website at [www.invasivespecies.wa.gov/report](http://www.invasivespecies.wa.gov/report). Additionally, USDA Wildlife Services may be contacted by phone at 1-866-487-3297. An interagency response will be coordinated upon receipt of information.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. WSR 10-13-057, § 16-80-060, filed 6/10/10, effective 7/11/10.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-80-009            Surveillance program.
- WAC 16-80-010            Quarantine.

## WSR 23-11-044

## PERMANENT RULES

## DEPARTMENT OF AGRICULTURE

[Filed May 11, 2023, 1:24 p.m., effective June 11, 2023]

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

Purpose: The department is amending chapter 16-89 WAC to:

- Add "Individual" to the definition of official identification;
- Add "USDA" to the definition of "APHIS";
- Repeal WAC 16-89-012 Quarantine;
- Combine WAC 16-89-015 Scrapie program standards and 16-89-022 Scrapie identification of sheep and goats;
- Add "individual" to the official identification requirements when testing for brucellosis and tuberculosis in goats whose raw milk or raw milk products are being sold; and
- Remove Q fever testing requirements for raw milk dairies.

Citation of Rules Affected by this Order: Repealing WAC 16-89-012, 16-89-022 and 16-89-170; and amending WAC 16-89-010, 16-89-015, 16-89-150, and 16-89-180.

Statutory Authority for Adoption: RCW 16.36.040.

Adopted under notice filed as WSR 23-07-135 on March 22, 2023.

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 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, 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: May 10, 2023.

Derek I. Sandison  
Director

#### OTS-4257.4

AMENDATORY SECTION (Amending WSR 08-13-100, filed 6/18/08, effective 7/19/08)

**WAC 16-89-010 Definitions.** In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"APHIS" means the United States Department of Agriculture, Animal and Plant Health Inspection Service.

"Department" means the Washington state department of agriculture.

"Director" means the director of agriculture or the director's authorized representative.

"Flock" means a number of animals of sheep or goat species that are kept, fed and herded together, and have single or multiple ownership. The term "flock" is interchangeable with the term "herd" and applies to purebred and commercial sheep and goats.

"High risk animal" means any female genetically susceptible exposed animal. The female offspring of a scrapie-positive female animal or any female genetically less susceptible exposed animal that the designated scrapie epidemiologist (with the concurrence of the USDA area veterinarian in charge, state veterinarian, regional scrapie epidemiologist, and National Scrapie Program coordinator) determines to be a potential risk based on the epidemiology of the flock, including genetics of the positive sheep, the prevalence of scrapie in the flock, any history of recurrent infection, or other characteristics.

"Official individual identification" means an identification mark or device approved by USDA-APHIS for use in the scrapie eradication program. Examples include, but are not limited to, electronic devices, official ear tags, and legible official registry tattoos.

"Scrapie" means a transmissible spongiform encephalopathy that is a fatal, nonfebrile, transmissible, insidious, degenerative disease affecting the central nervous system of sheep and goats.

"Scrapie exposed animal" means any animal that has been in the same flock at the same time within the previous (~~sixty~~) 60 months as a scrapie positive animal, excluding limited contacts, as identified in the *Scrapie Eradication Uniform Methods and Rules*, effective June 1, 2005.

"Scrapie Flock Certification Program" means a national voluntary program for classification of flocks relative to scrapie.

"USDA" means the United States Department of Agriculture.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. WSR 08-13-100, § 16-89-010, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040. WSR 02-24-042, § 16-89-010, filed 12/3/02, effective 1/3/03; WSR 99-09-026, § 16-89-010, filed 4/15/99, effective 5/16/99.]

AMENDATORY SECTION (Amending WSR 08-13-100, filed 6/18/08, effective 7/19/08)

**WAC 16-89-015 Scrapie program standards and identification of sheep and goats.** (1) In addition to the rules adopted in this chapter, the Washington state department of agriculture adopts the procedures and methods of (~~the *Scrapie Eradication Uniform Methods and Rules*, effective June 1, 2005, and Control of Scrapie, Title 9, Code of Federal Regulations, Part 54 and Scrapie in Sheep and Goats, Part 79 as revised January 1, 2006.~~) Title 9, Code of Federal Regulations (C.F.R.), Part 54 Control of Scrapie as revised January 1, 2006, and Part 79.2 Scrapie in Sheep and Goats, Identification and Records Requirements for Sheep and Goats in Interstate Commerce, revised June 18, 2019. Copies of these documents are on file at the Washington Department of Agriculture, Animal Services Division, 1111 Washington Street, Olympia, Washington 98504 and are available for public inspection.

Except as exempted under the federal rules adopted in this section all sheep and goats that are placed into commerce must have official scrapie program identification.

(2) (~~The Serapie Eradication Uniform Methods and Rules may be found on the internet at: [http://www.aphis.usda.gov/animal\\_health/animal\\_diseases/serapie/downloads/umr\\_serapie.pdf](http://www.aphis.usda.gov/animal_health/animal_diseases/serapie/downloads/umr_serapie.pdf).~~

~~(3))~~ Title 9 C.F.R., Parts 54 and 79 may be found on the internet at (~~http://www.access.gpo.gov/nara/cfr/waisidx\_06/9efrv1\_06.html~~) <https://www.ecfr.gov/current/title-9/chapter-I>.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. WSR 08-13-100, § 16-89-015, filed 6/18/08, effective 7/19/08. Statutory Authority: RCW 16.36.040. WSR 02-24-042, § 16-89-015, filed 12/3/02, effective 1/3/03; WSR 99-09-026, § 16-89-015, filed 4/15/99, effective 5/16/99.]

AMENDATORY SECTION (Amending WSR 08-13-100, filed 6/18/08, effective 7/19/08)

**WAC 16-89-150 Brucellosis testing for sheep and goat dairies.**

(1) All sheep and goats whose raw milk or raw milk products are offered for sale must be from a flock or herd that is negative to a serological test for brucellosis within the previous (~~twelve~~) 12 months. Any additions to the flock or herd must be tested negative for brucellosis within (~~thirty~~) 30 days before introduction into the flock or herd.

(2) All raw milk and raw milk products from animals that test positive for brucellosis are prohibited from sale and must be destroyed.

(3) All sheep and goats whose raw milk or raw milk products are offered for sale must have official individual identification.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. WSR 08-13-100, § 16-89-150, filed 6/18/08, effective 7/19/08.]

AMENDATORY SECTION (Amending WSR 08-13-100, filed 6/18/08, effective 7/19/08)

**WAC 16-89-180 Tuberculosis testing for goat dairies.** (1) All goats whose raw milk or raw milk products are offered for sale must be from a herd that has tested negative for tuberculosis within the previous (~~twelve~~) 12 months. Any additions to the herd must be tested negative for tuberculosis within (~~sixty~~) 60 days before introduction into the herd.

(2) All raw milk and raw milk products from animals that test positive for tuberculosis are prohibited from sale and must be destroyed.

(3) All goats whose raw milk or raw milk products are offered for sale must have official individual identification.

[Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. WSR 08-13-100, § 16-89-180, filed 6/18/08, effective 7/19/08.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

- |               |  |
|---------------|--|
| WAC 16-89-012 | Quarantine.  |
| WAC 16-89-022 | Scrapie identification of sheep and goats.               |
| WAC 16-89-170 | Q fever testing requirements for sheep and goat dairies. |

**WSR 23-11-048**  
**PERMANENT RULES**  
**BIG BEND**  
**COMMUNITY COLLEGE**

[Filed May 11, 2023, 2:34 p.m., effective June 11, 2023]

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

Purpose: Revisions to meet requirements recently enacted [in] HB 1752 [2SHB 1751] Sam's Bill [Law].

Citation of Rules Affected by this Order: New WAC 132R-04-061; and amending WAC 132R-04-015, 132R-04-017, and 132R-04-057.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 23-06-002 on February 16 [15], 2023.

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 1, Amended 3, 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: May 10, 2023.

Melinda Owens Dourte  
Executive Assistant to the President

**OTS-4368.1**

AMENDATORY SECTION (Amending WSR 18-17-026, filed 8/6/18, effective 9/6/18)

**WAC 132R-04-015 Definitions.** For the purposes of this chapter, terms are defined as follows:

(1) "Student conduct officer" is a college administrator designated by the president to be responsible for implementing and enforcing the student conduct code. The vice president of learning and student success will serve as the student conduct officer or may appoint a designee.

(2) "Conduct review officer" is a college administrator designated by the president to be responsible for receiving and facilitating appeals from student disciplinary actions and for reviewing initial decisions issued in a brief adjudicative proceeding. The conduct review officer shall be designated by the president and shall be authorized to grant appropriate relief upon review. The director of student programs will serve as the conduct review officer, unless otherwise designated by the president.

(3) "The president" is the president of the college. The president is authorized to delegate any and all of his or her responsibilities

ties as set forth in this chapter as may be reasonably necessary and to reassign any and all duties and responsibilities as set forth in this chapter as may be reasonably necessary.

(4) "Disciplinary action" is the process by which discipline is imposed by the student conduct officer against a student for a violation of the student conduct code.

(5) "Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess of (~~ten~~) 10 instructional days or an expulsion are heard by the disciplinary committee. Appeals of all other appealable disciplinary action may be reviewed through brief adjudicative proceedings.

(6) "Respondent" is the student against whom disciplinary action is being taken.

(7) "Service" is the process by which a document is officially delivered to a party. Unless expressly specified otherwise, service upon a party shall be accomplished by:

(a) Hand delivery of the document to the party; or

(b) By sending the document to the college assigned email, once one has been generated, and by certified mail to the party's last known address.

Service is deemed complete upon hand delivery of the document or upon the date the document is emailed, if possible, and deposited into the mail.

(8) "Filing" is the process by which a document is officially delivered to a school official responsible for facilitating a disciplinary review by a presiding officer. Unless expressly specified otherwise, filing shall be accomplished by:

(a) Hand delivery of the document to the school official or school official's assistant; or

(b) By sending the document by email and first class mail to the recipient's college-assigned email and office address.

Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified official or presiding officer.

(9) "College premises" shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, or controlled by the college.

(10) "Student" is defined as all persons taking courses at or through the college, including those concurrently attending secondary or postsecondary institutions and college, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit courses (excluding those trainings occurring through the Center for Business and Industry Service and the Japanese Agriculture Training Program), irrespective of modality. Persons who withdraw after allegedly violating the student code of conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered "students" for the purposes of this chapter. "Continuing relationship" is established when a student is registered for an upcoming term or has indicated an intent to do so via a transaction, such as submitting a financial aid application for an upcoming term.

(11) "Student group" for purposes of this code, is a student organization, athletic team, or living group including, but not limited to, student clubs and organizations, members of a class or student co-

hort, student performance groups, and student living groups within student housing.

(12) "Business day" means a weekday, excluding weekends and college holidays. If a time period is not specifically stated in business days, then calendar days apply.

~~((12))~~ (13) "Complainant" means any person who files a complaint alleging that a student or student organization violated the standards of conduct for students. Complainant also refers to the college when the college files the complaint.

~~((13))~~ (14) "Sexual misconduct" has the meaning ascribed to this term in WAC 132R-04-057.

[Statutory Authority: RCW 28B.50.140. WSR 18-17-026, § 132R-04-015, filed 8/6/18, effective 9/6/18; WSR 17-22-054, § 132R-04-015, filed 10/25/17, effective 11/25/17; WSR 16-15-011, § 132R-04-015, filed 7/8/16, effective 8/8/16. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-015, filed 7/14/03, effective 8/14/03.]

AMENDATORY SECTION (Amending WSR 17-22-054, filed 10/25/17, effective 11/25/17)

**WAC 132R-04-017 Statement of jurisdiction.** (1) The student conduct code (~~(adopted herein applies to student conduct)~~) shall apply to conduct by students and student groups that occurs:

(a) On college premises (~~(τ)~~); or

(b) At or in connection with college-sponsored activities (~~(τ and)~~); or

(c) To off-campus (~~(student)~~) conduct that in the judgment of the college adversely affects the (~~(well-being of the)~~) college community (~~(and/)~~) or the pursuit of its objectives.

(2) Jurisdiction extends to, but is not limited to, locations in which students or student groups are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training internships, cooperative and distance education, online education, practicums, supervised work experiences (~~(τ)~~) or any other college-sanctioned social or club activities and college-sanctioned housing.

(3) Students are responsible for their conduct from (~~(the time of application for admission)~~) notification of admission to the college through the actual receipt of a certificate or degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment.

(4) These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending.

(5) The student conduct officer has sole discretion, on a case-by-case basis, to determine whether the student conduct code (~~(of student conduct)~~) will be applied to conduct (~~(occurring)~~) by students or student groups that occurs off campus.

[Statutory Authority: RCW 28B.50.140. WSR 17-22-054, § 132R-04-017, filed 10/25/17, effective 11/25/17; WSR 16-15-011, § 132R-04-017, filed 7/8/16, effective 8/8/16. Statutory Authority: RCW 28B.50.140

and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-017, filed 7/14/03, effective 8/14/03.]

AMENDATORY SECTION (Amending WSR 21-08-012, filed 3/26/21, effective 4/26/21)

**WAC 132R-04-057 Student code of conduct violations.** The college may impose sanctions against a student or student group who commits, attempts to commit, aids, abets, incites, encourages, or assists another person to commit an act(s) of misconduct (~~(. Misconduct for which the college may impose sanctions)~~), which includes, but is not limited to, any of the following:

(1) **Academic dishonesty.** Any act of academic dishonesty including, but not limited to, cheating, plagiarism, or fabrication.

(a) Cheating includes, but is not limited to, any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.

(b) Plagiarism includes, but is not limited to, taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. Prohibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.

(c) Fabrication includes falsifying data, information, or citations in completing an academic assignment, and also includes providing false or deceptive information in an instructional course concerning the completion of an assignment.

(d) This section shall not be construed as preventing an instructor from taking immediate disciplinary action as provided herein where the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom.

(e) This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for academic dishonesty.

(2) **Other dishonesty.** Acts of dishonesty include, but are not limited to:

(a) Forgery, alteration, submission of falsified documents or misuse of any college document, record, or instrument of identification;

(b) Tampering with an election conducted by or for college students; or

(c) Furnishing false information, or failing to furnish correct information, in response to the request or requirement of a college officer or employee.

(3) **Obstructive or disruptive conduct.** Conduct not otherwise protected by law that interferes with, impedes, or otherwise unreasonably hinders:

(a) Any instruction, research, administration, disciplinary proceeding, or other college activities, including the obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity; or

(b) Any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.

(4) **Assault, intimidation, harassment.** Unwanted touching, physical abuse, verbal abuse, threat(s), intimidation, harassment, bully-

ing, or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purposes of this code, bullying is repeated or aggressive unwanted behavior, not otherwise protected by law, that humiliates, harms, or intimidates the victim.

(5) **Cyber misconduct.** Cyber misconduct including, but not limited to: Cyberstalking, cyberbullying, or online harassment.

(a) Use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, to harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person.

(b) Prohibited activities include, but are not limited to, unauthorized monitoring of another's email communications directly or through spyware, sending threatening emails, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third-parties using another's email identity, nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.

(6) **Property violation.** Damage to, misappropriation of, unauthorized use or possession of, vandalism, or other nonaccidental damaging or destruction of college property or the property of another person.

Property for the purposes of this subsection includes computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college trademarks.

(7) **Failure to comply with directive.** Failure to comply with the directive(s) of a college officer or employee who is acting in the legitimate performance of his or her duties, including failure to properly identify oneself to such a person when requested to do so.

(8) **Weapons.** Possession of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device or any other weapon apparently capable of producing bodily harm, unless previously authorized by the vice president of learning and student success. This policy does not apply to the possession of a personal protection spray device, as authorized by RCW 9.91.160. This policy is subject to the following exceptions:

(a) Commissioned law enforcement personnel in the state of Washington, legally authorized military personnel while in performance of their duties, and other persons or entities authorized by contract to carry firearms in the course of their employment;

(b) A student with a valid concealed weapons permit may store a pistol in his or her vehicle parked on campus in accordance with RCW 9.41.050 (2) or (3), provided the vehicle is locked and the weapon is concealed from view; or

(c) The president or designee may grant permission to bring a weapon on campus upon a determination that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to such terms or conditions incorporated in the written permission.

(9) **Hazing.** (~~Hazing includes, but is not limited to, any initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student.~~)

(a) Hazing is any act committed as part of:

(i) A person's recruitment, initiation, pledging, admission into, or affiliation with a student group; or

(ii) Any pastime or amusement engaged in with respect to such a student group; or

(iii) That causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student.

(b) Examples of hazing include, but are not limited to:

(i) Causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm;

(ii) Humiliation by ritual act;

(iii) Striking another person with an object or body part;

(iv) Causing someone to experience excessive fatigue, or physical and/or psychological shock; or

(v) Causing someone to engage in degrading or humiliating games or activities that create a risk of serious psychological, emotional, and/or physical harm.

(c) "Hazing" does not include customary athletic events or other similar contests or competitions. See RCW 28B.10.900.

(d) Consent is not a valid defense against hazing.

**(10) Alcohol, drug, and tobacco violations.**

(a) Alcohol. The use, possession, delivery, sale, or being visibly under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.

(b) Marijuana. The use, possession, delivery, or sale of marijuana or the psychoactive compounds found in marijuana intended for human consumption, regardless of form, or being observably under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

(c) Drugs. The use, possession, delivery, sale, or being observably under the influence of any legend drug (including anabolic steroids, androgens, or human growth hormones), narcotic drug or controlled substance as defined in chapters 69.41 and 69.50 RCW, except in accordance with a lawful prescription for that student by a licensed health care professional.

(d) Tobacco, electronic cigarettes, and related products. The use of tobacco, electronic cigarettes, and related products in any building owned, leased, or operated by the college, or in any location where such use is prohibited, or in any location other than the parking lots, including (~~twenty-five~~) 25 feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased or operated by the college. The use of tobacco, electronic cigarettes, and related products on the college campus is restricted to designated smoking areas.

"Related products" include, but are not limited to, cigarettes, pipes, bidi, clove cigarettes, waterpipes, hookahs, chewing tobacco, vaporizers, and snuff.

(11) **Disorderly conduct.** Conduct which is disorderly, lewd, indecent, or obscene, that is not otherwise protected under the law.

(12) **Discriminatory conduct.** Conduct which harms or adversely affects any member of the college community because of race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age (40+); religion; creed; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

(13) **Sexual misconduct.** The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence. Sexual harassment prohibited by Title IX is defined in the supplemental procedures to this code. See WAC 132R-04-103.

(a) **Sexual harassment.** The term "sexual harassment" means unwelcome sexual or gender-based conduct, including unwelcomed sexual advances, requests for sexual favors, quid pro quo harassment, and other verbal, nonverbal, or physical conduct of a sexual or a gendered nature that is sufficiently severe, persistent, or pervasive as to:

(i) Deny or limit the ability of a student to participate in or benefit from the college's educational programs or activities;

(ii) Alter the terms or conditions of employment for a college employee(s); and/or

(iii) Create an intimidating, hostile, or offensive environment for other campus community members.

(b) **Sexual intimidation.** The term "sexual intimidation" incorporates the definition of sexual harassment and means threatening or emotionally distressing conduct based on sex. This includes, but is not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

(c) **Sexual violence.** "Sexual violence" is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

(i) Nonconsensual sexual intercourse. Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(ii) Nonconsensual sexual contact. Any actual or attempted sexual touching, however slight, with any object or body part, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(iii) Incest. Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren, and adopted children under the age of (~~eighteen~~) 18.

(iv) Statutory rape. Consensual intercourse between a person who is (~~eighteen~~) 18 years of age or older, and a person who is under the age of (~~sixteen~~) 16.

(v) Domestic violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(vi) Dating violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(I) The length of the relationship;

(II) The type of relationship; and

(III) The frequency of interaction between the persons involved in the relationship.

(vii) Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) Fear for their safety or the safety of others; or

(B) Suffer substantial emotional distress.

(viii) Consent. Clear, knowing, and voluntary permission by word or action to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be actual words or conduct indicating freely given agreement to the act at the time of the act. Consent cannot be inferred from silence, passivity, or lack of active resistance. Consent can be withdrawn by either party at any point. Consent to engage in one activity, or past agreement to engage in a particular activity, cannot be presumed to constitute consent to engage in a different activity or to engage in the same activity again. There is no consent where there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. A person cannot consent if they are unable to understand what is happening or are disoriented, or if they are asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapable of consent has engaged in nonconsensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

(14) **Harassment.** Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person's race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age (40+); religion; creed; sexual orientation; gender identity; veteran's status; or any other legally protected classification. See supplemental definitions: "Sexual misconduct" for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media and electronic communications.

(15) **Retaliation.** Harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because such person reported an alleged violation of this code or college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in a college investigation or disciplinary proceeding.

(16) **Misuse of electronic resources.** Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:

- (a) Unauthorized use of such resources or opening of a file, message, or other item;
  - (b) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;
  - (c) Unauthorized use or distribution of someone else's password or other identification;
  - (d) Use of such time or resources to interfere with someone else's work;
  - (e) Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;
  - (f) Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;
  - (g) Use of such time or resources in violation of applicable copyright or other law;
  - (h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization; or
  - (i) Failure to comply with the college's electronic use policy.
- (17) **Unauthorized access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property.
- (18) **Safety violations.** Safety violation includes any nonaccidental conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of the campus community, including tampering with fire safety equipment and triggering false alarms or other emergency response systems.
- (19) **Abuse of process.** Abuse or misuse of any of the procedures relating to student complaints or misconduct including, but not limited to:
- (a) Failure to obey a subpoena or order to appear at a hearing;
  - (b) Falsification or misrepresentation of information;
  - (c) Disruption, or interference with the orderly conduct, of a proceeding;
  - (d) Interfering with someone else's proper participation in a proceeding;
  - (e) Destroying or altering potential evidence, or attempting to intimidate or otherwise improperly pressure a witness or potential witness;
  - (f) Attempting to influence the impartiality of, or harassing or intimidating, a student disciplinary committee member; or
  - (g) Failure to comply with any disciplinary sanction(s) imposed under this student conduct code.
- (20) **Unsafe vehicle operation.** Operation of any motor vehicle on college property in an unsafe manner or in a manner which is reasonably perceived as threatening the health or safety of another person.
- (21) **Violation of other laws or policies.** Violation of any federal, state, or local law, rule, or regulation or other college rules or policies, including college traffic and parking rules.
- (22) **Ethical violation.** The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing as an educational goal or major.
- (23) **Aiding or abetting.** Aiding, abetting, inciting, encouraging, or assisting another person to commit any of the foregoing acts of misconduct.

In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

[Statutory Authority: Chapter 34.05 RCW; and RCW 28B.50.140(13) and 34 C.F.R. Part 106; Nelson v. Spokane Community College, 14 Wn. App.2d 40, 469 P.3d 317 (2020). WSR 21-08-012, § 132R-04-057, filed 3/26/21, effective 4/26/21. Statutory Authority: RCW 28B.50.140. WSR 18-17-026, § 132R-04-057, filed 8/6/18, effective 9/6/18; WSR 17-22-054, § 132R-04-057, filed 10/25/17, effective 11/25/17; WSR 16-15-011, § 132R-04-057, filed 7/8/16, effective 8/8/16. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-057, filed 7/14/03, effective 8/14/03.]

#### NEW SECTION

- WAC 132R-04-061 Hazing prohibited—Sanctions.** (1) Hazing by a student or a student group is prohibited pursuant to WAC 132R-04-057.
- (2) No student may conspire to engage in hazing or participate in hazing of another. State law provides that hazing is a criminal offense, punishable as a misdemeanor. See RCW 28B.10.901 (2) and (3).
- (3) Washington state law provides that:
- (a) Any student group that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing. If the organization, association, or student living group is a corporation whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages. RCW 28B.10.901(3).
- (b) Any person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the college. RCW 28B.10.902(1).
- (c) Student groups that knowingly permit hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by the college. RCW 28B.10.902(2).
- (d) Student groups found responsible for violating the code of student conduct, college antihazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault will be disclosed in a public report issued by the college setting forth the name of the student group, the date the investigation began, the date the investigation ended, a finding of responsibility, a description of the incident(s) giving rise to the finding, and the details of the sanction(s) imposed.

[ ]

**WSR 23-11-062**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed May 12, 2023, 3:18 p.m., effective June 12, 2023]

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

Purpose: This rule making is to simplify the process of applying for program modifications and accessibility permits in part by specifying the criteria for the most common special use permits (WAC 220-200-200 through 220-200-230). The changes will reduce barriers that may impede participation by persons with disabilities by streamlining the administrative processes associated with these common requests. The changes will also ensure consistent application of permit standards, allowing for increased equity and efficiency of department services to Washington communities.

The new rules at WAC 220-200-240 will also ensure that the Washington department of fish and wildlife (WDFW) may appropriately evaluate requests for program modifications based on unique circumstances not covered by WAC 220-200-200 through 220-200-230.

Finally, the adopted rules clarify existing definitions, create new definitions, specify terms and conditions, and provide appropriate appeal rights for decisions to deny, revoke, suspend, or modify special use permits and disability designations.

Citation of Rules Affected by this Order: New WAC 220-200-200, 220-200-210, 220-200-220, 220-200-230 and 220-200-240; and amending WAC 220-200-160, 220-200-170, 220-200-180, 220-200-190, and 220-305-120.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.32.237, 77.04.020.

Adopted under notice filed as WSR 23-06-075 on March 1, 2023.

Changes Other than Editing from Proposed to Adopted Version: There are no differences in the text of the rules as adopted. However, there were minor errors in the CR-102 document, consisting only of rule titles, which WDFW identifies here for clarity:

1. For WAC 220-200-190 the proposed title, "Disability designation—Suspension or denial—Appeal hearing," was listed on the CR-102 rather than the original rule title, which was "Disability designation." The title of the rule, as adopted, is set forth accurately in the proposed rule language attached to the CR-102, which has been adopted without changes.

2. In WAC 220-200-200, 220-200-210, and 220-200-220 the words "Special use permit—Eligibility—Terms and conditions" are part of each title, as shown in rule text. The CR-102 document, pages 1 and 2, refers to the rule in an abbreviated format that did not include the full rule title which is correctly set forth in the rule text.

3. WAC 220-200-230 - The proposed title on page one of the CR-102 was different than on page two. The final adopted WAC title now reads "Alternate casting gear special use permit—Eligibility—Terms and conditions." This title is likewise set forth accurately in the proposed rule language attached to the CR-102, which has been adopted without changes.

4. WAC 220-200-240 - The proposed title in the CR-102, "Special use permits for persons with a permanent disability" was inaccurate. The final adopted title reads "Accessibility special use permit for a person with a disability," and is likewise set forth accurately in the

proposed rule language attached to the CR-102, which has been adopted without changes.

In all four cases above, the text of the proposed rule language attached to the CR-102 (including titles) has not been modified in the rule as adopted by this order.

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 5, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, 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: May 12, 2023.

Kelly Susewind  
Director

## OTS-4358.2

AMENDATORY SECTION (Amending WSR 18-16-074, filed 7/30/18, effective 8/30/18)

### **WAC 220-200-160 Definitions ~~((of a person with a disability))~~.**

~~((1) "Person with a disability" for purposes of eligibility under disability designation means a person who has a permanent physical disability or permanent developmental disability which substantially impairs the person's ability to participate in recreational activities or to access department lands including, but not limited to:~~

~~(a) "Lower extremity disability," which means the person has a permanent lower extremity impairment and is not ambulatory over natural terrain without a lower extremity prosthesis or must permanently use a medically prescribed assistive device every time for mobility including, but not limited to, a wheelchair, crutch, walker, or oxygen bottle; or~~

~~(b) "Upper extremity disability," which means the person has a permanent upper extremity impairment and is physically limited in their ability to hold and safely operate a legal hunting or harvesting device.~~

~~(c) These definitions include, but are not limited to, persons with a permanent upper or lower extremity impairment who have lost the use of one or both upper or lower extremities, or who have a severe physical limitation in the use of one or both upper or lower extremities, or who have a diagnosed permanent disease or disorder which substantially impairs or severely interferes with mobility or the use of one or both upper or lower extremities.~~

~~(2) "Blind" or "visually impaired," which means:~~

~~(a) Having a central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field does not exceed twenty degrees; or~~

~~(b) Having a severe loss of visual acuity ranging from 20/70 to 20/200 while retaining some visual function; or~~

~~(c) Having inoperable visual impairments including, but are not limited to: Albinism, aniridia, aphakia, cataracts, glaucoma, macular degeneration, or other similar diagnosed disease or disorder.~~

~~(3) "Developmental disability," which means a cognitive intellectual disability such as: Cerebral palsy, down syndrome, epilepsy, autism, or another neurological condition of an individual found to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.)~~

The following definitions apply to WAC 220-200-170 through 220-200-240:

(1) "Person with a disability" for purposes of eligibility under disability designation means a person who has a permanent physical disability or permanent developmental disability which substantially impairs the person's ability to participate in recreational activities or to access department lands including, but not limited to:

(a) "Extremity disability" which means the person has lost the use of one or both upper or lower extremities, or has a severe physical limitation in the use of one or both upper or lower extremities, or has a diagnosed permanent disease or disorder which substantially impairs or severely interferes with mobility or the use of one or both upper or lower extremities. This definition includes, but is not limited to, the definitions in (a) (i) and (ii) of this subsection.

(i) "Lower extremity disability" which means the person has a permanent lower extremity impairment and is not ambulatory over natural terrain without a lower extremity prosthesis or must permanently use a medically prescribed assistive device every time for mobility including, but not limited to, a wheelchair, crutch, walker, or oxygen bottle; or

(ii) "Upper extremity disability" which means the person has a permanent upper extremity impairment and is physically limited in their ability to hold and safely operate a legal hunting or harvesting device.

(b) "Blind" or "visually impaired" which means:

(i) Having a central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field does not exceed 20 degrees; or

(ii) Having a severe loss of visual acuity ranging from 20/70 to 20/200 while retaining some visual function; or

(iii) Having inoperable visual impairments including, but not limited to: Albinism, aniridia, aphakia, cataracts, glaucoma, macular degeneration, or other similar diagnosed disease or disorder.

(c) "Developmental disability" which means a cognitive intellectual disability such as: Cerebral palsy, down syndrome, epilepsy, autism, or another neurological condition of an individual found to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which originates before the individual attains age 18, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(2) "Approved medical professional" means a medical doctor (MD), doctor of osteopathy (DO), advanced registered nurse practitioner (ARNP), physician assistant (PA), physician assistant of osteopathy (PAO).

(3) "In good standing" means:

(a) The applicant has received and maintains a disability designation under WAC 220-200-190 and that disability designation is not currently suspended under WAC 220-200-190;

(b) The applicant's hunting or fishing license or privileges are not currently revoked or suspended in Washington or in another state; and

(c) No special use permit previously awarded to the applicant is currently suspended under WAC 220-200-180.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.047, 77.32.237, 77.32.238, and 77.32.400. WSR 18-16-074 (Order 18-162), § 220-200-160, filed 7/30/18, effective 8/30/18. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 17-17-109, recodified as § 220-200-160, 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 § 220-413-150, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-825, filed 4/25/14, effective 5/26/14.]

## OTS-4359.2

AMENDATORY SECTION (Amending WSR 18-16-074, filed 7/30/18, effective 8/30/18)

**WAC 220-200-170 Special use permits.** (1) A special use permit issued by the department sets forth terms and conditions determined by the director to allow for reasonable accommodations for persons granted disability designation.

(2) The following terms and conditions apply to all special use permits:

(a) A special use permit(s) must be carried on the person named on the permit, who is acting under or using devices authorized by the special use permit(s);

(b) A special use permit holder must, upon request, surrender the permit(s) for inspection to any authorized law enforcement officer or department employee; and

(c) A special use permit holder must deny use of the permit to any other person.

(3) The terms ((for use granted by)) and conditions of a special use permit(, when provided as a reasonable modification,) supersede department rules that conflict with the terms and conditions of the special use permit.

(4) When utilizing a special use permit, the person named on the permit must comply with all applicable statutes and rules other than those department rules specifically superseded by the special use permit.

(5) It is unlawful to fail to abide by the terms and conditions of a special use permit. Violation of this subsection is punishable under RCW 77.15.160(6) (~~((b))~~), 77.15.230, or 77.15.750, or other statutes under chapter 77.15 RCW depending on the circumstances of the violation.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.047, 77.32.237, 77.32.238, and 77.32.400. WSR 18-16-074 (Order 18-162), § 220-200-170, filed 7/30/18, effective 8/30/18. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 17-17-109, recodified as § 220-200-170, 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 § 220-413-130, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-819, filed 4/25/14, effective 5/26/14.]

### OTS-4360.1

AMENDATORY SECTION (Amending WSR 18-16-074, filed 7/30/18, effective 8/30/18)

**WAC 220-200-180 Special use permit—Suspension ((of a special use permit)), modification, revocation, or denial—Appeal hearing.**

(1) The department may suspend a person's special use permit for the following reasons and corresponding lengths of time:

(a) Upon conviction or any outcome in criminal court whereby a person voluntarily enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions or is found to have committed an infraction under Title 77 RCW or the department's rules for an act committed while the person is using the special use permit, the department shall suspend the person's special use permit for two years;

(b) Upon conviction or any outcome in criminal court whereby a person voluntarily enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions or is convicted of a misdemeanor or gross misdemeanor under Title 77 RCW or the department's rules for an act committed while the person is using the special use permit, the department shall suspend the person's special use permit for five years;

(c) Upon conviction or any outcome in criminal court whereby a person voluntarily enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions or is convicted of trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement while hunting, fishing, or engaging in any activity regulated by the department, the department shall suspend the person's special use permit for life;

(d) Upon conviction or any outcome in criminal court whereby a person voluntarily enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions or is convicted of a felony violation under Title

77 RCW for an act committed while the person is using the special use permit, the department shall suspend the person's special use permit for life;

(e) If the person has a hunting or fishing license revoked or has hunting or fishing license privileges suspended in another state, the department shall suspend the person's special use permit for the duration of the underlying suspension or revocation;

(f) If the person is cited, or charged by complaint, for an offense under Titles 76, 77, 79, 79A, 9, and 9A RCW; or for unlawful use of a department permit, trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement while hunting, fishing, or engaging in any activity regulated by the department for an act committed while the person is using the special use permit, the department shall immediately suspend the person's special use permit until the offense has been adjudicated; or

(g) If the person submits fraudulent information to the department related to the person's special use permit, the department shall suspend the person's special use permit for five years.

(2) The department may suspend a person's special use permit for two years if the person fails to abide by the terms or conditions of the special use permit issued to that person.

(3) The department may modify or revoke a person's special use permit in order to:

(a) Address conservation management needs relating to the special use permit;

(b) Ensure the safety of the public and WDFW employees;

(c) Avoid a fundamental alteration of the program, service or activity facilitated by the special use permit;

(d) Incorporate appropriate updates in adaptive equipment;

(e) Address changes in federal or state law or regulations; or

(f) Address other compelling circumstances identified by the WDFW director.

(4) The department will provide written notice of suspension, modification, or revocation of a special use permit to the permit holder. The notice will describe the circumstances underlying the suspension, modification, or revocation. Any person with a disability issued a special use permit, who is notified of an intended suspension, modification, or revocation, may request an appeal hearing under chapter 34.05 RCW. A written request for hearing must be received by the department within ((twenty)) 20 days of the date of the notice of suspension, modification, or revocation.

(5) Any person with a disability designation in good standing, as defined in WAC 220-200-160, whose application for a special use permit is denied by the department may request an appeal hearing under chapter 34.05 RCW. A written request for a hearing must be received by the department within 20 days of the date of the notice of denial.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.047, 77.32.237, 77.32.238, and 77.32.400. WSR 18-16-074 (Order 18-162), § 220-200-180, filed 7/30/18, effective 8/30/18.]

**OTS-4361.1**

AMENDATORY SECTION (Amending WSR 18-16-074, filed 7/30/18, effective 8/30/18)

**WAC 220-200-190 Disability designation—Suspension or denial—Appeal hearing.** (1) A person meeting the definition of "person with a disability" under WAC 220-200-160, and who submits the required application (~~and accompanying documentation~~) properly completed and certified, shall be granted a disability designation by the department.

(2) If a person submits fraudulent information to the department related to the person's application for disability designation, the department shall suspend the person's disability designation for five years.

(3) The department will provide written notice of suspension to the permit holder. The notice will describe the circumstances underlying the suspension.

(4) A person whose application for a disability designation is denied or whose disability designation is suspended by the department may request ((a)) an appeal hearing to contest the denial or suspension under chapter 34.05 RCW. A written request for a hearing must be received by the department within ((twenty)) 20 days of the date of the notice of denial or suspension.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.047, 77.32.237, 77.32.238, and 77.32.400. WSR 18-16-074 (Order 18-162), § 220-200-190, filed 7/30/18, effective 8/30/18.]

## OTS-4343.2

### NEW SECTION

**WAC 220-200-200 Crossbow special use permit—Eligibility—Terms and conditions.** (1) A crossbow special use permit issued by the department allows a person with a disability, meeting the requirements of subsection (2) of this section, to utilize a crossbow device during archery or muzzleloader season with the corresponding license and transport tag. The permit also allows the use of a manufacturer-equipped scope, and a tripod system or mount support for the crossbow.

(2) A special use permit for a crossbow device is available to any person who:

(a) Has applied for, received, and maintains a disability designation in good standing; and

(b) Accounting for the department's recommended processing time, submits the required application completed by an approved medical professional, as defined in WAC 220-200-160(2), who certifies that:

(i) The applicant has an upper extremity disability or a developmental disability as defined in WAC 220-200-160(1); and

(ii) The applicant's upper extremity or developmental disability permanently limits the person's ability to hold and safely operate a long bow, recurve bow, or compound bow.

(3) In addition to the terms and conditions in WAC 220-200-170, the following terms and conditions also apply under the crossbow special use permit:

- (a) The crossbow must meet the requirements of WAC 220-414-100 (1)(b) through (f);
- (b) The crossbow must be equipped with a cocking assistive device which must be employed prior to firing the crossbow; and
- (c) Other individual terms and conditions as set forth on the permit or award letter.
- (4) It is unlawful to fail to abide by the terms and conditions of this special use permit. Violation of this subsection is punishable under RCW 77.15.160(6), 77.15.230, 77.15.400, 77.15.410, 77.15.430, 77.15.750, or other statutes under chapter 77.15 RCW, depending on the circumstances of the violation.

[]

NEW SECTION

- WAC 220-200-210 Scope special use permit—Eligibility—Terms and conditions.** (1) A scope special use permit issued by the department allows a person who is blind or visually impaired, and who meets the requirements of subsection (2) of this section, to utilize a scope device during archery or muzzleloader season, with the corresponding license and transport tag. The permit also authorizes the use of a tripod system or mount support, and an iScope or similar visual aid for assistance.
- (2) A special use permit for a scope device is available to any person who:
- (a) Has applied for, received, and maintains a disability designation in good standing; and
- (b) Accounting for the department's recommended processing time, submits the required application completed by a doctor of ophthalmology, doctor of optometry, or an approved medical professional, who certifies that:
- (i) The applicant is blind or visually impaired as defined in WAC 220-200-160(1) as a result of a condition other than hyperopia, myopia, astigmatism, presbyopia, or other similar conditions; and
- (ii) The applicant's blindness or visual impairment, as those terms are defined in WAC 220-200-160(1), is significant enough to render the person unable to safely operate a muzzleloader or archery device without a scope.
- (3) In addition to the terms and conditions in WAC 220-200-170, other individual terms and conditions as set forth on the permit or award letter also apply under the scope special use permit.
- (4) It is unlawful to fail to abide by the terms and conditions of this special use permit. Violation of this subsection is punishable under RCW 77.15.160(6), 77.15.230, 77.15.400, 77.15.410, 77.15.430, 77.15.750, or other statutes under chapter 77.15 RCW depending on the circumstances of the violation.

[]

NEW SECTION

**WAC 220-200-220 Shooting from a vehicle (blue placard) special use permit—Eligibility—Terms and conditions.** (1) A person with a disability who meets the requirements of subsection (2) of this section is eligible for a special use permit to operate their hunting device from within a motorized vehicle in accordance with WAC 220-413-140.

(2) A disabled hunter "shooting from a vehicle" identification placard (blue placard) special use permit is available to any person who:

(a) Has applied for, received, and maintains a disability designation in good standing; and

(b) Has been issued a department of licensing disability parking placard or disability vehicle license plate, or equivalent from another state, for a permanent disability; and

(c) Accounting for the department's recommended processing time, submits the required application completed by an approved medical professional who certifies that the applicant:

(i) Has a lower extremity disability or developmental disability as defined in WAC 220-200-160(1); and

(ii) Meets one of the following:

(A) Requires physical assistance from another individual, a wheelchair lift, ramp, or other boarding assistance device to help the applicant board (enter) and disembark (exit) from a motorized vehicle each and every time; or

(B) Requires the assistance of a portable DC life-sustaining medical device (oxygen generator, heart pump machine, etc.) every time to board, ride, and disembark from a motorized vehicle; and

(iii) The applicant's lower extremity disability or developmental disability is significant enough to render the person unable to hunt without this permit.

(3) In addition to the terms and conditions in WAC 220-200-170, the following terms and conditions also apply under the "shooting from a vehicle - blue placard" special use permit:

(a) When utilizing this special use permit, the "blue placard" must be placed on the vehicle and clearly visible to the public;

(b) This special use permit does not allow for illegal travel cross-country, behind locked gates, or onto private property;

(c) It is unlawful for any person to shoot from upon or from within a motorized vehicle unless they are named on the special use permit. The designated hunter companion is not permitted to utilize this special use permit on behalf of the hunter with a disability; and

(d) Other individual terms and conditions as set forth on the permit or award letter.

(4) It is unlawful to fail to abide by the conditions of this special use permit. Violation of this subsection is punishable under RCW 77.15.160(6), 77.15.230, 77.15.400, 77.15.410, 77.15.430, or 77.15.750, or other statutes under chapter 77.15 RCW depending on the circumstances of the violation.

[]

NEW SECTION

**WAC 220-200-230 Alternate casting gear special use permit—Eligibility—Terms and conditions.** (1) A person with a disability who meets the requirements of subsection (2) of this section is eligible for a special use permit to utilize alternate casting gear in fly fishing only waters or seasons in accordance with WAC 220-305-120.

(2) An "alternate casting gear" special use permit is available to any person who:

(a) Has applied for, received, and maintains a disability designation in good standing; and

(b) Accounting for the department's recommended processing time, submits the required application completed by an approved medical professional who certifies that:

(i) The applicant has an upper extremity disability or a developmental disability as defined in WAC 220-200-160(1); and

(ii) The applicant's upper extremity disability or developmental disability is such that the person is physically incapable of holding and safely operating conventional fly fishing gear.

(3) In addition to the terms and conditions in WAC 220-200-170, the following terms and conditions also apply under the "alternate casting gear" special use permit:

(a) Hook size and barb restrictions, fishing fly requirements, and bait and weight prohibitions as provided for in WAC 220-310-150; and

(b) Other individual terms and conditions as set forth on the permit or award letter.

(4) It is unlawful to fail to abide by the terms and conditions of this special use permit. A violation of this section is punishable under RCW 77.15.160(6), 77.15.380, or other statutes under chapter 77.15 RCW depending on the circumstances of the violation.

[]

NEW SECTION

**WAC 220-200-240 Accessibility special use permit for a person with a disability.** (1) In addition to the specific criteria provided elsewhere in this chapter, the department may issue an accessibility special use permit to a person with a disability, as defined in WAC 220-200-160(1), who:

(a) Has applied for, received, and maintains a disability designation in good standing; and

(b) Requests an accessibility special use permit;

(c) Specifically identifies the department rule(s) for which an exception is requested;

(d) Clearly describes the need and justification for a departure from an existing department rule(s) as a result of a disability condition; and

(e) Accounting for the department's recommended processing time, submits the required application completed by an approved medical professional, as defined in WAC 220-200-160(2), who certifies that all of the following are true:

(i) The applicant is a person with a disability, as defined in WAC 220-200-160(1);

(ii) The applicant's disability condition, as defined in WAC 220-200-160(1), prevents the applicant from meaningfully and equally participating in a department program, service, or activity; and

(iii) The requested accessibility special use permit would enable the applicant to participate in the relevant program, service, or activity in a meaningful and equal manner.

(2) In addition to the terms and conditions in WAC 220-200-170, other individual terms and conditions, as set forth on the permit or award letter, also apply under the accessibility special use permit.

(3) It is unlawful to fail to abide by the conditions of this special use permit. A violation of this section is punishable under RCW 77.15.160(6), 77.15.230, 77.15.380, 77.15.410, 77.15.430, 77.15.750, or other statutes under chapter 77.15 RCW depending on the circumstances of the violation.

(4) The department may deny a special use permit request submitted under subsection (1) of this section if:

(a) The requested special use permit would fundamentally alter the nature of the program, service, or activity;

(b) The requested special use permit would result in an undue financial or administrative burden;

(c) The requested special use permit would create a safety risk;

(d) The requested special use permit would create a conservation concern; or

(e) Alternate appropriate means, other than the requested accessibility special use permit, are available that would facilitate the person's participation in the relevant program, service, or activity.

[ ]

## OTS-4349.2

AMENDATORY SECTION (Amending WSR 18-16-074, filed 7/30/18, effective 8/30/18)

### **WAC 220-305-120 Harvesting of shellfish, food fish or game fish by persons with a disability.** (1) Definitions:

(a) "Harvester with a disability" means a person who has been granted a disability designation and who possesses a valid disabled harvester endorsement issued by the department;

(b) "Disabled harvester endorsement" means an endorsement to a license issued by the department to a person who has been granted a disability designation;

(c) "Designated harvester companion" means a designated person who only assists with that physical function the harvester with a disability is unable to perform during his or her recreational activity in the taking of shellfish, food fish, or game fish;

(d) "Designated harvester companion card" means an identification card issued by the department to a harvester with a disability for use by another person in assisting or acting on the behalf of the harvester with a disability while engaging in fishing or harvesting activities.

(2) A designated harvester companion card will be issued to the holder of a disabled harvester endorsement along with the issuance of a harvesting license.

(3) It is unlawful for a harvester with a disability to fail to obtain all licenses, permits and catch record cards prior to fishing.

(4) The designated harvester companion, when accompanied by the harvester with a disability, may assist the harvester with a disability in taking shellfish, game fish and food fish or engage in the taking of shellfish, game fish, and food fish on behalf of the harvester with a disability.

(5) It is unlawful for a designated harvester companion to assist a harvester with a disability unless the harvester with a disability is present and participating in the fishing activity, except:

(a) The harvester with a disability is not required to be present at the location where the designated harvester companion is harvesting shellfish for the harvester with a disability. The harvester with a disability is required to be in the direct line of sight of the designated harvester companion who is harvesting shellfish for him or her, unless it is not possible to be in a direct line of sight because of a physical obstruction or other barrier. If such a barrier or obstruction exists, the harvester with a disability is required to be within one-quarter mile of the designated harvester companion who is harvesting shellfish for him or her and must have a form of reliable and direct communication.

(6) It is unlawful for a designated harvester companion to assist a harvester with a disability unless the designated harvester companion has a valid equivalent harvesting license issued by Washington state or another state.

(7) It is unlawful for a designated harvester companion to assist a harvester with a disability unless the designated harvester companion is licensed and has the designated harvester companion card on his or her person.

(8) Shellfish, game fish or food fish harvested by a designated harvester companion on behalf of a harvester with a disability becomes part of the harvester with a disability's daily or possession limit, and must be kept separate from the designated harvester companion's daily or possession limit.

(9) It is unlawful for a harvester with a disability to utilize (~~spin-casting~~) any angling gear other than fly fishing gear during fly fishing only season, unless the harvester with a disability has been issued a special use permit from the department.

(a) Such person may use (~~spin~~) alternate casting gear with a casting bubble and monofilament line with no limit on breaking strength; and

(b) Hook size and barb restrictions, fishing fly requirements, and bait and weight prohibitions as provided for in WAC 220-310-150, apply to both conventional fly fishing and (~~spin-casting~~) alternate casting gear fly fishing under a special use permit.

(10) A violation of this section is punishable under RCW 77.15.380, or other statutes under chapter 77.15 RCW depending on the circumstances of the violation.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.047, 77.32.237, 77.32.238, and 77.32.400. WSR 18-16-074 (Order 18-162), § 220-305-120, filed 7/30/18, effective 8/30/18. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 17-17-109, amended and recodified as § 220-305-120, filed 8/21/17, effective 9/21/17. Statu-

tory 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 § 220-220-240, filed 2/15/17, effective 3/18/17. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-065, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. WSR 94-01-001, § 220-55-065, filed 12/1/93, effective 1/1/94; WSR 91-08-054 (Order 91-13), § 220-55-065, filed 4/2/91, effective 5/3/91; WSR 88-05-002 (Order 88-03), § 220-55-065, filed 2/4/88; WSR 87-09-066 (Order 87-16), § 220-55-065, filed 4/21/87; WSR 80-13-064 (Order 80-123), § 220-55-065, filed 9/17/80; WSR 79-09-021 (Order 79-58), § 220-55-065, filed 8/10/79.]

## WSR 23-11-068

## PERMANENT RULES

## WHATCOM COMMUNITY COLLEGE

[Filed May 15, 2023, 4:17 p.m., effective June 15, 2023]

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

Purpose: The existing chapter 132U-126 WAC, Student rights and responsibilities, policy does not meet the HB [2SHB] 1751 guidelines on antihazing. Definitions, sanctions, and commitment to antihazing need to be included.

Citation of Rules Affected by this Order: Amending chapter 132U-126 WAC.

Statutory Authority for Adoption: RCW 28B.50.140(13); 20 U.S.C. § 1092(f).

Adopted under notice filed as WSR 23-07-110 on March 20, 2023.

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 4, 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: May 10, 2023.

Lexus Criswell  
Administrative Assistant  
for the Vice President for Student Services

**OTS-4400.1**

AMENDATORY SECTION (Amending WSR 18-17-025, filed 8/6/18, effective 9/6/18)

**WAC 132U-126-005 Statement of jurisdiction.** (1) The student conduct code shall apply to student conduct that occurs:

- (a) On college premises;
- (b) At or in connection with college sponsored activities; or
- (c) To off-campus conduct that, in the judgment of the college, adversely affects the college community or the pursuit of its objectives.

(2) Jurisdiction extends to, but is not limited to, locations in which students or student groups are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training, internships, cooperative and distance education, online education, practicums, supervised work experiences, study abroad, or any other college-sanctioned social or club activities and college sanctioned housing.

(3) Students are responsible for their conduct from ((the time)) notification of admissions to the college through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The student conduct officer has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct that occurs off campus.

(4) These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending.

[Statutory Authority: Chapter 28B.50 RCW. WSR 18-17-025, § 132U-126-005, filed 8/6/18, effective 9/6/18.]

AMENDATORY SECTION (Amending WSR 21-18-100, filed 8/31/21, effective 10/1/21)

**WAC 132U-126-010 Definitions.** The following definitions shall apply for the purpose of this student conduct code:

(1) "Business day" any day, Monday through Friday (excluding holidays), during which college offices are open.

(2) "College community" shall include any person or entity with a connection or relationship with pursuit of the college mission.

(3) "College premises" shall include the college campus and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, leased, or controlled by the college.

(4) "Complainant" is an employee(s), applicant(s), student(s), or visitor(s) of Whatcom Community College who alleges that they have been subjected to behavior that is a violation of this policy.

(5) "Consent" means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact. A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

(6) "Conduct review officer" is the vice president for student services or other college administrator designated by the president to be responsible for receiving and for reviewing or referring appeals of student disciplinary cases in accordance with the procedures of this code.

(7) "Disciplinary action" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

(8) "Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess of ((ten)) 10

business days or an expulsion are heard by the student conduct appeals board. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings.

(9) "Filing" is the process by which a document is received by a college official responsible for facilitating a disciplinary process. Documents required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official. Unless otherwise provided, filing shall be accomplished by:

(a) Hand delivery of the document to the specified college official or college official's assistant; or

(b) Sending the document by first class mail to the specified college official's office; or

(c) Emailing the document to specified college official's college email address.

(10) As used in RCW 28B.10.901 and 28B.10.902, "hazing" includes any act committed as part of a person's recruitment, initiation, pledging, and admission into, or affiliation with a student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student or other person attending a public or private institution of higher education or other postsecondary educational institution in this state, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. "Hazing" does not include customary athletic events or similar contests or competitions.

(11) "Guest" is any person who is not a member of the college community, who is on institutional property or attending an institutional function that the invitation of and/or hosted by a member of the college community.

~~((11))~~ (12) "Preponderance of evidence" is defined as "more likely than not" and is the standard of responsibility that is used when determining whether a violation of the student rights and responsibilities has occurred.

~~((12))~~ (13) "President" is the president of the college. The president is authorized to delegate or reassign any and all of their responsibilities as may be reasonably necessary.

~~((13))~~ (14) "Reporting party" is a student or another member of the college community who reports an alleged violation of this code that has been committed.

~~((14))~~ (15) "Respondent" is the student against whom disciplinary action is initiated.

~~((15))~~ (16) "Service" is the process by which a document is officially delivered to a party. Service is deemed complete upon the hand delivery of the document, or upon the date the document is emailed or post marked by the mail service. Unless otherwise provided, service upon a person shall be accomplished by:

(a) Hand delivery of the document to a person; or

(b) Sending the document by certified or first class mail to the person's last known address; or

(c) Emailing the document to the party's official college email address.

~~((16))~~ (17) "Student" includes all persons taking courses at or through the college, whether on a full-time or a part-time basis, and whether such courses are credit courses, noncredit courses, online

courses, or otherwise. Persons who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admissions are considered "students."

~~((17))~~ (18) "Student conduct code" or "code" is the student rights and responsibilities policy in this chapter.

~~((18))~~ (19) "Student conduct officer" is a college administrator designated by the president or vice president for student services to be responsible for implementing and enforcing the student conduct code.

(20) "Student group" for purposes of this code, is a student organization, athletic team, or living group including, but not limited to, student clubs and organizations, members of a class or student cohort, student performance groups, and student living groups within student housing.

[Statutory Authority: Chapter 28B.50 RCW. WSR 21-18-100, § 132U-126-010, filed 8/31/21, effective 10/1/21; WSR 18-17-025, § 132U-126-010, filed 8/6/18, effective 9/6/18.]

AMENDATORY SECTION (Amending WSR 21-18-100, filed 8/31/21, effective 10/1/21)

**WAC 132U-126-030 Prohibited student conduct.** The college may impose sanctions against a student found responsible for committing, attempting to commit, aiding, abetting, inciting, encouraging, or assisting another person to commit, an act(s) of misconduct which include, but are not limited to, the following:

(1) **Academic dishonesty.** Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication:

(a) Cheating includes any attempt to give or obtain unauthorized collaboration relating to the completion of an academic assignment.

(b) Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. Prohibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.

(c) Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing false or deceptive information to an instructor concerning the completion of an assignment.

(d) The decision to bring a student conduct proceeding under this code for academic dishonesty is at the sole discretion of the student conduct officer. Nothing in this code prohibits instructors and/or academic divisions or departments from imposing academic sanctions, up to and including a failing grade in an academic course or dismissal from an academic program, in response to academic dishonesty. Policies and procedures governing the imposition of academic sanctions for academic dishonesty can be found in the course syllabus, and any applicable program handbook.

(2) **Other dishonesty.** Any other act of dishonesty including, but not limited to:

(a) Forgery, alteration, submission of falsified documents or misuse of any college document, record, or instrument of identification;

(b) Tampering with an election conducted by or for college students;

(c) Furnishing false information, or failing to furnish correct information, in response to the request or requirement of a college officer or employee.

(3) **Disruption or obstruction.** Conduct not otherwise protected by law, that interferes with, impedes, or otherwise unreasonably hinders the following:

(a) Instruction, services, research, administration, disciplinary proceedings, or other college activities, including the obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity; or

(b) Any activity that is authorized to occur on college property or under college jurisdiction, whether or not actually conducted or sponsored by the college.

(4) **Assault or intimidation.** Unwanted touching, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purpose of this code, "bullying" is defined as repeated or aggressive unwanted behavior, not otherwise protected by law that intentionally humiliates, harms, or intimidates the victim.

(5) **Cyber misconduct.** Cyberstalking, cyberbullying, or online harassment. Use of electronic communication including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, to harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's email communications directly or through spyware, sending threatening emails, disrupting electronic communications with spam or by sending a computer virus, correspondence using another's identity, nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.

(6) **Property violation.** Damage to, misappropriation of, unauthorized use or possession of, vandalism, or other nonaccidental damaging or destruction of college property or property of another person. Property for the purposes of this subsection includes, but is not limited to, computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college copyrights and trademarks.

(7) **Failure to comply.** Failure to comply with a directive of a college officer or employee who is acting in the legitimate performance of their duties, including failure to properly identify oneself to such a person when requested to do so.

(8) **Weapons.** Possession, holding, wearing, transporting, storage or presence of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:

(a) Commissioned law enforcement personnel or legally authorized military personnel while in performance of their duties;

(b) A student with a valid concealed weapons permit may store a pistol in their vehicle parked on campus in accordance with RCW 9.41.050 (2) or (3), provided the vehicle is locked and the weapon is concealed from view; or

(c) The president may grant permission to bring a weapon on campus upon a determination that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to such terms or conditions incorporated in the written permission.

(d) This policy does not apply to the possession and/or use of legal disabling chemical sprays when possessed and/or used for self defense.

(9) **Hazing.** (~~Hazing includes, but is not limited to, any initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm.~~)

(a) Hazing is an act committed as part of:

(i) A person's recruitment, initiation, pledging, admissions into, or affiliation with a student group; or

(ii) Any pastime or amusement engaged in with respect to such a student group;

(iii) That causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student.

(b) Examples of hazing include, but are not limited to:

(i) Causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or substance which subjects the person to risk of such harm;

(ii) Humiliation by ritual act;

(iii) Striking another person with an object or body part;

(iv) Causing someone to experience excessive fatigue, or physical and/or psychological shock; or

(v) Causing someone to engage in degrading or humiliating games or activities that create a risk of serious psychological, emotional, and/or physical harm.

(c) "Hazing" does not include customary athletic events or other similar contests or competitions.

(d) Consent is not a valid defense against hazing.

(10) **Alcohol, drug, and tobacco violations.**

(a) **Alcohol.** The use, possession, sale, or being observably under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.

(b) **Marijuana.** The use, possession, delivery, or sale of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form, or being under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

(c) **Drugs.** The use, possession, delivery, sale, or the appearance of being under the influence of any legend drug, including anabolic steroids, androgens, or human growth hormones as defined in chapter 69.41 RCW, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed practitioner.

(d) **Tobacco, electronic cigarettes, and related products.** The use of tobacco, electronic cigarettes, and related products in any building owned, leased or operated by the college or in any location where such use is prohibited, including (~~twenty-five~~) 25 feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased or operated by the college. The use of tobacco, electronic cigarettes, and related products on the college campus is re-

stricted to designated smoking areas. "Related products" include, but are not limited to, cigarettes, pipes, bidi, clove cigarettes, water pipes, hookahs, chewing tobacco, vaporizers, and snuff.

(11) **Lewd conduct.** Conduct which is obscene, indecent, pornographic and/or lascivious that is not otherwise protected under the law.

(12) **Discriminatory conduct.** Conduct which harms or adversely affects any member of the college community because of race; color; national origin; sensory, mental, or physical disability; use of a service animal; age; religion; creed; gender, including pregnancy; marital status; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

(13) **Sexual misconduct.** The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence.

(a) **Sexual harassment.** The term "sexual harassment" means unwelcome sexual or gender-based conduct, including unwelcome sexual advances, requests for sexual favors, quid pro quo harassment, and other verbal, nonverbal, or physical conduct of a sexual or a gendered nature that is sufficiently severe, persistent, or pervasive as to:

(i) Deny or limit the ability to participate in or benefit from the college's educational program;

(ii) Alter the terms or conditions of employment for a college employee(s); and/or

(iii) Create an intimidating, hostile, or offensive environment for other campus community members.

(b) **Sexual intimidation.** The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on gender identity or perceived gender including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

(c) **Sexual violence.** "Sexual violence" is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

(i) Nonconsensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(ii) Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object or body part, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breast, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(iii) Domestic violence includes physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(iv) Dating violence means physical violence, bodily injury, assault, the infliction of fear or imminent physical harm, sexual assault, or stalking committed by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

(v) Stalking means intentional and repeated harassment or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such intent.

(14) **Harassment.** Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person's race; color; national origin; sensory, mental, or physical disability; use of a service animal; age; religion; genetic information; gender, including pregnancy, marital status; sexual orientation; gender identity; veteran's status; or any other legally protected classification. See "sexual misconduct" for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media and electronic communications.

(15) **Hostile environment.** Unwelcome conduct that a reasonable person would find to be so severe, pervasive, or objectively offensive that it effectively denies a person equal access to the college's educational programs or activities.

(16) **Retaliation.** Harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because such person reported an alleged violation of this code or college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in a college investigation or disciplinary proceeding.

(17) **Misuse of electronic resources.** Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:

(a) Unauthorized use of such resources or opening of file, message, or other item;

(b) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;

(c) Unauthorized use or distribution of someone else's password or other identification;

(d) Use of such time or resources to interfere with someone else's work;

(e) Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;

(f) Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;

(g) Use of such time or resources in violation of applicable copyright or other law;

(h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization;

(i) Failure to comply with the college's electronic use policy.

(18) **Unauthorized access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property.

(19) **Safety violation.** Any nonaccidental or negligent conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of self or the campus community, including tampering with fire safety equipment and triggering false alarms or other emergency response systems. A safety violation may include the operation of any motor vehicle on college property in an unsafe manner or in a manner which is reasonably perceived as threatening the health or safety of another person.

(20) **Violation of other laws and policies.** Violation of any federal, state, or local law, rule, or regulation or other college rules or policies.

(21) **Ethical violation.** The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing as an educational goal or major.

In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state, or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

[Statutory Authority: Chapter 28B.50 RCW. WSR 21-18-100, § 132U-126-030, filed 8/31/21, effective 10/1/21; WSR 18-17-025, § 132U-126-030, filed 8/6/18, effective 9/6/18.]

AMENDATORY SECTION (Amending WSR 21-18-100, filed 8/31/21, effective 10/1/21)

**WAC 132U-126-040 Sanctions.** In keeping with the educational mission of Whatcom Community College, sanctions serve the purpose of educating students about their rights and responsibilities, reinforcing the high standards of scholarship expected of Whatcom students, promoting student development, and maintaining safety and well-being of members of the college community. When appropriate, the college may attempt to resolve issues without formal disciplinary action and may give verbal warnings. When a student takes responsibility for a violation or is determined to have violated the code, the student conduct officer may impose one or more of the following sanctions. This list is not meant to be exhaustive and other sanctions may be applied at the discretion of the student conduct officer.

(1) **Disciplinary warning.** A verbal statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.

(2) **Written reprimand.** Notice in writing that the student has violated one or more terms of this code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.

(3) **Disciplinary probation.** Formal action placing specific conditions and restrictions upon the student's continued attendance depend-

ing upon the seriousness of the violation. Probation may be for a specific period of time or for the duration of the student's enrollment at the college.

(4) **Disciplinary suspension.** Dismissal from the college and from the student status for a stated period of time. There may be no refund of tuition or fees for the quarter in which the action is taken.

(5) **Dismissal.** The revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the action is taken.

(6) **Educational activity.** A student may be required to engage in educational activities related to violation(s). Such activities may include, but are not limited to, attendance at educational programs, community services, project or written assignments, and/or meeting with campus officials.

(7) **Loss of privileges.** A student may be denied specific privileges on a temporary or permanent basis such as participating in specific activities or restriction from specific areas of campus.

(8) **Restitution.** Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an investigation or disciplinary proceedings.

(9) **Professional evaluation.** Referral for drug, alcohol, psychological or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The student will sign all necessary releases to allow the college access to any such evaluation. The student's return to college may be conditional upon compliance with the recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until further evaluation recommends that the student is capable of re-entering the college and complying with the rules of conduct.

(10) **Administrative no-contact order.** An order directing a student to have no contact with a specified student, college employee, a member of the college community, or a particular college facility.

(11) **Student housing relocation.** Students who are living in college-controlled or administered housing may be transferred to alternate college-controlled or administered housing.

(12) **Termination of student housing contract.** A student may be removed from their college-controlled housing and their housing contract terminated.

(13) **Disqualification from athletics.** Any student found by the college to have violated this code related to the use, possession, sale, or delivery of legend drugs is subject to additional sanctions, including disqualification from college-sponsored athletic events.

(14) **College community service.** Assignment of labor or responsibilities to any student or student organization with the college or local community. May also include mandatory attendance to educational programs or courses or other assignments.

(15) **Hazing by a student or a student group is prohibited pursuant to WAC 132U-126-030(9).** No student may conspire to engage in hazing or participate in the hazing of another. State law provides that hazing is a criminal offense, punishable as a misdemeanor. Washington state law provides that:

(a) Any student group that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing. If the organization, association, or student living group is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) Any person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the college in accordance.

(c) Student groups that knowingly permit hazing to be conducted by its members or by other subject to its direction or control shall be deprived of any official recognition or approval granted by the college.

(d) Student groups found responsible for violating the code of student conduct, college antihazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault will be disclosed in a public report issued by the college setting forth the name of the student group, the date the investigation began, the date the investigation ended, a finding of responsibility, a description of the incident(s) giving rise to the finding, and the details of the sanction(s) imposed.

[Statutory Authority: Chapter 28B.50 RCW. WSR 21-18-100, § 132U-126-040, filed 8/31/21, effective 10/1/21; WSR 18-17-025, § 132U-126-040, filed 8/6/18, effective 9/6/18.]

## WSR 23-11-069

## PERMANENT RULES

## WHATCOM COMMUNITY COLLEGE

[Filed May 15, 2023, 4:18 p.m., effective June 15, 2023]

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

Purpose: Changes need to be made to meet state legislature mandates for HB [2SHB] 2513, which changes a college's ability to withhold services for unpaid debt.

Citation of Rules Affected by this Order: Amending WAC 132U-122-010.

Statutory Authority for Adoption: RCW 28B.50.143 and 28B.10.293.

Adopted under notice filed as WSR 23-07-111 on March 20, 2023.

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 1, 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: May 10, 2023.

Lexus Criswell

Administrative Assistant for Vice President for Student Services

### OTS-4398.1

AMENDATORY SECTION (Amending WSR 88-15-005, filed 7/8/88)

**WAC 132U-122-010 Statement of policy.** The college expects that students who receive services for which a financial obligation is incurred will exercise responsibility in meeting these obligations. Appropriate college staff are empowered to act in accordance with regularly adopted procedures to carry out the intent of this policy, and if necessary to initiate legal action to insure that collection matters are brought to a timely and satisfactory conclusion.

Admission to or registration with the college, and conferring of degrees (~~and issuance of academic transcripts~~), may be withheld for failure to meet financial obligations to the college.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-122-010, filed 7/8/88.]

**WSR 23-11-076**  
**PERMANENT RULES**  
**ENVIRONMENTAL AND**  
**LAND USE HEARINGS OFFICE**

[Filed May 17, 2023, 9:36 a.m., effective June 16, 2023]

Effective Date of Rule: June 16, 2023.

Purpose: The rule changes have several purposes and anticipated effects: (1) Clarify electronic filing procedures and remove paper filing. The rule changes will provide procedures for electronic filing via a case management system portal; (2) require the filing of dispositive motions no later than 90 days before the hearing date, allowing more time for the board to consider dispositive issues prior to hearing; (3) clarify what the "date of receipt" means for timely filing of an appeal. This clarification reduces confusion about the timeliness of filing an appeal; (4) remove the holding of settlement conferences from the presiding officer powers and duties; (5) clarify that proof of service must be filed with the board to perfect the appeal, reducing confusion about proof of service requirements; (6) allow parties who have settled an appeal to submit a request for dismissal rather than a written order of dismissal; (7) reduce confusion about forest practices appeals by adding existing statutory language to the rule that describes the filing requirements for these appeals; (8) repeal the board jurisdictional rule; (9) remove the requirement that parties apply to the board to request a certificate of appealability for direct review of board decisions by the court of appeals. This will align with RCW 34.05.518. Without the requirement, parties may file directly with the court of appeals without receiving certification by the board.

Citation of Rules Affected by this Order: Repealing WAC 371-08-560; and amending WAC 371-08-305, 371-08-310, 371-08-315, 371-08-320, 371-08-325, 371-08-335, 371-08-340, 371-08-370, 371-08-390, 371-08-430, 371-08-435, 371-08-440, 371-08-450, 371-08-470, 371-08-535, 371-08-550, and 371-08-555.

Statutory Authority for Adoption: RCW 43.21B.170.

Adopted under notice filed as WSR 23-02-072 on January 4, 2023.

Changes Other than Editing from Proposed to Adopted Version: WAC 371-08-305(11) clarified the definition of "service"; WAC 371-08-335 removed "prima facie" from description of evidence of date and time of receipt of petition.

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 17, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 17, Repealed 1.

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: April 1, 2023.

Jamie Merly  
Director of Legal and Administrative Services

## OTS-4279.2

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 371-08-305 Definitions.** The following terms apply throughout this chapter and, unless the context clearly requires otherwise, have the following meanings:

(1) "Adjudicative proceeding" means a proceeding involving an opportunity for hearing before the board as defined in RCW 34.05.010. The term "adjudicative proceeding" is used interchangeably with the terms "case" and "appeal" in this chapter.

(2) "Agency" means any state governmental entity, air pollution control authority, local health department or other agency whose decisions are subject to the board's jurisdiction.

(3) "Board" means the pollution control hearings board, a quasi-judicial board created pursuant to chapter 43.21B RCW and described in WAC 371-08-315. Where appropriate, the term "board" also refers to the designated agents of the pollution control hearings board.

(4) "Business days" means Monday through Friday exclusive of any state or federal holidays.

(5) "CMS" means the environmental and land use hearings office case management system or any successor system designated by the board.

(6) "Department" refers to and means the department of ecology.

~~((6))~~ (7) "Filing" of a document means actual receipt by the board between the hours of 8:00 a.m. and 5:00 p.m. on days other than Saturdays, Sundays, or legal holidays. The board's record of the date ((stamp placed on the document)) and time of receipt of a document shall be evidence of the date of filing. Filings received after 5:00 p.m., or on a Saturday, Sunday, or legal holiday, shall be considered filed on the next business day. If the last day for filing a document as required by these rules falls on a day when the board is closed under WAC 371-08-320(3), then the time for such filing shall be extended until the end of the next business day upon which the board is open for business.

(a) ~~((Electronic))~~ The filing of documents ((and fax filing of documents ten pages or less are permitted, so long as the original document and any required copies are mailed or submitted to a commercial delivery service on the same day. The date and time of receipt will be the date of transmission as indicated by the board's computer or fax machine and will constitute the date of filing, unless the transmission is completed after 5:00 p.m. or on a Saturday, Sunday, or legal holiday, in which case the date of filing will be the next business day)) with the board shall be electronically through the CMS. Information about accessing the CMS is available at the ELUHO website at [www.eluho.wa.gov](http://www.eluho.wa.gov). If a party does not have the technological capacity to file electronically through the CMS, a party may file documents by personal delivery, commercial delivery, fax, electronic mail, or first-class, registered, or certified mail.

(b) Any document filed with the board shall contain an affirmation that copies were served on the appropriate agency and parties.

~~((7))~~ (c) Filing of a document in the method authorized in (a) of this subsection shall substitute for filing through the CMS in the event the CMS is unavailable or in emergency situations in which the governor declares a statewide emergency.

## (8) "Party" means:

(a) A person to whom any agency decision is specifically directed; or

(b) A person named as a party to the adjudicative proceeding, allowed to intervene or joined as a party by the board.

~~((8))~~ (9) "Person" means any individual, partnership, corporation, association, organization, governmental subdivision, agency or entity of any character.

~~((9))~~ (10) "Presiding officer" means a member of the board or an administrative appeals judge who is assigned to conduct a conference or hearing by the chairperson or vice chairperson.

~~((10))~~ (11) "Service" of ~~((a document))~~ appeals and other documents related to adjudicative proceedings before the board means delivery of the document to the ~~((either))~~ parties to the appeal. Service of board decisions means delivery of the document to the parties to the appeal. Service may be made in any of the following ways:

(a) Personally, in accordance with the laws of the state, with a return of service or affidavit of service completed.

(b) First-class, registered, or certified mail. Service is complete upon deposit in the United States mail properly stamped and addressed.

(c) Fax transmission with mailing or submission to commercial delivery service of copies on the same day. Service by fax is regarded as complete by production of the confirmation of transmission and evidence of mailing or submission to delivery service of the copies.

(d) Commercial parcel delivery service. Service by commercial parcel delivery service is regarded as complete upon delivery to the parcel delivery company with charges prepaid.

(e) Electronic service. Electronic service of documents ~~((, other than the appeal document itself,))~~ is authorized if ~~((the parties agree to electronic service or if authorized by the presiding officer))~~ agreed to by the receiving party. Service by email is regarded as complete when the email is sent successfully. Electronic service is regarded as complete when the document is uploaded successfully to the receiving party's designated electronic system. The receiving party's record of the date and time of receipt of a document shall be evidence of the service date.

(12) "Signature" means a written signature, or an electronic signature executed or adopted by a person with the intent to sign a document either in the form of s/\_\_\_\_\_ (name typed out), a graphic representation of an electronic signature, or a digital graphic representation of the signature as signed by the person. An electronic signature shall be considered the same as an original signature for all purposes.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 371-08-305, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 371-08-305, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW 43.21B.170, chapter 34.05 RCW, and RCW 43.21B.001, [43.21B].190, [43.21B].230, [43.21B].300, [43.21B].310. WSR 05-15-017, § 371-08-305, filed 7/7/05, effective 8/7/05. Statutory Authority: RCW 43.21B.170. WSR 96-15-003, § 371-08-305, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 07-03-074, filed 1/17/07, effective 2/17/07)

**WAC 371-08-310 Computation of time.** (1) The time within which any act shall be done, as provided by these rules, is computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a legal holiday, or a day when the board is closed for business under WAC 371-08-320(3), and then it is excluded and the next succeeding day which is neither a Saturday, Sunday nor a legal holiday, or a day when the board is closed for business under WAC 371-08-320(3) is included. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays are excluded in the computation.

(2) This section also pertains to the period for filing an appeal with the board, petition for rule making, petition for declaratory ruling or any other adjudication authorized by this chapter.

[Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 371-08-310, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW 43.21B.170 and 1997 c 125. WSR 97-19-064, § 371-08-310, filed 9/15/97, effective 10/16/97. Statutory Authority: RCW 43.21B.170 and Den Beste v. Washington, No. 13967-1-III (Div. III, April 18, 1996). WSR 96-17-016, § 371-08-310, filed 8/12/96, effective 9/12/96.]

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 371-08-315 Membership (~~(, function and jurisdiction)~~).** (~~((1) Members.~~)) The board is composed of three members appointed by the governor, with the advice and consent of the senate, for a term of six years. The members are to be qualified by experience or training in pertinent matters pertaining to the environment, and at least one member shall be a lawyer, and not more than two members shall be of the same political party.

(~~((2) Function and jurisdiction.~~ The function of this board is to provide an expeditious and efficient disposition of appeals. The board has jurisdiction to hear and decide appeals from the following decisions of the department of agriculture, the department of ecology, the director of ecology, local conservation districts, air pollution control authorities established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, any state agency that is an authorized public entity under RCW 79.100.010, and the parks and recreation commission:

(a) ~~Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.95.315, 70.95M.080, 70.95N.260, 70.105.080, 70.105.095(2), 70.107.050, 70.240.050, 70.275.100, 70.275.110, 76.09.170, 77.55.291, 78.44.250, 86.16.081, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, 90.64.102, and 90.76.080.~~

(b) ~~Orders issued pursuant to RCW 18.104.043, 18.104.060, 18.104.130, 43.27A.190, 70.94.211, 70.94.332, 70.94.640, 70.94.715, 70.95.315, 70.95C.230, 70.105.095, 70.107.060, 86.16.110, 88.46.070, 90.14.130, 90.14.190, 90.46.250, 90.48.120, 90.48.240, and 90.64.040.~~

~~(c) Except as provided in RCW 90.03.210(2), the issuance, modification, termination or denial of any permit, certificate or license by the department of ecology or any air pollution control authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, a decision to approve or deny a solid waste management plan under RCW 70.95.094, an application for a solid waste permit exemption under RCW 70.95.300, an application for a change under RCW 90.03.383, or a permit to distribute reclaimed water under RCW 90.46.220.~~

~~(d) The granting, denial, revocation, or suspension of a water right examiner certificate issued by the department under RCW 90.03.665.~~

~~(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW, including appeals by the department of ecology as provided in RCW 70.95.185.~~

~~(f) Decisions of local health departments regarding the issuance and enforcement of permits to use biosolids under RCW 70.95J.080.~~

~~(g) Disputes between the department and the governing bodies of local governments regarding local planning requirements under RCW 70.105.220 and zone designation under RCW 70.105.225, pursuant to RCW 70.105.250.~~

~~(h) Decisions of the department of ecology regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department of ecology regarding waste-derived soil amendments under RCW 70.95.300.~~

~~(i) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026 as provided in RCW 90.64.028.~~

~~(j) Any other decision by the department of ecology or an air pollution control authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.~~

~~(k) Decisions of the department of natural resources, the department of fish and wildlife, and the department of ecology that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).~~

~~(l) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.~~

~~(m) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW.~~

~~(n) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.~~

~~(o) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable under RCW 79.100.120.~~

~~(3) This section is intended to be general and informational only, and failure herein to list matters over which the board has jurisdiction at law shall not constitute any waiver or withdrawal whatsoever from such jurisdiction.)~~

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 371-08-315, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285. WSR 10-18-021, § 371-08-315, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 34.05.360 and 2003 c 325. WSR 04-03-001, § 371-08-315, filed 1/7/04, effective 2/7/04. Statutory Authority: RCW 43.21B.170. WSR 96-15-003, § 371-08-315, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 19-20-034, filed 9/24/19, effective 10/25/19)

**WAC 371-08-320 Board office hours and contact information.** (1)

The administrative business of the board, except rule making, is performed by the environmental and land use hearings office. To the extent necessary for rule making or other matters, the board will hold (~~special~~) meetings at the address set forth below.

(2) The information included in this section is current at the time of rule adoption, but may change. Current information is available on the board's internet site at [www.eluho.wa.gov](http://www.eluho.wa.gov).

(a) The board is housed at the Environmental and Land Use Hearings Office, 1111 Israel Road S.W., Tumwater, Washington 98501. The principal hearing room used by the board is located at the same address, although many hearings are held near the site of the dispute at issue.

(b) The mailing address of the board is:

Pollution Control Hearings Board  
P.O. Box 40903  
Olympia, WA 98504-0903

(c) The telephone number of the board is 360-664-9160. The fax number is 360-586-2253. The board's email address is [eluho@eluho.wa.gov](mailto:eluho@eluho.wa.gov).

(3) The office hours of the board and the environmental and land use hearings office are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for legal holidays or when the office is closed due to weather, technological failure, or other hazardous or emergency conditions or events.

[Statutory Authority: RCW 43.21B.170. WSR 19-20-034, § 371-08-320, filed 9/24/19, effective 10/25/19. Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 371-08-320, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 43.21B.005, 43.21B.090, and 36.70A.270(7). WSR 12-05-110, § 371-08-320, filed 2/22/12, effective 3/24/12. Statutory Authority: RCW 43.21B.170. WSR 02-06-011, § 371-08-320, filed 2/22/02, effective 3/25/02; WSR 96-15-003, § 371-08-320, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 371-08-325 Public information about practice before the board and public records.**

(1) Questions about practicing before the board may be directed to the environmental and land use hearings office by mail or, during regular office hours, by telephone, fax, or email.

(2) The environmental and land use hearings office maintains a website with information about and access to the CMS for electronic filing, and information on the pollution control hearings board, including information about the board members, the board hearings calendar, past decisions of the board, a handbook with helpful information for practice before the board, sample forms, and links to the board's rules of practice and other pertinent statutes and rules. This website may be accessed via the internet at [www.eluho.wa.gov](http://www.eluho.wa.gov).

(3) Case files of appeals pending before the board, past written opinions of the board and other public records maintained by the board under chapter 198-14 WAC are available on the website ([www.eluho.wa.gov](http://www.eluho.wa.gov)) or available for public inspection and copying during regular office hours at the environmental and land use hearings office. The procedures for obtaining public records from the board are set forth in chapter 198-14 WAC.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 371-08-325, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 43.21B.005, 43.21B.090, and 36.70A.270(7). WSR 12-05-110, § 371-08-325, filed 2/22/12, effective 3/24/12. Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 371-08-325, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW 43.21B.170. WSR 96-15-003, § 371-08-325, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 371-08-335 Filing a timely appeal with the board.**

(1) An appeal before the board is initiated by filing a notice of appeal with the board (~~(at the environmental and land use hearings office)~~) and by serving a copy of the appeal notice on the agency whose decision is being appealed. For the board to acquire jurisdiction both such filing and such service must be timely accomplished.

(2) As prescribed by RCW 76.09.205, a person aggrieved by the approval or disapproval of an application to conduct a forest practice or the approval or disapproval of any landscape plan or permit or watershed analysis may seek review before the board by filing a notice of appeal with the board, and filing a copy of the notice of appeal with the department of natural resources and the attorney general within 30 days from the date of receipt of the approval or disapproval decision.

(3) The notice of appeal shall be filed with the board within (~~(thirty)~~) 30 days of the date of receipt of the order or decision unless otherwise provided by law. The board's rule governing the computation of time (WAC 371-08-310) shall determine how the (~~(thirty-day)~~)

30-day appeal period is calculated. The "date of receipt" of an order or decision means:

(a) Five business days after the date of mailing; or

(b) The date of actual receipt, (~~when the actual receipt date can be~~) proven by a preponderance of the evidence, whichever is later. The recipient's sworn affidavit or declaration indicating the date of receipt, which is unchallenged by the agency, shall constitute sufficient evidence of actual receipt. The date of actual receipt, however, may not exceed (~~forty-five~~) 45 days from the date of mailing.

(~~(3)~~) (4) An appeal (~~may~~) shall be filed with the board electronically through the CMS. If a party does not have the technological capacity to file electronically through the CMS, a party may file by personal delivery, commercial delivery, fax, electronic mail, or first-class, registered, or certified mail. An appeal is filed with the board on the date the board actually receives the notice of the appeal (, not the date that the notice is mailed). Upon receiving the notice of appeal, the board will acknowledge receipt. The board's record of the date ((stamped on the appeal notice)) and time of receipt of a document shall be ((prima facie)) evidence of the filing date. ((The board may thereafter require that additional copies be filed.)) Filings received after 5:00 p.m., or on a Saturday, Sunday, or legal holiday, shall be considered filed on the next business day. If the last day for filing a document as required by these rules falls on a day when the board is closed under WAC 371-08-320(3), then the time for such filing shall be extended until the end of the next business day upon which the board is open for business.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 371-08-335, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285. WSR 10-18-021, § 371-08-335, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 371-08-335, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW 43.21B.170, chapter 34.05 RCW, and RCW 43.21B.001, [43.21B].190, [43.21B].230, [43.21B].300, [43.21B].310. WSR 05-15-017, § 371-08-335, filed 7/7/05, effective 8/7/05. Statutory Authority: RCW 43.21B.170 and 1997 c 125. WSR 97-19-064, § 371-08-335, filed 9/15/97, effective 10/16/97. Statutory Authority: RCW 43.21B.170 and Den Beste v. Washington, No. 13967-1-III (Div. III, April 18, 1996). WSR 96-17-016, § 371-08-335, filed 8/12/96, effective 9/12/96.]

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 371-08-340 Contents of notice of appeal.** The notice of appeal shall contain:

(1) The name, mailing address, telephone number, fax number (if available), and email address (~~((if available))~~) of the appealing party, and of the representative, if any;

(2) Identification of the parties, by listing in the caption or otherwise. In every case, the agency whose decision is being appealed and the person to whom the decision is directed shall be named as parties;

(3) A copy of the order or decision appealed from, and if the order or decision followed an application, a copy of the application;

(4) A short and plain statement showing the grounds upon which the appealing party considers such order or decision to be unjust or unlawful;

(5) A clear and concise statement of facts upon which an appealing party relies to sustain his or her grounds for appeal;

(6) The relief sought, including the specific nature and extent;

(7) The signature of the representative of the appealing party or the appealing party. The signature of the representative or the appealing party shall constitute a certificate by the signatory that the signatory has read the notice of appeal and that it is consistent with civil rule 11;

(8) Proof of service must be filed with the board to perfect the appeal;

(9) All pleadings shall be so construed as to do substantial justice.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 371-08-340, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 43.21B.170. WSR 96-15-003, § 371-08-340, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 96-15-003, filed 7/3/96, effective 8/3/96)

**WAC 371-08-370 Procedure for representing a party before the board.** (1) An attorney or authorized representative as defined in WAC 371-08-365 may appear for a party by either of the following actions:

(a) Filing a notice of appeal, another pleading or a written notice of appearance containing the name of the party to be represented, and the name, address ((and)), telephone number, and email address of the representative; or

(b) Entering an appearance at the time and place of a conference or hearing on the appeal, and notifying the presiding officer conducting the same of the party to be represented and the name, address ((and)), telephone number, and email address of the representative.

(2) Copies of every written notice of appearance or pleading that identifies the representative shall be served by the representative on all other parties or their representatives of record at the time the original is filed with the board.

(3) Unless the department notifies the board otherwise, the attorney general shall, in all appeals from decisions and orders of the department and director, be deemed to have entered an appearance for the department, and shall be exempt from the requirements herein relating to the filing of written notices of appearance and to the furnishing of copies of same to other parties and their representatives.

(4) After a representative appears on behalf of a party, the board shall serve all future notices, orders and correspondence upon such representative. Service upon the representative shall constitute service upon the party.

(5) After a representative appears on behalf of a party, all other parties to the appeal shall serve all future pleadings and correspondence upon that representative. Service upon the representative shall constitute service upon the party.

[Statutory Authority: RCW 43.21B.170. WSR 96-15-003, § 371-08-370, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 96-15-003, filed 7/3/96, effective 8/3/96)

**WAC 371-08-390 Presiding officer—Powers and duties.** It shall be the duty of the presiding officer to conduct conferences or hearings in cases assigned in an impartial and orderly manner. The presiding officer shall have the authority, subject to the other provisions of these rules:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas and enter protective orders as provided in the Administrative Procedure Act;
- (3) To rule on all procedural matters, objections and motions;
- (4) To rule on all offers of proof and receive relevant evidence;
- (5) To question witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the appeal;
- (6) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as deemed necessary to fairly and equitably decide the appeal;
- (7) To take appropriate disciplinary action with respect to representatives of parties appearing before the board;
- (8) To issue orders joining other parties, on motion of any party or in the judgment of the presiding officer, when it appears that such other parties may have an interest in, or may be affected by, the proceedings;
- (9) To consolidate appeals for hearing when such consolidation will expedite disposition of the appeals and avoid duplication of testimony and when the rights of the parties will not be prejudiced thereby;
- (10) To hold prehearing conferences (~~and settlement conferences~~);
- (11) To permit and regulate the taking of discovery;
- (12) To regulate the course of the hearing;
- (13) To dismiss an appeal or take other appropriate actions if a party or representative fails to appear at a prehearing conference, hearing or at any other stage of the appeal proceeding;
- (14) To take any other action necessary and authorized by these rules and the law.

[Statutory Authority: RCW 43.21B.170. WSR 96-15-003, § 371-08-390, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 371-08-430 Scheduling letter.** (1) Upon receipt of a notice of appeal which complies with the requirements of these regulations, the board shall (~~mail written~~) issue notice to each party of the

primary and, if applicable, the secondary hearing dates. The notice or scheduling letter will identify the case to be heard, the identity of the parties and the time and location of the hearing. The letter shall also state that an interpreter can be made available upon reasonable notice to the board for any witness or party who is hearing impaired or who does not speak English.

(2) The letter may set out a filing schedule for motions and prehearing briefs. Where the presiding officer decides to hold a prehearing conference, the letter shall also state the date, time and location of the prehearing conference.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 371-08-430, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 43.21B.170. WSR 96-15-003, § 371-08-430, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 371-08-435 Prehearing conferences.** (1) The board may, upon written request by a party or on its own, schedule a prehearing conference on not less than seven days notice (~~mailed~~) to each party to the appeal, at a time and place fixed by the board. The purpose of the prehearing conference is to prepare the case for hearing by scheduling prehearing deadlines and by identifying the issues. At the prehearing conference, the presiding officer will encourage the parties to engage in settlement negotiations as the case proceeds.

(2) Following the prehearing conference the presiding officer shall enter a prehearing order. Normally, this will include a statement of issues, a schedule for filing motions and briefs, as well as other matters which may bear on the preparation for hearing. The issues which the prehearing order identifies for the hearing shall control the subsequent course of the appeal, and shall be the only issues to be tried at the hearing, unless modified for good cause by subsequent order of the board or the presiding officer.

(3) Appearance by a party or by the party's representative at the prehearing conference is mandatory. If a party fails to attend a prehearing conference, that is not justified by good cause, the presiding officer may issue an order of default against the absent party or take other appropriate action.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 371-08-435, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 43.21B.170. WSR 96-15-003, § 371-08-435, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 371-08-440 Settlement and mediation agreements.** (1) Where the parties settle an appeal before hearing, the parties shall prepare and submit to the board a (~~written~~) request for an order of dismissal to which the (~~written~~) settlement agreement is attached, submit

that (~~order~~) request to the board, and the board shall enter an order and dismiss the case.

(2) This section also pertains to settlement agreements reached during mediation.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 371-08-440, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 43.21B.170. WSR 96-15-003, § 371-08-440, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 371-08-450 Motions.** (1) An application to the board for an order must be by motion which, unless made during a hearing, must be in writing, state with particularity the grounds therefor and set forth the relief sought. A moving party is not required to submit a proposed order with a motion unless requested to do so by the presiding officer.

(2) For motions for continuance or for schedule changes, or other motions that are likely to be uncontested, the moving party shall affirmatively seek the stipulation of all parties and present a stipulated order wherever possible.

(3) If the motion is contested, any party may request, or the board may independently set, oral argument on the motion. The presiding officer will decide whether or not oral argument will be held and notify the parties accordingly. At oral argument, the board will consider the arguments of the parties but will not take evidence or testimony from witnesses.

(4) Unless a scheduling letter or order provides otherwise, the following schedule governs all written motions (including any supporting affidavits, memoranda of law, or other documentation):

(a) All motions dispositive of all or part of an appeal must be filed and served not later than (~~sixty~~) 90 days before the secondary hearing date, or, if no secondary date applies, the primary hearing date, unless the presiding officer by order allows otherwise.

(b) All responses to any dispositive motion must be filed and served (~~fourteen~~) 14 days from the receipt of the motion by the non-moving party. The moving party then has (~~ten~~) 10 days from receipt of the response to file and serve a reply.

(c) All responses to any nondispositive motion must be filed and served five days from receipt of the motion by the nonmoving party. The moving party then has three days from receipt of the response to file and serve a reply.

(d) In exigent or exceptional circumstances, a party may at any time request the board to modify the above schedules by requesting a scheduling conference (which may be telephonic) with the presiding officer.

(5) Unless oral argument is held, the board normally decides motions exclusively on the parties' written submissions.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 371-08-450, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 371-08-450, filed 1/17/07, effective 2/17/07. Statutory

Authority: RCW 43.21B.170, chapter 34.05 RCW, and RCW 43.21B.001, [43.21B].190, [43.21B].230, [43.21B].300, [43.21B].310. WSR 05-15-017, § 371-08-450, filed 7/7/05, effective 8/7/05. Statutory Authority: RCW 43.21B.170. WSR 02-06-012, § 371-08-450, filed 2/22/02, effective 3/25/02; WSR 96-15-003, § 371-08-450, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 07-03-074, filed 1/17/07, effective 2/17/07)

**WAC 371-08-470 Hearing briefs.** Hearing briefs, if filed, must be submitted to the board at least seven days before the hearing or such other time as directed by the presiding officer. The ~~((original))~~ brief must be filed with the board and ~~((a copy))~~ served on the other parties or their attorneys. ~~((Additional copies must be submitted to the board as required by the presiding officer and consistent with the prehearing order.))~~ The board may permit or require the filing of additional briefs.

[Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 371-08-470, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW 43.21B.170. WSR 96-15-003, § 371-08-470, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 371-08-535 Final decisions and orders.** (1) When the hearing on the appeal has been concluded, and upon completion of the record and submission of the issues for decision and order, a written final decision and order concurred in by a majority of the board may be adopted which shall contain findings and conclusions as to each contested issue of fact and law material to the disposition of the matter.

(2) The record before the board shall be considered by at least two of the members of the board; provided, that if two members cannot agree on a decision, the third member must consider the record before the board; and provided further, that if two members cannot agree on a decision in any case, the substantive decision of the agency (or authority) will control.

(3) The ~~((board shall mail copies of the))~~ board's final decision and order ~~((to))~~ shall be served on each party to the appeal or ~~((to))~~ the attorney or representative of record ~~((, if any))~~. The board's final decision and order may be served electronically when a party agrees to electronic service. Service upon the representative constitutes service upon the party.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 371-08-535, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 371-08-535, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW 43.21B.170. WSR 96-15-003, § 371-08-535, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 07-03-074, filed 1/17/07, effective 2/17/07)

**WAC 371-08-550 Petitions for reconsideration.** (1)(a) After issuance of a final decision, any party may file a petition for reconsideration with the board. Such petition must be filed and served on all parties within ~~((ten))~~ 10 days of ~~((mailing of))~~ the board serving the final decision under WAC 371-08-535(3). The board may require an answer, or parties may elect to file an answer, to the petition for reconsideration. Any answer to a petition for reconsideration must be filed and served on all parties within five days of the receipt of the petition.

(b) The filing of a petition for reconsideration does not stay the effectiveness of the final decision of the board.

(c) In response to a petition for reconsideration, the board may deny it, or may reverse or modify its decision or may reopen the hearing. The board is deemed to have denied the petition if, within ~~((twenty))~~ 20 days from the date the petition is filed, the board does not act on the petition or specify a date by which it will act on the petition.

(2) The time for filing a petition for judicial review does not commence until disposition of the petition for reconsideration. However, the filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

(3) The board shall ~~((mail copies of))~~ serve the final decision and order and of the board's disposition of any petition for reconsideration ~~((to))~~ on each party to the appeal or ~~((to))~~ on the attorney or representative of record. The board's final decision and order may be served electronically when a party agrees to electronic service. Service on the representative constitutes service on the party.

[Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 371-08-550, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW 43.21B.170. WSR 96-15-003, § 371-08-550, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 10-18-021, filed 8/23/10, effective 9/23/10)

**WAC 371-08-555 Time for filing petitions for review to superior court.** An appeal of a final board order is called a petition for review. A petition for review must be filed with superior court within ~~((thirty))~~ 30 days from the date of service of the final order or decision as provided in RCW 34.05.542. The petitioner shall file a copy of the petition for review to superior court with the board and shall serve all parties of record. All appeals must first be filed in superior court even if direct review to the court of appeals will be sought.

[Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285. WSR 10-18-021, § 371-08-555, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, chapter 34.05 RCW and RCW 43.21B.190. WSR 06-07-088, § 371-08-555, filed 3/15/06, effective 4/15/06. Statutory Authority: RCW 43.21B.170 and SHB 1314. WSR 97-19-064, § 371-08-555, filed 9/15/97, effective

10/16/97. Statutory Authority: RCW 43.21B.170. WSR 96-15-003, § 371-08-555, filed 7/3/96, effective 8/3/96.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 371-08-560            Direct review to the court of appeals  
upon certification by the board.

**WSR 23-11-077**  
**PERMANENT RULES**  
**ENVIRONMENTAL AND**  
**LAND USE HEARINGS OFFICE**

[Filed May 17, 2023, 9:36 a.m., effective June 16, 2023]

Effective Date of Rule: June 16, 2023.

Purpose: The rule changes will clarify electronic filing procedures and remove fax and paper filing. The rule changes will provide procedures for electronic filing via a case management system portal. The rule changes clarify the presiding officer powers and duties, as well as the purpose of the prehearing conference. Lastly, the rule changes clarify that the board shall dismiss actions upon stipulated dismissal by the parties before entry of a final decision and order. This rule change is needed to align with RCW 36.70A.330.

Citation of Rules Affected by this Order: Amending WAC 242-03-030, 242-03-060, 242-03-230, 242-03-240, 242-03-530, 242-03-540, 242-03-720, and 242-03-870.

Statutory Authority for Adoption: RCW 36.70A.270.

Adopted under notice filed as WSR 23-02-071 on January 4, 2023.

Changes Other than Editing from Proposed to Adopted Version: WAC 242-03-060, 242-03-230, and 242-03-240 removed the proposed deletion of fax as a method for filing documents with the board; WAC 242-03-030(19) clarified that the definition of "service" includes delivery of orders and decisions by the board to parties; WAC 242-03-720 clarified that the board shall dismiss actions upon stipulated dismissal by the parties before entry of a final decision and order.

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 8, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 8, 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: April 1, 2023.

Jamie Merly  
Director of Legal and Administrative Services

**OTS-4269.2**

AMENDATORY SECTION (Amending WSR 21-17-069, filed 8/12/21, effective 9/12/21)

**WAC 242-03-030 Definitions.** As used in this title, the following terms shall have the following meaning:

(1) "Act" means the Growth Management Act, chapter 36.70A RCW, and subsequent amendments.

(2) "Board" means the growth management hearings board or a panel of the board hearing a matter as established in RCW 36.70A.260.

(3) "Chair" means the board member annually elected by the board pursuant to RCW 36.70A.270(11). The duties and responsibilities of the chair include, developing board procedures, making case assignments to board members in accordance with the board's rules of procedure in order to achieve a fair and balanced workload among all board members, and managing board meetings.

(4) "CMS" means the environmental and land use hearings office case management system or any successor system designated by the board.

(5) "Compliance participant" means any person with standing to challenge legislation taken in response to a board order, as provided in RCW 36.70A.330(2).

~~((5))~~ (6) "Consolidation" means the combining of all petitions involving review of the same comprehensive plan or development regulation into a single case for hearing and decision, as provided in RCW 36.70A.290(5).

~~((6))~~ (7) "Coordination" means provision of parallel case schedules for cases involving related matters in the interest of efficient resolution and to avoid duplication of evidence and argument.

~~((7))~~ (8) "Environmental and land use hearings office" means the administrative office of the board established pursuant to RCW 36.70A.252.

~~((8))~~ (9) "Ex parte communication" is communication about issues in a pending case between a party and a board member without including or providing notice to all other parties to the matter. Ex parte communication is prohibited.

~~((9))~~ (10) "Filing" of a document means actual receipt by the board during regular office hours, as specified in WAC 242-03-230 (for a petition for review) or WAC 242-03-240 (for all other documents).

~~((10))~~ (11) "Final decision" means:

(a) Any final order as provided in RCW 36.70A.300; or

(b) Any other written finding, determination or order of the board which finally determines a legal right, duty, or other legal interest of the parties in the case and which clearly states in such written finding, determination or order that it is a final decision subject to appeal to superior court.

~~((11))~~ (12) "Panel" means the three board members assigned to hear and decide a particular case pursuant to RCW 36.70A.260.

~~((12))~~ (13) "Party" means the petitioner(s) and respondent(s) in a case before the board and, if admitted in the case, intervenor(s), amicus, and compliance participant(s).

~~((13))~~ (14) "Person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit, or public or private organization or entity of any character.

~~((14))~~ (15) "Petitioner" means a person who files a petition for review pursuant to RCW 36.70A.290 or who brings a petition for rule making to the board.

~~((15))~~ (16) "Presiding officer" means any member of the board who is designated to conduct a conference or hearing as directed by the board. The presiding officer shall be designated pursuant to WAC 242-03-525 and have authority as provided by WAC 242-03-530.

~~((16))~~ (17) "Publication" means:

(a) For a city, the date the city publishes the ordinance or summary of the ordinance adopting a comprehensive plan, development regulations or subsequent amendment, as is required to be published, or

the date the department of ecology publishes notice that the shoreline master program or amendment has been approved or disapproved by final action of the department of ecology;

(b) For a county, the date the county publishes the notice that it has adopted a comprehensive plan, development regulations, or subsequent amendment pursuant to RCW 36.70A.290(2), or the date the department of ecology publishes notice that the shoreline master program or amendment has been approved or disapproved by final action of the department of ecology.

~~((17))~~ (18) "Respondent" means the city, county, or state agency whose action is challenged in a petition for review before the board.

~~((18))~~ (19) "Service" of a document means delivery of the document to the ~~((other))~~ parties to the appeal, as specified in WAC 242-03-230 (for the petition for review) or WAC 242-03-240 (for all other documents).

~~((19))~~ (20) "Shoreline master program" means the comprehensive use plan for a described shoreline area, the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies in RCW 90.58.020 and applicable guidelines. Pursuant to RCW 36.70A.480(1), an approved shoreline master program is a component of the city or county's comprehensive plan and development regulations.

~~((20))~~ (21) "Shoreline Management Act" means chapter 90.58 RCW and subsequent amendments.

~~((21))~~ (22) "Signature" means a written signature or an electronic signature executed or adopted by a person with the intent to sign a document either in the form of s/\_\_\_\_\_ (name typed out) or a digital graphic representation of the signature as signed by the person. An electronic signature shall be considered the same as an original signature for all purposes.

(23) "State Environmental Policy Act" means chapter 43.21C RCW and subsequent amendments.

[Statutory Authority: RCW 36.70A.270(7). WSR 21-17-069, § 242-03-030, filed 8/12/21, effective 9/12/21; WSR 11-13-109, § 242-03-030, filed 6/21/11, effective 7/22/11.]

AMENDATORY SECTION (Amending WSR 21-17-069, filed 8/12/21, effective 9/12/21)

**WAC 242-03-060 Board office.** (1) The administration of the board is consolidated in one office - The environmental and land use hearings office (~~. All correspondence shall be mailed to the physical address of the board~~):

Growth Management Hearings Board  
c/o Environmental and Land Use Hearings Office  
1111 Israel Road S.W., Suite 301  
Tumwater, WA 98501  
P.O. Box 40903  
Olympia, WA 98504-0953  
website: [www.eluho.wa.gov](http://www.eluho.wa.gov)  
ELUHO Main Office: 360-664-9160

Fax: 360-586-2253  
 Regional Email Inboxes  
 email: eastern@eluhwa.gov  
 email: western@eluhwa.gov  
 email: central@eluhwa.gov

(2) Unless a party does not have the technological capacity to do so, the filing of all petitions, briefs, exhibits, and other documents related to any proceeding before a regional panel shall be ~~((made to the board, through its administrative office, the environmental and land use hearings office. However, each filing must be sent to the appropriate regional panel email inbox and must indicate the appropriate regional panel's name — Eastern, Western, or Central Puget Sound))~~ electronically through the CMS. Information about accessing the CMS is available at the ELUHO website at [www.eluhwa.gov](http://www.eluhwa.gov).

(3) Email or mail filings shall substitute for filing through the CMS in the event that the filing through the CMS is unavailable or impossible or if a party does not have the technological capacity, such as lack of access to an internet connection or a computer, to utilize the CMS.

[Statutory Authority: RCW 36.70A.270(7). WSR 21-17-069, § 242-03-060, filed 8/12/21, effective 9/12/21; WSR 13-01-026, § 242-03-060, filed 12/11/12, effective 1/11/13; WSR 11-13-109, § 242-03-060, filed 6/21/11, effective 7/22/11.]

AMENDATORY SECTION (Amending WSR 16-02-114, filed 1/6/16, effective 2/6/16)

**WAC 242-03-230 Petition for review—Filing and service.** (1)

Filing a petition for review. A petition for review shall be filed with the board ~~((by electronic mail))~~ electronically through the CMS, as provided in WAC 242-03-240, unless a petitioner does not have the technological capacity, such as lack of access to an internet connection or a computer, to do so. ~~((The original and three copies of the petition for review shall be filed with the board personally, or by mail or commercial parcel delivery service. Filings may also be made with the board by fax transmission as provided in WAC 242-03-240.))~~ A petition for review is deemed filed on the date the board receives it ~~((by electronic mail or by fax transmission))~~ by 5:00 p.m. ~~((provided that the original and three copies are sent by mail or by a commercial parcel delivery service postmarked on the same date as the electronic filing.))~~ See WAC 242-03-060 for contact information.

(a) Information about accessing the CMS is available at the ELUHO website at [www.eluhwa.gov](http://www.eluhwa.gov).

(b) Email, fax, or mail filings shall substitute for filing through the CMS in the event that the filing through the CMS is unavailable or impossible or if a petitioner does not have the technological capacity to utilize the CMS.

(2) Service of petition for review.

(a) A copy of the petition for review shall be served upon the named respondent(s) and must be received by the respondent(s) on or before the date filed with the board. Service of the petition for review may be by mail, personal service, or a commercial parcel delivery

service, so long as the petition is received by respondent on or before the date filed with the board.

(b) When a county is a respondent, the petition for review shall be served on the county auditor or on the agent designated by the legislative authority of the county. When a city is a respondent, the mayor, city manager, or city clerk shall be served. When the state of Washington is a respondent, the office of the attorney general shall be served at its main office in Olympia unless service upon the state is otherwise provided by law. In a challenge to the adoption of, or amendment to, a shoreline master program approved by the department of ecology, the department of ecology shall be named as a respondent and served.

(3) Proof of service shall be filed with the board pursuant to WAC 242-03-245.

(4) The board may dismiss a case for failure to substantially comply with this section.

[Statutory Authority: RCW 36.70A.270 (4) and (7). WSR 16-02-114, § 242-03-230, filed 1/6/16, effective 2/6/16. Statutory Authority: RCW 36.70A.270(7). WSR 13-01-026, § 242-03-230, filed 12/11/12, effective 1/11/13. Statutory Authority: RCW 43.21B.005, 43.21B.090, and 36.70A.270(7). WSR 12-05-110, § 242-03-230, filed 2/22/12, effective 3/24/12. Statutory Authority: RCW 36.70A.270(7). WSR 11-13-109, § 242-03-230, filed 6/21/11, effective 7/22/11.]

AMENDATORY SECTION (Amending WSR 21-17-069, filed 8/12/21, effective 9/12/21)

**WAC 242-03-240 Filing and service of all other ((papers)) documents.** (1) Filing of ((papers)) documents: All pleadings and briefs shall be filed with the board ((by electronic mail)) through the CMS unless a petitioner does not have the technological capacity to do so. ((The original and three copies of all documents shall be filed with the board personally, or by mail or commercial parcel delivery service and must be postmarked or sent on the same date as the electronic filing. Filings less than fifteen pages may be made by fax transmission. The original and three copies must be postmarked or sent on the same date as the fax transmission to be deemed filed.))

Filings ((made by electronic mail and/or fax transmission)) shall be deemed filed upon actual receipt during office hours of 8:00 a.m. to 5:00 p.m. excluding Saturdays, Sundays, and legal holidays. Any transmission not completed before 5:00 p.m. will be ((stamped)) deemed to be received on the following business day. The date and time indicated by the ((board's fax machine or receiving computer)) CMS shall be presumptive evidence of the date and time of receipt of transmission. All ((papers)) documents will be deemed filed with the board on the date ((received by electronic mail provided that the original document and three copies are postmarked or commercially sent on the same date as the fax transmission or electronic mail filing. See WAC 242-03-060 for contact information)) filed through the CMS.

(2) Service: Parties shall serve copies of all filings on all other named parties by electronic mail((~~7~~)) on or before the date filed with the board, unless a party lacks technical capability. Service is accomplished when the document is transmitted electronically,

or, by agreement among the parties or exception granted by the presiding officer, is postmarked or commercially sent by the required date.

(3) Filing and service requirements may be altered by the presiding officer, when filing through the CMS is unavailable or impossible, or in emergency situations, in which the governor declares a statewide emergency. Email or fax filings shall substitute for filing through the CMS in the event that filing through the CMS is unavailable or impossible, unless otherwise specified by the presiding officer.

[Statutory Authority: RCW 36.70A.270(7). WSR 21-17-069, § 242-03-240, filed 8/12/21, effective 9/12/21. Statutory Authority: RCW 36.70A.270(4) and (7). WSR 16-02-114, § 242-03-240, filed 1/6/16, effective 2/6/16. Statutory Authority: RCW 36.70A.270(7). WSR 13-01-026, § 242-03-240, filed 12/11/12, effective 1/11/13. Statutory Authority: RCW 43.21B.005, 43.21B.090, and 36.70A.270(7). WSR 12-05-110, § 242-03-240, filed 2/22/12, effective 3/24/12. Statutory Authority: RCW 36.70A.270(7). WSR 11-13-109, § 242-03-240, filed 6/21/11, effective 7/22/11.]

AMENDATORY SECTION (Amending WSR 11-13-109, filed 6/21/11, effective 7/22/11)

**WAC 242-03-530 Presiding officer—Powers and duties.** It shall be the duty of the presiding officer to conduct conferences or hearings in an impartial and orderly manner. The presiding officer shall have the authority, subject to the other provisions of the act or these rules to:

(1) Inspect the petition for review to determine whether, on its face, compliance with ~~((the jurisdictional))~~ requirements for subject matter jurisdiction, procedural filing and service requirements, and standing requirements of the act is shown, and if compliance is not shown, to recommend an action or to refer the issue to the board for resolution;

(2) Require that parties not represented by counsel designate a spokesperson(s);

(3) Conduct the prehearing conference, seek clarification or simplification of issues, establish the case schedule, and regulate the course of the case;

(4) Rule on all procedural matters, objections and routine motions; ~~((obtain agreement of the parties))~~ resolve procedural issues concerning service of ~~((papers electronically))~~ documents by email or by mail in light of technical capabilities or other circumstances;

(5) Rule on all evidentiary matters including supplementation of the record;

(6) Decide motions for intervention, amicus, or compliance participant status;

(7) Consolidate cases for hearing pursuant to RCW 36.70A.290(5) or coordinate cases pursuant to WAC 242-03-030(5) and 242-03-030(6) when such consolidation or coordination will expedite disposition and avoid duplication of evidence and argument;

(8) Review cases for settlement or mediation opportunities and assist the parties in arranging such sessions;

(9) Administer oaths and affirmations if witnesses are permitted to testify, authorize discovery, or issue subpoenas in exceptional circumstances as provided in RCW 34.05.446;

(10) Encourage the parties to stipulate to the admissibility of documents in advance of a hearing and rule on issues concerning the content of the record;

(11) Limit the length of a brief or impose format restrictions;

(12) Rule on requests for settlement extensions;

(13) Determine whether oral argument will be allowed on a motion and, if so, schedule the hearing; determine whether a conference or hearing shall be held by teleconference or in person;

(14) Require a party to provide a complete copy of the comprehensive plan, county-wide planning policy, or other core document germane to determination of the case;

(15) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver; and

(16) Take any other action necessary and authorized by these rules, the act, or the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 36.70A.270(7). WSR 11-13-109, § 242-03-530, filed 6/21/11, effective 7/22/11.]

AMENDATORY SECTION (Amending WSR 11-13-109, filed 6/21/11, effective 7/22/11)

**WAC 242-03-540 Prehearing conference—Purpose.** The purpose of a prehearing conference is to:

(1) Determine the feasibility of and encourage settlement of the matter or any portion thereof and provide information about mediation as set forth in WAC 242-03-575;

(2) Obtain a stipulation of relevant facts including the board's jurisdiction, the petitioner's standing in the matter, and the timeliness of the petition for review;

(3) Obtain agreement as to the issues of law and fact presented and their clarification, simplification, limitation, or resolution, so as to frame the final issues to be decided by the board;

(4) Rule on any pending matters of intervention, consolidation, or the qualification of individual board members or the composition of the panel;

(5) Determine the witnesses, if any, that may be allowed to be called by the parties;

(6) Set the final case schedule for filing motions, deadlines for briefing, and date and time of the hearing on the merits;

(7) Determine the approximate time necessary for the presentation of evidence and/or argument of the respective parties;

(8) Obtain all other information which may aid in the prompt disposition of the matter; and

(9) (~~Obtain agreement of the parties~~) Resolve procedural issues concerning service of ((~~papers electronically~~) documents by email or by mail in light of technical capabilities or other circumstances.

[Statutory Authority: RCW 36.70A.270(7). WSR 11-13-109, § 242-03-540, filed 6/21/11, effective 7/22/11.]

AMENDATORY SECTION (Amending WSR 21-17-069, filed 8/12/21, effective 9/12/21)

**WAC 242-03-720 Dismissal of action.** (1) Any action shall be dismissed by the board:

(a) Upon petitioner's withdrawal of the petition for review before entry of a final decision and order; or

(b) Upon stipulation for dismissal by petitioner(s) and respondent(s) before entry of a final decision and order.

(2) Any action may be dismissed by the board:

(a) Upon motion of the respondent alleging that the petitioner has failed to prosecute the case, failed to comply with these rules, or failed to follow any order of the board; or

(b) Upon the board's own motion for failure by the parties to comply with these rules or any order of the board.

(c) Upon the board's own motion for petitions that are frivolous, not within the board's subject matter jurisdiction (~~(of the board)~~), not in compliance with procedural service and filing requirements, or the petitioner's lack of standing.

[Statutory Authority: RCW 36.70A.270(7). WSR 21-17-069, § 242-03-720, filed 8/12/21, effective 9/12/21; WSR 11-13-109, § 242-03-720, filed 6/21/11, effective 7/22/11.]

AMENDATORY SECTION (Amending WSR 21-17-069, filed 8/12/21, effective 9/12/21)

**WAC 242-03-870 Publication of final decisions and orders.** Copies of all final decisions and orders are available from the environmental and land use hearings office at eluho.wa.gov. The board posts final orders, compliance orders, and other decisions on (~~its web site~~) the CMS and maintains a digest of its decisions by region.

[Statutory Authority: RCW 36.70A.270(7). WSR 21-17-069, § 242-03-870, filed 8/12/21, effective 9/12/21; WSR 11-13-109, § 242-03-870, filed 6/21/11, effective 7/22/11.]

**WSR 23-11-078**  
**PERMANENT RULES**  
**ENVIRONMENTAL AND**  
**LAND USE HEARINGS OFFICE**

[Filed May 17, 2023, 9:37 a.m., effective June 16, 2023]

Effective Date of Rule: June 16, 2023.

Purpose: The rule changes have several purposes and anticipated effects: (1) Several minor changes to gain language consistency with the pollution control hearings board rules for ease of comprehension by litigants; (2) clarify electronic filing procedures and remove paper filing. The rule changes will provide procedures for electronic filing via a case management system portal; (3) require the filing of dispositive motions no later than 90 days before the hearing date, allowing more time for the board to consider dispositive issues prior to hearing; (4) remove the holding of settlement conferences from the presiding officer powers and duties; (5) clarify that proof of service must be filed with the board to perfect the appeal, reducing confusion about proof of service requirements; (5) [(6)] allow parties who have settled an appeal to submit a request for dismissal rather than a written order of dismissal; (6) [(7)] remove the requirement that parties apply to the board to request a certificate of appealability for direct review of board decisions by the court of appeals. This will align with RCW 34.05.518. Without the requirement, parties may file directly with the court of appeals without receiving certification by the board.

Citation of Rules Affected by this Order: Repealing WAC 461-08-575; and amending WAC 461-08-305, 461-08-310, 461-08-320, 461-08-325, 461-08-340, 461-08-350, 461-08-390, 461-08-410, 461-08-425, 461-08-450, 461-08-465, 461-08-475, 461-08-490, 461-08-555, 461-08-565, 461-08-570, and 461-08-580.

Statutory Authority for Adoption: RCW 43.21B.170, 90.58.175.

Adopted under notice filed as WSR 23-02-070 on January 4, 2023.

Changes Other than Editing from Proposed to Adopted Version: WAC 461-08-305(14) clarified the definition of "service"; WAC 461-08-340 removed "prima facie" from description of evidence of date and time of receipt of petition; WAC 461-08-555 clarified that the board's final decision and order shall be served on each party; WAC 461-08-565 corrected the reference to WAC 461-08-310.

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 17, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 17, Repealed 1.

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: April 1, 2023.

Jamie Merly  
Director of Legal and Administrative Services

## OTS-4278.3

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 461-08-305 Definitions.** The following terms apply throughout this chapter and, unless the context clearly requires otherwise, have the following meanings:

(1) "Adjudicative proceeding" means a proceeding involving an opportunity for hearing before the board as defined in RCW 34.05.010. The terms "appeal," "adjudicative proceeding," and "case" are used interchangeably in this chapter.

(2) "Agency" means any state governmental entity.

~~((2) "Adjudicative proceeding" means a proceeding involving an opportunity for hearing before the board as defined in chapter 34.05 RCW. The terms "appeal," "adjudicative proceeding" and "case" are used interchangeably in this chapter.))~~

(3) "Board" means the shorelines hearings board, a quasi-judicial body created pursuant to chapter 90.58 RCW and described in WAC 461-08-315.

(4) "Business days" means Monday through Friday exclusive of any state or federal holidays.

(5) "CMS" means the environmental and land use hearings office case management system or any successor system designated by the board.

(6) "Date of filing" as used in this chapter and RCW 90.58.140(6) has different meanings depending upon the type of local government decision that is being appealed.

(a) "Date of filing" of a local government's approval or denial of a substantial development permit, or local government's denial of a variance or conditional use permit, is the date of actual receipt by the department of the local government's decision.

(b) "Date of filing" of a local government's approval of a conditional use permit or variance is the date that the department transmits its final decision or order to local government.

(c) For substantial development permits filed simultaneously with approvals of conditional use permits or variances, the "date of filing" is the date that the department transmits its final decision or order on the variance or conditional use permit to local government.

~~((5))~~ (7) "Department" refers to and means the department of ecology.

~~((6))~~ (8) "Filing" of a document means actual receipt by the board between the hours of 8:00 a.m. and 5:00 p.m. on days other than Saturdays, Sundays, or legal holidays. The board's record of the date ((stamp placed on the)) and time of receipt of a document shall be evidence of the filing date. Filings received after 5:00 p.m., or on a Saturday, Sunday, or legal holiday, shall be considered filed on the next business day. If the last day for filing a document as required by these rules falls on a day when the board is closed under WAC 461-08-320(3), then the time for such filing shall be extended until the end of the next business day upon which the board is open for business.

(a) ~~((Electronic))~~ The filing of documents ((, and fax filing of documents ten pages or less, are permitted, so long as the original document and any required copies are mailed or submitted to a commercial delivery service on the same day. The date and time of receipt

~~will be the date of transmission as indicated by the board's computer or fax machine, unless the transmission is completed after 5:00 p.m. or on a Saturday, Sunday, or legal holiday, in which case filing will be the next business day)~~ with the board shall be electronically through the CMS. Information about accessing the CMS is available at the ELUHO website at www.eluho.wa.gov. If a party does not have the technological capacity to file electronically through the CMS, a party may file documents by personal delivery, commercial delivery, fax, electronic mail, or first-class, registered, or certified mail.

(b) Any document filed with the board shall contain an affirmation that copies were served on the appropriate agency, local government and parties.

~~((7))~~ (c) Filing of a document in the method authorized in (a) of this subsection shall substitute for filing through the CMS in the event the CMS is unavailable or in emergency situations in which the governor declares a statewide emergency.

(9) "Local government" means any county, incorporated city or town which contains within its boundaries any lands or water subject to chapter 90.58 RCW.

~~((8))~~ (10) "Party" means:

(a) A person to whom any local government or agency decision is specifically directed; or

(b) A person named as a party to the appeal, or allowed to intervene or joined as a party by the board.

~~((9))~~ (11) "Person" means any individual, partnership, corporation, association, organization, governmental subdivision, agency or entity of any character.

~~((10))~~ (12) "Petition for review" is a document that when properly filed with the board initiates an adjudicative proceeding before the board.

~~((11))~~ (13) "Presiding officer" means any member of the board or an administrative appeals judge who is assigned to conduct a conference or hearing by the chairperson or the vice chairperson.

~~((12))~~ (14) "Service" of ~~(a document)~~ petitions for review and other documents related to adjudicative proceedings before the board means delivery of the document to the ~~(other)~~ parties to the appeal. Service of board decisions means delivery of the document to the parties to the appeal. Service may be made in any of the following ways:

(a) Personally, in accordance with the laws of the state, with a return of service or affidavit of service completed.

(b) First-class, registered, or certified mail. Service is complete upon deposit in the United States mail properly stamped and addressed.

(c) Fax transmission with mailing or submission to a commercial delivery service of copies on the same day. Service by fax is regarded as complete by production of the confirmation of transmission and evidence of mailing or submission to a delivery service of the copies.

(d) Commercial delivery service. Service by commercial delivery service is regarded as complete upon delivery to the delivery company with charges prepaid.

(e) Electronic service. Electronic service of documents ~~(, other than the appeal document itself,)~~ is authorized if ~~((the parties agree to electronic service or if authorized by the presiding officer))~~ agreed to by the receiving party. Service by email is regarded as complete when the email is sent successfully. Electronic service is regarded as complete when the document is uploaded successfully to the

receiving party's designated electronic system. The receiving party's record of the date and time of receipt of a document shall be evidence of the service date.

(15) "Signature" means a written signature, or an electronic signature executed or adopted by a person with the intent to sign a document either in the form of s/\_\_\_\_\_ (name typed out), a graphic representation of an electronic signature, or a digital graphic representation of the signature as signed by the person. An electronic signature shall be considered the same as an original signature for all purposes.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 461-08-305, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 90.58.175, 90.58.090, 90.58.140, 90.58.180, and 90.58.190. WSR 13-21-068, § 461-08-305, filed 10/16/13, effective 11/16/13. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285. WSR 10-18-021, § 461-08-305, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 461-08-305, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW 90.58.175. WSR 96-15-002, § 461-08-305, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 07-03-074, filed 1/17/07, effective 2/17/07)

**WAC 461-08-310 Computation of time.** (1) The time within which any act shall be done, as provided by these rules, is computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a legal holiday, or a day when the board is closed for business under WAC 461-08-320(3), and then it is excluded and the next succeeding day which is neither a Saturday, Sunday nor a legal holiday, or a day when the board is closed for business under WAC 461-08-320(3) is included. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays are excluded in the computation.

(2) This section also pertains to the period for filing with the board any petition for review, petition for rule making, petition for declaratory ruling or any other adjudication authorized by this chapter.

[Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 461-08-310, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW 90.58.175 and SHB 1314. WSR 97-19-063, § 461-08-310, filed 9/15/97, effective 10/16/97. Statutory Authority: RCW 90.58.175 and Den Beste v. Washington, No. 13967-1-III (Div. III, April 18, 1996). WSR 96-17-017, § 461-08-310, filed 8/12/96, effective 9/12/96.]

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 461-08-320 Board office hours and contact information.** (1) The administrative business of the board, except rule making, is per-

formed by the environmental and land use hearings office. To the extent necessary for rule making (~~(, the board holds regular meetings at 10:00 a.m. on the second Tuesday of each month)~~) or other matters, the board will hold meetings at the address set forth below.

(2) The information included in this section is current at the time of rule adoption, but may change. Current information is available on the board's internet site at [www.eluho.wa.gov](http://www.eluho.wa.gov).

(a) The board is organized within the Environmental and Land Use Hearings Office, 1111 Israel Road S.W., Tumwater, Washington. The principal hearing room used by the board is located at the same address, although many hearings are held near the site of the dispute at issue.

(b) The mailing address is:

Shorelines Hearings Board  
P.O. Box 40903  
Olympia, WA 98504-0903

~~((b))~~ (c) The telephone number of the board is 360-664-9160. The fax number is 360-586-2253. The board's email address is [eluho@eluho.wa.gov](mailto:eluho@eluho.wa.gov).

(3) The office hours of the board and the environmental and land use hearings office are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for legal holidays or when the office is closed due to weather, technological failure, or other hazardous or emergency conditions or events.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 461-08-320, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 90.58.175, 90.58.090, 90.58.140, 90.58.180, and 90.58.190. WSR 13-21-068, § 461-08-320, filed 10/16/13, effective 11/16/13. Statutory Authority: RCW 90.58.175. WSR 02-06-008, § 461-08-320, filed 2/22/02, effective 3/25/02; WSR 96-15-002, § 461-08-320, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 461-08-325 Public information about practice before the board and public records.** (1) Questions about practicing before the board (~~(procedures)~~) may be directed to the environmental and land use hearings office by mail or, during regular office hours, by telephone, by fax, or email (~~(at eluho@eluho.wa.gov)~~).

(2) The environmental and land use hearings office maintains a website with information about and access to the CMS for electronic filing, and information on the shorelines hearings board, including information about the board members, the board hearings calendar, past decisions of the board, a brief description of the appeal process with helpful information for practice before the board, a set of frequently asked questions, sample forms, and links to the board's rules of procedure and other pertinent statutes and rules. This website may be accessed via the internet at [www.eluho.wa.gov](http://www.eluho.wa.gov).

(3) Case files of appeals pending before the board, past written opinions of the board and other public records maintained by the board under chapter 198-14 WAC are available on the website ([www.eluho.wa.gov](http://www.eluho.wa.gov)) or available for public inspection and copying dur-

ing regular office hours at the environmental and land use hearings office. The procedures for obtaining public records from the board are set forth in chapter 198-14 WAC.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 461-08-325, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 90.58.175, 90.58.090, 90.58.140, 90.58.180, and 90.58.190. WSR 13-21-068, § 461-08-325, filed 10/16/13, effective 11/16/13. Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 461-08-325, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW 90.58.175. WSR 96-15-002, § 461-08-325, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 13-21-068, filed 10/16/13, effective 11/16/13)

**WAC 461-08-340 (~~Where to file a~~) Filing a timely petition for review (~~and number of copies~~) with the board.** (1) An adjudicative proceeding before the board is initiated by filing a petition for review with the board (~~at the environmental and land use hearings office~~). A petition shall be filed with the board electronically through the CMS. If a party does not have the technological capacity to file electronically through the CMS, a party may file by personal delivery, commercial delivery, fax, electronic mail, or first-class, registered, or certified mail. A petition is filed with the board on the date the board actually receives the petition. Upon receiving the petition, the board (~~shall~~) will acknowledge (~~filing of the petition for review by a stamp and~~) receipt. The board's (~~stamp on~~) record of the date and time of receipt of the petition is (~~prima facie~~) evidence of the date of filing. (~~The board may thereafter require that additional copies be filed.~~) Filings transmitted after 5:00 p.m., or on a Saturday, Sunday, or legal holiday, shall be considered filed the on next business day. If the last day for filing a document as required by these rules falls on a day when the board is closed under WAC 461-08-320(3), then the time for such filing shall be extended until the end of the next business day upon which the board is open for business.

(2) **Deadlines for filing a petition for review.** Different deadlines for filing a petition for review apply depending upon the type of shoreline decision or government action taken, and whether local government or the department makes the final decision.

(a) Any person aggrieved by a local government's decision granting, denying or rescinding a shoreline substantial development, or its denial of a shoreline conditional use or variance must file a petition for review with the board within (~~twenty-one~~) 21 days of the "date of filing" as defined in WAC 461-08-305 (4) (a).

(b) If local government approves a shoreline conditional use or variance permit, that action will be reviewed by the department, which will make the final decision on the conditional use or variance permit. Any person aggrieved by the department's decision to approve, approve with conditions or deny a conditional use or variance permit must file a petition for review with the board within (~~twenty-one~~) 21 days of the "date of filing" as defined in WAC 461-08-305 (4) (b).

(c) When a local government simultaneously transmits to the department its decision on a shoreline substantial development with its

approval of a shoreline conditional use permit and/or variance, a petition for review of the shoreline substantial development decision must be filed no later than (~~twenty-one~~) 21 days from the "date of filing" as defined in WAC 461-08-305 (4) (c).

(d) A petition for review by a person who has incurred a penalty assessment must be filed with the board within (~~thirty~~) 30 days of the date of receipt of the penalty.

(e) A petition for review by any person aggrieved by the department's final decision to approve, or reject a proposed master program, or master program amendment, by a local government that is not planning under the Growth Management Act, RCW 36.70A.040, must be filed with the board within (~~thirty~~) 30 days of the date that the department publishes notice of its final decision under RCW 90.58.090(8).

(f) A petition for review of any rules, regulations, or guidelines adopted or approved by the department pursuant to chapter 90.58 RCW must be filed with the board within (~~thirty~~) 30 days of the date of adoption or approval.

[Statutory Authority: RCW 90.58.175, 90.58.090, 90.58.140, 90.58.180, and 90.58.190. WSR 13-21-068, § 461-08-340, filed 10/16/13, effective 11/16/13. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285. WSR 10-18-021, § 461-08-340, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 461-08-340, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW 90.58.175. WSR 96-15-002, § 461-08-340, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 461-08-350 Contents of the petition for review.** Petitions for review to the board pursuant to RCW 90.58.180 (1) and (2) shall contain:

(1) The name, mailing address, telephone number, fax number (if available), and email address (~~(if available)~~) of the appealing party, and of the representative, if any;

(2) Identification of the parties, by listing in the caption or otherwise. In every case, the agency and/or the local government whose decision is being appealed and the person to whom the decision is directed shall be named as parties;

(3) A copy of the decision or permit appealed from;

(4) A short and plain statement showing the grounds upon which the appealing party considers such decision or permit to be unjust or unlawful;

(5) A clear and concise statement upon which the appealing party relies to sustain his or her grounds for appeal;

(6) The relief sought, including the specific nature and extent;

(7) The signature of the appealing party or its representative.

The signature of the representative or the appealing party shall constitute a certificate by the signatory that the signatory has read the petition and that it is consistent with civil rule 11;

(8) Proof of service must be filed with the board to perfect the appeal;

(9) All pleadings shall be so construed as to do substantial justice.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 461-08-350, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 90.58.175. WSR 96-15-002, § 461-08-350, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 96-15-002, filed 7/3/96, effective 8/3/96)

**WAC 461-08-390 Appearance by representative.** (1) An attorney or authorized representative as defined in WAC 461-08-385 may appear for a party by either of the following actions:

(a) Filing a written notice of appearance, a petition for review or another pleading containing the name of the party to be represented, and the name, address (~~and~~), telephone number, and email address of the representative; or

(b) Entering an appearance at the time and place of a conference or hearing on the appeal, and notifying the presiding officer conducting the same of the party to be represented and the name, address (~~and~~), telephone number, and email address of the representative.

(2) Copies of every written notice of appearance or pleading that identifies the representative shall be served by the representative on all other parties or their representatives of record at the time the original is filed with the board.

(3) Where a petition for review has been filed with the board by the department or attorney general, the attorney general shall, unless the department or attorney general notifies the board otherwise, be deemed to have entered an appearance for the department, and the attorney general shall be exempt from the requirement of filing and serving a written notice of appearance.

(4) After a representative appears on behalf of a party, the board shall serve all future notices, orders and correspondence upon such representative. Service upon the representative shall constitute service upon the party.

(5) After a representative appears on behalf of a party, and gives notice to all other parties to the appeal, all future pleadings and correspondence shall be served upon that representative. Service upon the representative shall constitute service upon the party.

[Statutory Authority: RCW 90.58.175. WSR 96-15-002, § 461-08-390, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 96-15-002, filed 7/3/96, effective 8/3/96)

**WAC 461-08-410 Presiding officer (~~(duties and)~~)—Powers and duties.** It shall be the duty of the presiding officer to conduct conferences or hearings in cases assigned in an impartial and orderly manner. The presiding officer shall have the authority, subject to the other provisions of these rules:

- (1) To administer oaths and affirmations.
- (2) To issue subpoenas and protective orders as provided in the Administrative Procedure Act.
- (3) To rule on all procedural matters, objections and motions.
- (4) To rule on all offers of proof and receive relevant evidence.
- (5) To question witnesses called by the parties in an impartial manner to develop any facts deemed necessary for a fair and adequate decision.
- (6) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as deemed necessary to decide the matter fairly and equitably.
- (7) To take appropriate disciplinary action with respect to representatives of parties appearing before the board.
- (8) To issue orders joining other parties, on motion of any party, or in the judgment of the presiding officer, when it appears that such other parties may have an interest in, or may be affected by, the proceedings.
- (9) To consolidate matters for hearing when such consolidation will expedite disposition of the matters and avoid duplication of testimony and when the rights of the parties will not be prejudiced thereby.
- (10) To hold prehearing ((and settlement)) conferences.
- (11) To permit and regulate the taking of discovery.
- (12) To regulate the course of the hearing.
- (13) To dismiss a petition for review or take other appropriate disciplinary actions, where a party or representative fails to appear at a prehearing conference, hearing or at any other stage of the appeal proceeding.
- (14) To take any other action necessary and authorized by these rules and the law.

[Statutory Authority: RCW 90.58.175. WSR 96-15-002, § 461-08-410, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 07-03-074, filed 1/17/07, effective 2/17/07)

**WAC 461-08-425 Dismissal of petitions for review on jurisdictional grounds.** (1) Timely filing of the petition for review with the board, and other petitions within the board's jurisdiction under chapter 90.58 RCW, and timely service on the appropriate agencies are required for the board to acquire jurisdiction.

(2) Any party may challenge the jurisdiction of the board to hear a petition for review or other petition under chapter 90.58 RCW on jurisdictional grounds, and the board may independently raise the jurisdictional issue. The board ((may)) shall, when satisfied that it does not have jurisdiction, dismiss the petition for review.

[Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 461-08-425, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW 90.58.175. WSR 96-15-002, § 461-08-425, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 96-15-002, filed 7/3/96, effective 8/3/96)

**WAC 461-08-450 ((Prehearing)) Scheduling letter((s)).** (1) Upon receipt of a petition for review which complies with the requirements of these regulations, the board shall promptly (~~mail to each party~~) issue a scheduling letter which sets the time and location of the hearing.

(2) In cases where the presiding officer does not order a pre-hearing conference, the letter setting the hearing date and time will be (~~mailed~~) issued at least seven days before the hearing date. The letter may also set the schedule for filing motions and prehearing briefs, and will notify the parties that an interpreter can be made available, upon reasonable notice to the board, for a witness or party who does not speak English or is hearing-impaired. The scheduling letter will control the subsequent proceedings, unless modified for good cause by the presiding officer.

(3) In cases where the presiding officer decides to hold a pre-hearing conference, the scheduling letter will also notify the parties of the time and location of the prehearing conference. The scheduling letter will be (~~mailed~~) issued at least seven days before the pre-hearing conference.

[Statutory Authority: RCW 90.58.175. WSR 96-15-002, § 461-08-450, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 461-08-465 Settlement and mediation agreements.** (1) Where the parties settle an appeal before hearing, the parties shall prepare (~~a written~~) and submit to the board a request for an order of dismissal to which the settlement agreement is attached, submit that (~~order~~) request to the board, and the board shall enter an order and dismiss the case.

(2) This section also pertains to settlement agreements reached after mediation.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 461-08-465, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 90.58.175. WSR 96-15-002, § 461-08-465, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 461-08-475 Motions.** (1) An application to the board for an order must be by motion which, unless made during a hearing, must be in writing, state with particularity the grounds therefor and set forth the relief sought. A moving party is not required to submit a proposed order with a motion unless requested to do so by the presiding officer.

(2) For motions for continuance or for schedule changes, or other motions that are likely to be uncontested, the moving party shall affirmatively seek the agreement of all parties and present a stipulated order wherever possible.

(3) If the motion is contested, any party may request, or the board may independently set, an oral argument on the motion. The presiding officer will decide whether or not an oral argument will be held and notify the parties accordingly. At oral argument, the board will consider the arguments of the parties but will not take evidence or testimony from witnesses.

(4) Unless a scheduling letter or order provides otherwise, the following schedule governs all written motions (including any supporting affidavits, memoranda of law, or other documentation):

(a) All motions dispositive of all or part of an appeal must be filed and served not later than ~~((sixty))~~ 90 days before the hearing date, unless the presiding officer by order allows otherwise.

(b) All responses to any dispositive motion must be filed and served ~~((fourteen))~~ 14 days from the receipt of the motion by the non-moving party. The moving party then has ~~((ten))~~ 10 days from receipt of the response to file and serve a reply.

(c) All responses to any nondispositive motion must be filed and served five days from receipt of the motion by the nonmoving party. The moving party then has three days from receipt of the response to file and serve a reply.

(d) In exigent or exceptional circumstances, a party may at any time request the board to modify the above schedules by requesting a scheduling conference (which may be telephonic) with the presiding officer.

(5) Unless oral argument is held, the board normally decides motions exclusively on the parties' written submissions.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 461-08-475, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 461-08-475, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW 90.58.175. WSR 96-15-002, § 461-08-475, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 461-08-490 Hearing briefs.** Hearing briefs, if filed, must be submitted to the board at least seven days before the time of hearing or such other time as directed by the presiding officer. The ~~((original))~~ brief must be filed with the board and ~~((a copy))~~ served on the other parties or their attorneys. ~~((Additional copies must be submitted to the board as required by the presiding officer and consistent with the prehearing order.))~~ The board may permit or require the filing of additional briefs.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 461-08-490, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 461-08-490, filed 1/17/07, effective 2/17/07. Statutory

Authority: RCW 90.58.175. WSR 96-15-002, § 461-08-490, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

**WAC 461-08-555 Final decisions and orders.** (1) **Full-board cases.** When the hearing on the petition for review has been heard by a majority of the board in a full-board case, and upon completion of the record and submission of the issues for decision and order, a written final decision and order concurred in by them then may be adopted which shall contain findings and conclusions as to each contested issue of fact and law material to the disposition of the matter: Provided, That in the event that the full board considers the record and that four of the members cannot agree on a decision, the substantive decision under appeal will control. The board will formally adopt its final decision and order.

(2) **Short-board cases.** When the hearing on the petition for review has been heard by two or more board members in a short-board case, and upon completion of the record and submission of the issues for decision and order, a written final decision and order concurred in by them then may be adopted which shall contain findings and conclusions as to each contested issue of fact and law: Provided, That in the event that the three board members consider the record and a majority of the members cannot agree on a decision, the substantive decision under appeal will control. The board will formally adopt its final decision and order.

(3) The ~~((board))~~ board's final decision and order shall ~~((mail copies of the final decision and order to))~~ be served on each party to the petition for review or to the attorney or representative of record, if any. The board's final decision and order may be served electronically when a party agrees to electronic service. Service upon the representative constitutes service upon the party.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 461-08-555, filed 1/14/15, effective 2/14/15. Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 461-08-555, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW 90.58.175. WSR 99-23-038, § 461-08-555, filed 11/12/99, effective 12/13/99; WSR 96-15-002, § 461-08-555, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 07-03-074, filed 1/17/07, effective 2/17/07)

**WAC 461-08-565 Petitions for reconsideration.** (1)(a) After issuance of a final decision, any party may file a petition for reconsideration with the board. Such petition must be filed and served on all parties within ~~((ten))~~ 10 days of ~~((mailing of))~~ the board serving the final decision under WAC 461-08-310. The board may require an answer, or parties may elect to file an answer, to the petition for reconsideration. Any answer to a petition for reconsideration must be

filed and served on all parties within five days of the date of receipt of the petition.

(b) The filing of a petition for reconsideration does not stay the effectiveness of the final decision of the board.

(c) In response to a petition for reconsideration, the board may deny it, or may reverse or modify its decision or may reopen the hearing. The board is deemed to have denied the petition if, within (~~twenty~~) 20 days from the date the petition is filed, the board does not act on the petition or specify a date by which it will act on the petition.

(2) The time for filing a petition for judicial review does not commence until disposition of the petition for reconsideration. However, the filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

(3) The board shall (~~mail copies of~~) serve the final decision and order and of the board's disposition of any petition for reconsideration (~~to~~) on each party to the appeal or (~~to~~) on the attorney or representative of record. The board's final decision and order may be served electronically when a party agrees to electronic service. Service on the representative constitutes service on the party.

[Statutory Authority: RCW 43.21B.170, 90.58.174, chapters 43.21B, 34.05, and 90.58 RCW. WSR 07-03-074, § 461-08-565, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW 90.58.175. WSR 96-15-002, § 461-08-565, filed 7/3/96, effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 10-18-021, filed 8/23/10, effective 9/23/10)

**WAC 461-08-570 Time for filing petitions for review to superior court.** An appeal of a final board order is called a petition for review. A petition for review must be filed with superior court within (~~thirty~~) 30 days of the date that the board serves its final order or decision as provided in RCW 34.05.542. The petitioner shall file a copy of the petition for review to superior court with the board and shall serve all parties of record. All appeals must first be filed in superior court even if direct review to the court of appeals will be sought.

[Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285. WSR 10-18-021, § 461-08-570, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 90.58.175 and SHB 1314. WSR 97-19-063, § 461-08-570, filed 9/15/97, effective 10/16/97. Statutory Authority: RCW 90.58.175. WSR 96-15-002, § 461-08-570, filed 7/3/96 effective 8/3/96.]

AMENDATORY SECTION (Amending WSR 96-15-002, filed 7/3/96, effective 8/3/96)

**WAC 461-08-580 Certification of record.** (1) Within (~~thirty~~) 30 days of receipt of a copy of the petition for judicial review to the superior court or notice of acceptance of the certificate of appealability by the court of appeals, the board shall certify and

transmit to the reviewing court the record made before the board. Additional time for certification and transmission of the record may be allowed by the reviewing court.

(2) Normally the record will not include a transcript of the testimony. Unless the board has caused a transcript to be printed, arrangements for and costs of the written transcript shall be the obligation of the party seeking judicial review.

[Statutory Authority: RCW 90.58.175. WSR 96-15-002, § 461-08-580, filed 7/3/96, effective 8/3/96.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 461-08-575	Direct review to the court of appeals based upon an accepted certificate of appealability by the board.
----------------	---

## WSR 23-11-083

## PERMANENT RULES

## EMPLOYMENT SECURITY DEPARTMENT

[Filed May 17, 2023, 11:26 a.m., effective July 1, 2023]

Effective Date of Rule: July 1, 2023.

Purpose: The paid family and medical leave (PFML) program (Title 50A RCW) is adopting rule amendments to provide additional clarity and improve program operations.

The adopted amendments add a new data field to employer quarterly reports to include employees' dates of birth and require a report of "no payroll" for up to a maximum of eight quarters when employers have no paid wages to report. The amendments will affect both PFML and the long-term services and supports trust (WA Cares fund) since employers submit one report to the department for both programs. The amendments will help ensure that employers report correct information to the department, including when no wages are paid during any given quarter. In addition, since WA Cares fund premium assessment begins July 1, 2023, employers must submit quarterly reports that include information for both PFML and WA Cares fund. The department is utilizing one employer report for both programs. RCW 50B.04.020 (4)(c) requires the department to determine the compliance of premium payments (employer audits) in coordination with the same activities conducted for PFML under Title 50A RCW. This requirement will assist the department because a report of "no payroll" will ensure the department does not flag a missing report for audit.

Adding employees' dates of birth to employer reports will assist with ensuring employee work history and premium assessments are complete. RCW 50B.04.080 requires the department, to the extent feasible, to use the same premium assessment, collection, and reporting procedures for the WA Cares fund as it does for PFML. Requiring dates of birth for employees will assist with determining employee eligibility for prorated benefits for WA Cares fund under RCW 50B.04.050. The requirements will also assist the department with projecting fund solvency for the PFML program, align with unemployment insurance practices of "no payroll" reports, and ensure the department has accurate data for annual PFML employer sizing determinations.

Specific to PFML, the adopted amendments correct an RCW pointer reference, clarify the definition of "placement" for the purpose of family leave to bond with the employee's child, clarify that hours worked in self-employment prior to the effective date of the election of coverage for self-employed individuals do not count toward establishing benefit eligibility, and clarify that weekly claims may be filed by an estate executor or administrator if the employee dies after they've been approved for benefits.

Citation of Rules Affected by this Order: Amending WAC 192-500-195 Placement, 192-510-010 Election, withdrawal, and cancellation of coverage, 192-540-030 What are employers required to report to the department?, and 192-800-150 Can an employee designate a representative to act on their behalf?

Statutory Authority for Adoption: RCW 50A.05.060, 50A.10.010.

Adopted under notice filed as WSR 23-08-075 on April 4, 2023.

A final cost-benefit analysis is available by contacting Janette Benham, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-790-6583, TTY relay 711 (contact Teresa Eckstein at 360-507-9890 for accommodations), email rules@esd.wa.gov, website <https://paidleave.wa.gov/rulemaking/>.

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 4, Repealed 0.

Date Adopted: May 17, 2023.

April Amundson  
Policy and Rules Manager  
ESPI, Leave and Care Division

#### OTS-4460.1

AMENDATORY SECTION (Amending WSR 20-20-073, filed 10/2/20, effective 11/2/20)

**WAC 192-500-195 Placement.** (1) For the purposes of qualifying for paid family leave to bond with a child under RCW 50A.05.010, "placement" means the adoptive, guardianship, foster care, or nonparental custody placement of a child under the age of (~~eighteen~~) 18 with the employee. A placement is considered:

(a) An adoptive placement when the employee is legally and permanently assuming the responsibility of raising the child as their own, and the placement of the child into the employee's home is made through a private arrangement, a child placement agency, or a government agency.

(b) A guardianship placement when the employee is granted guardianship of a child by court order, and the child is placed in the home under:

(i) Title 11 RCW;

(ii) Title 13 RCW; or

(iii) Any other applicable guardianship that reflects the purpose, permanency, and legal authority of guardianships under Titles 11 and 13 RCW, including guardianships granted out of this state or country.

(c) A foster care placement when the employee is providing care for a child placed in the employee's home. Such placements must involve voluntary or involuntary removal of the child from the child's parents or guardian, and an agreement between a government agency and the foster family that the foster family will take care of the child. Although foster care placement may be with a relative of the child or another individual who may not have a foster care license, government agency action must be involved in the removal of the child.

(d) A nonparental custody placement when the child is placed into the home of the employee by court order granting the employee nonparental custody.

(2) For the purposes of this section, a "government agency" may include an agency of any branch of government at the county, state, or federal level, or a foreign jurisdiction.

(3) The entitlement to paid family leave benefits for placement of a child expires at the end of the (~~twelve~~) 12-month period beginning on the date the child was first placed in the home.

(4) When applying for paid family leave to bond with a child, the employee must provide documentation referenced in WAC 192-610-025 to verify placement of the child.

(5) Qualifying paid family leave to bond with a child placed for adoption, guardianship, foster care, or nonparental custody does not include:

(a) (~~Placement with a birth parent; and~~) Any arrangement where the child is already in the care and custody of a parent and remains in that same parent's care and custody;

(b) Any arrangement where a child is returned to the care and custody of a parent or is placed with a parent whose entitlement to family leave to bond with that child has already expired; and

(c) Any adoptive, guardianship, foster care, or nonparental custody placement of a child with an employee that occurs more than (~~twelve~~) 12 months after that child is first placed in the employee's home.

[Statutory Authority: RCW 50A.05.060. WSR 20-20-073, § 192-500-195, filed 10/2/20, effective 11/2/20.]

#### OTS-4461.1

AMENDATORY SECTION (Amending WSR 21-04-067, filed 1/29/21, effective 3/1/21)

**WAC 192-510-010 Election, withdrawal, and cancellation of coverage.** (1) Self-employed persons as defined in RCW 50A.10.010 and federally recognized tribes as defined in RCW 50A.10.020 may elect coverage under Title 50A RCW.

(2) Notice of election of coverage must be submitted to the department online or in another format approved by the department.

(3) Elective coverage begins on the first day of the quarter immediately following the notice of election.

(4) Hours worked in self-employment prior to the effective date of the election of coverage cannot be used to establish benefit eligibility.

(5) A period of coverage is defined as:

(a) Three years following the first day of elective coverage or any gap in coverage; and

(b) Each subsequent year.

(~~(5)~~) (6) Any self-employed person or federally recognized tribe may file a notice of withdrawal within (~~thirty~~) 30 calendar days after the end of each period of coverage.

~~((6))~~ (7) A notice of withdrawal from coverage must be submitted to the department online or in another format approved by the department.

~~((7))~~ (8) Any levy resulting from the department's cancellation of coverage is in addition to the due and unpaid premiums and interest for the remainder of the period of coverage.

[Statutory Authority: RCW 50A.05.060. WSR 21-04-067, § 192-510-010, filed 1/29/21, effective 3/1/21. Statutory Authority: RCW 50A.05.60 [50A.05.060] and 50A.25.030. WSR 20-01-087, § 192-510-010, filed 12/12/19, effective 1/12/20. Statutory Authority: RCW 50A.04.215. WSR 19-08-016, § 192-510-010, filed 3/22/19, effective 4/22/19; WSR 18-12-032, § 192-510-010, filed 5/29/18, effective 6/29/18.]

### OTS-4462.1

AMENDATORY SECTION (Amending WSR 18-22-080, filed 11/2/18, effective 12/3/18)

**WAC 192-540-030 What are employers required to report to the department?** (1) Each calendar quarter, every employer must file a complete report with the department, including employers that have no payroll for the quarter as outlined in subsection (4) of this section.

(2) The report must include each employee's:

- (a) Full name;
- (b) Social Security number; ~~((and))~~
- (c) Date of birth; and
- (d) Wages paid during that quarter and the associated hours.

~~((2))~~ (3) The report must include the total amount of premiums deducted from all employees' wages, if any, during the calendar quarter.

~~((3))~~ (4) (a) If no wages were paid to employees during a calendar quarter, a report of no payroll must be filed for that quarter.

(b) The requirement to report no payroll shall continue for eight consecutive calendar quarters unless the employer notifies the department before the end of eight consecutive quarters that they have no employees to report at that time and in the foreseeable future.

(5) If an employee does not have a Social Security number but does have an individual taxpayer identification number (ITIN), the ITIN qualifies as a Social Security number. If the employee later obtains a Social Security number, the employer should use the Social Security number when filing the report of the employee's wages.

[Statutory Authority: RCW 50A.04.215. WSR 18-22-080, § 192-540-030, filed 11/2/18, effective 12/3/18.]

### OTS-4463.1

AMENDATORY SECTION (Amending WSR 20-11-036, filed 5/14/20, effective 6/14/20)

**WAC 192-800-150 Can an employee designate a representative to act on their behalf?** (1) The department may authorize another individual to act on the employee's behalf for the purposes of paid family and medical leave benefits if:

(a) An employee designates an authorized representative by submitting written documentation as required by the department;

(b) A court-appointed legal guardian with authority to make decisions on a person's behalf submits documentation as required by the department;

(c) An individual designated as an attorney-in-fact under a power of attorney submits documentation satisfactory to the department to act on the employee's behalf; or

(d) If an employee is unable to designate an authorized representative due to a serious health condition, an individual may represent the employee by submitting a complete and signed authorized representative designation form made available by the department, which must include:

(i) Documentation from the employee's health care provider certifying that the employee is incapable of completing the administrative requirements necessary for receiving paid family and medical leave benefits and is unable to designate an authorized representative to act on the employee's behalf; and

(ii) An affidavit or declaration authorized by (~~RCW 9A.72.085~~) chapter 5.50 RCW attesting to the responsibility to act in the employee's best interest.

(2) A person meeting the requirements under subsection (1) of this section may file an initial application and weekly claims up to and including the week in which the employee died subject to WAC 192-620-010.

(3) If an employee has been approved for benefit payments and the employee dies, an estate executor or administrator may file ((a)) weekly claims for ((the)) any weeks in which the employee ((died)) was unable to file a weekly claim up to and including the week in which they died, subject to WAC 192-620-010.

(4) The department will terminate the authority given to the authorized representative:

(a) When the employee or authorized representative notifies the department verbally or in writing; or

(b) At the department's discretion.

(5) For the purposes of paid family and medical leave the term employee is used for both employee and authorized representative.

[Statutory Authority: RCW 50A.05.060. WSR 20-11-036, § 192-800-150, filed 5/14/20, effective 6/14/20. Statutory Authority: RCW 50A.04.215. WSR 19-23-090, § 192-800-150, filed 11/19/19, effective 12/20/19.]

**WSR 23-11-085**  
**PERMANENT RULES**  
**OFFICE OF MINORITY AND**  
**WOMEN'S BUSINESS ENTERPRISES**

[Filed May 17, 2023, 3:38 p.m., effective June 17, 2023]

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

Purpose: Under current rules, the formula for determining each political subdivision's fees contain gaps that create ambiguity. The fees also do not increase smoothly as expenditures rise under the current formula. Finally, the cap on fees has not been updated since 2004, despite the growth in expenditures. As a result, political subdivisions with greater expenditures pay a lower proportion in fees compared to political subdivisions with less expenditures. The new formula will make fees more predictable, less ambiguous, and more proportionate to expenditures. The resulting increase in collections will offset increases in the staff cost for the office of minority and women's business enterprises to certify more businesses.

Citation of Rules Affected by this Order: Amending WAC 326-02-034.

Statutory Authority for Adoption: RCW 39.19.030, 39.19.220.

Adopted under notice filed as WSR 22-24-009 on November 28, 2022.

Date Adopted: May 17, 2023.

Julie Bracken  
Public Records Officer  
Records Manager  
Rules Coordinator

**OTS-4082.1**

AMENDATORY SECTION (Amending WSR 11-11-030, filed 5/11/11, effective 6/11/11)

**WAC 326-02-034 Political subdivision fees.** (1) It is the intent of the state legislature that political subdivisions within the state of Washington contribute to the costs of the state's certification program for minority and women's business enterprises. For the purpose of this section, political subdivisions means any city, town, county, special purpose district, public corporation created by the state, municipal corporation, or quasi-municipal corporation within the state of Washington that administers a policy or program, or funds from whatever source, which requires or encourages the use of certified minority, women, or disadvantaged business enterprises.

(2) Effective July 1, 1993, the office shall allocate a portion of its biennial operational costs to political subdivisions. Each political subdivision shall pay a proportionate share of this allocation based on the formula set forth in subsection (4) of this section.

(3) (a) The fee charged to each political subdivision for the ~~((period, July 1, 2003 - June 30, 2005))~~ biennium beginning July 1, 2023, and subsequent biennia unless revised by rule, shall be based on the annual average of expenditures for capital projects, supplies and other services for ~~((fiscal years 1999-2001 as reflected in the state auditor's online BARS report, when available. Data on the annual aver-~~

~~age of capital expenditures by the transit districts during the relevant period will be taken from a report produced by the Washington state department of transportation entitled, 2001 Summary of Public Transportation Systems in Washington State)) the most recent available biennium as reported by the state auditor's office. Data on the annual average of expenditures by school districts and educational service districts will be obtained from the office of the superintendent of public instruction. The basis for the fee to be charged to the Housing Authorities is the number of low-income units owned or managed during the last fiscal year as reported to the U.S. Department of Housing and Urban Development. The maximum amount charged to any political subdivision ((shall)) must not exceed ((\$40,000.00 in a single biennium)) \$60,000 in the biennium beginning July 1, 2023. In subsequent biennia, the maximum amount charged must be adjusted for inflation as measured in the implicit price deflator index.~~

~~(b) ((For the biennium beginning July 1, 2005, and subsequent biennia, similar data reflecting expenditures during the previous biennium or in the case of Housing Authorities, the average number of low-income units owned or managed during the previous biennium will be used to calculate the fee charged to each political subdivision.~~

~~(e)) When insufficient data is available to calculate the average expenditures from the sources listed in (a) of this subsection, the office may either use other sources for the data or estimate the amount of relevant expenditures. In either event, the office shall allow the affected political subdivisions to offer alternative data on which to base its calculation. New political subdivisions will be charged based on the office's estimate of the annual average of relevant expenditures by the entity for the current biennium.~~

~~((d)) (c) After paying the fee, the political subdivisions may challenge the office about the accuracy of the data used to calculate the fee under ((b)) (a) of this subsection. Upon verification by the state auditor, the fee may be revised and refund issued or additional fee assessed.~~

~~((e)) (d) Following the initial billing in each biennium, which will include the total amount due for the biennium beginning July 1, 2003, the office will mail invoices on a quarterly basis one month before the start of each quarter for the outstanding balance at that time. Payments shall be due within ((thirty)) 30 calendar days after receipt of the invoice.~~

~~(4) (a) The following formula will be used to calculate the fees: ((For the annual average of expenditures ranging from \$1m — \$50.99m, a sliding scale as follows: (\$1m — \$10m = \$100; \$11m — \$20m = \$150; \$21m — \$30m = \$200; \$31m — \$40m = \$250; \$41m — \$50m = \$300). For \$51m — \$99.99m, the formula will be the annual average of expenditures multiplied by .0001. At \$100m, a sliding scale resumes; beginning at \$10k and increasing in increments of \$5k for each additional \$100m in the annual average of expenditures; e.g., \$200m — \$299m = \$15k; \$300m — \$399m = \$20,000; etc. Fees will not be charged to any political subdivision with an average annual expenditure totaling less than \$1m during the period under review.)) The political subdivision's average annual expenditures multiplied by 0.00006.~~

~~(b) The fee to Housing Authorities will be ((\$1)) one dollar per low-income unit owned or managed during the last fiscal year.~~

~~(5) The office shall develop a policy and procedure for collection of any invoice that is not paid within ((thirty)) 30 calendar days. The office shall distribute the collection policy and procedure~~

to all political subdivisions along with the initial and quarterly billings.

[Statutory Authority: RCW 39.19.030. WSR 11-11-030, § 326-02-034, filed 5/11/11, effective 6/11/11. Statutory Authority: RCW 39.19.220. WSR 04-13-032, § 326-02-034, filed 6/9/04, effective 7/10/04. Statutory Authority: RCW 39.19.030(17). WSR 98-13-075, § 326-02-034, filed 6/15/98, effective 7/16/98. Statutory Authority: RCW 39.19.030(7). WSR 97-17-045, § 326-02-034, filed 8/14/97, effective 9/15/97. Statutory Authority: RCW 39.19.220. WSR 94-11-113, § 326-02-034, filed 5/18/94, effective 6/18/94.]

## WSR 23-11-088

## PERMANENT RULES

## DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed May 17, 2023, 9:17 p.m., effective June 17, 2023]

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

Purpose: The pharmacy quality assurance commission (commission) adopted new sections in chapter 246-945 WAC for the implementation of SSB 6526 (chapter 264, Laws of 2020), an act relating to the reuse and donation of unexpired prescription drugs passed by the 2020 Washington state legislature. SSB 6526 permits the department of corrections (DOC) pharmacy to accept returns of prescription drugs in unit dose packages. The law also allows the commission to adopt rules to allow the safe donation of prescription drugs under chapter 69.70 RCW including, but not limited to, allowing pharmacy to pharmacy donation of unexpired prescription drug stock.

WAC 246-945-486 specifically allows the DOC pharmacy to accept for return and reuse noncontrolled unexpired legend drugs in unit dose packages, or full or partial multiple dose medication cards from the facilities it serves. The DOC pharmacy must ensure product integrity by adhering to RCW 69.70.050 (1), (2), and (5).

WAC 246-945-488 adopts the required conditions for donated prescription drugs outlined in chapter 69.70 RCW, but also adds a requirement that participating pharmacies must submit an additional form to the commission as notification of participation in the program. They must also notify the commission when terminating participation in the program. The rule also directs participating pharmacies to develop policies and procedures that facilitate compliance with the statutory requirements. The policies and procedures must also include an additional requirement to notify the prescriber when donated medications are dispensed to a patient.

In addition, WAC 246-945-488 contains measures to ensure patient safety and product integrity such as separating the donated drugs from the rest of the pharmacy's drug stock and maintaining a separate inventory. Finally, the rule also adds the clarification that practitioners, pharmacists, medical facilities, manufacturers, wholesalers, or persons to whom a prescription drug was prescribed are not required to obtain a wholesaler license when donating drugs to a pharmacy.

Citation of Rules Affected by this Order: New WAC 246-945-486 and 246-945-488.

Statutory Authority for Adoption: RCW 18.64.005; SSB 6526 (chapter 264, Laws of 2020), codified as RCW 18.64.610 and 69.70.110.

Adopted under notice filed as WSR 23-03-109 on January 18, 2023.

Changes Other than Editing from Proposed to Adopted Version:

None. The rules were originally proposed under notice filed as WSR 22-20-100 on October 4, 2022. Following the public rules hearing held on November 17, 2022, the commission determined that the proposed rule language required an amendment to WAC 246-945-488 (2)(h)(i) to remove a prescriber notification requirement that was deemed unnecessary in order to provide donated prescription drugs to patients with a valid, standing prescription. The commission repropoed the rules under notice filed as WSR 23-03-109 on January 18, 2023, and there were no changes made between this supplemental proposed rule and the final rule.

A final cost-benefit analysis is available by contacting Joshua Munroe, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-502-5058, TTY 711, email [pharmacyrules@doh.wa.gov](mailto:pharmacyrules@doh.wa.gov).

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 2, 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 2, Amended 0, Repealed 0.

Date Adopted: May 17, 2023.

Teri Ferreira, RPh  
Pharmacy Quality Assurance Chair

### OTS-3189.3

#### NEW SECTION

**WAC 246-945-486 Return and reuse of unexpired medications—Department of corrections.** (1) For the purposes of this section, the term "facilities" includes all facilities served by the Washington state department of corrections pharmacy.

(2) The Washington state department of corrections pharmacy may accept for return and reuse noncontrolled legend drugs in unit dose packages, or full or partial multiple dose medication cards from the facilities it serves, if product integrity can be assured and the Washington state department of corrections pharmacy complies with RCW 69.70.050 (1), (2), and (5).

[]

#### NEW SECTION

**WAC 246-945-488 Safe donation of unexpired prescription drugs.**

(1) For the purposes of this section, the definitions in RCW 69.70.010 apply.

(2) A pharmacy that accepts, distributes, or dispenses prescription drugs and supplies under WAC 246-945-485 (1)(b) that are donated shall:

(a) Comply with the requirements in RCW 69.70.020, 69.70.030, 69.70.040, and 69.70.050, when applicable;

(b) Complete and return an attestation form developed and supplied by the commission attesting to participation in the drug donation program;

(c) Notify the commission in writing if it is no longer accepting donated prescription drugs and supplies. This notification must occur within thirty calendar days of the pharmacy no longer accepting donated prescription drugs and supplies;

(d) Not accept donations of prescription drugs and supplies via a drop box;

(e) Ensure that prescription drugs and supplies donated by the person to whom the prescription drug was prescribed or the person's representative are accompanied by the department's drug donation form in accordance with RCW 69.70.020(2);

(f) Ensure clear separation of the pharmacy's donated prescription drug stock from the rest of the pharmacy's drug stock;

(g) Maintain a separate inventory of all prescription drugs and supplies donated to the pharmacy; and

(h) Develop and implement policies and procedures addressing:

(i) When prescription drugs or supplies may be accepted and dispensed. The policy and procedure shall require a pharmacist to inspect the donated prescription drugs and supplies; and

(ii) How the pharmacy will respond when it is informed of a recall for donated prescription drugs and supplies.

(3) Practitioners, pharmacists, medical facilities, drug manufacturers, drug wholesalers, persons to whom a prescription drug was prescribed, or the person's representative, are not required to obtain a wholesaler license when donating prescription drugs to a pharmacy.

[]

**WSR 23-11-093  
PERMANENT RULES  
GAMBLING COMMISSION**

[Filed May 18, 2023, 1:35 p.m., effective June 18, 2023]

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

Purpose: The proposed rule amendments adjust license fees paid by charitable or nonprofit organizations, commercial stimulant organizations, sports wagering vendors, and other businesses. The adjustments are necessary to ensure that the fees reflect the commission's costs of licensing, regulation, and enforcement.

Citation of Rules Affected by this Order: Amending WAC 230-05-160, 230-05-165, and 230-05-170.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 23-07-103 on March 20, 2023.

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 3, 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: May 16, 2023.

Lisa C. McLean  
Legislative and Policy Manager

**OTS-4439.1**

AMENDATORY SECTION (Amending WSR 21-21-079, filed 10/18/21, effective 11/18/21)

**WAC 230-05-160 Charitable or nonprofit organization fees.** Bona fide charitable and nonprofit organizations must pay the following fees:

(1) Annual licenses:

License Type	Base License Fee	Gross Gambling Receipts Rate	Maximum Annual License Fee
Amusement games	<del>(\$65)</del> \$70 plus <del>(\$65)</del> \$70 per approved location	<del>(0.730%)</del> 0.774%	<del>(\$1,000)</del> \$1,600
Bingo	<del>(\$65)</del> \$70	<del>(0.460%)</del> 0.488%	<del>(\$11,000)</del> \$17,600
Card games - House-banked	<del>(\$10,000)</del> \$11,000	<del>(1.462%)</del> 1.550%	<del>(\$40,000)</del> \$64,000
Card games - Nonhouse-banked	<del>(\$65)</del> \$70	<del>(0.430%)</del> 0.456%	<del>(\$1,000)</del> \$1,600
Combination	<del>(\$125)</del> \$140	-	-

License Type	Base License Fee	Gross Gambling Receipts Rate	Maximum Annual License Fee
Fund-raising equipment distributor	(( <del>\$270</del> ) <u>\$295</u> )	(( <del>1.430%</del> ) <u>1.516%</u> )	(( <del>\$700</del> ) <u>\$1,120</u> )
Punch board/pull-tabs	(( <del>\$650</del> ) <u>\$715</u> )	(( <del>1.430%</del> ) <u>1.516%</u> )	(( <del>\$10,000</del> ) <u>\$16,000</u> )
Raffles	(( <del>\$65</del> ) <u>\$70</u> )	(( <del>3.380%</del> ) <u>3.583%</u> )	(( <del>\$2,000</del> ) <u>\$3,200</u> )
Raffles - Credit Union	(( <del>\$65</del> ) <u>\$70</u> )	(( <del>3.380%</del> ) <u>3.583%</u> )	(( <del>\$2,000</del> ) <u>\$3,200</u> )
Raffles - Enhanced (( <del>raffles</del> ))	(( <del>\$5,000</del> ) <u>\$5,500</u> )	(( <del>0.430%</del> ) <u>0.456%</u> )	(( <del>\$32,000</del> ) <u>\$51,200</u> )
Raffles - Electronic* (( <del>raffles</del> ))	(( <del>\$5,000</del> ) <u>\$5,500</u> )	(( <del>0.430%</del> ) <u>3.583%</u> )	(( <del>\$32,000</del> ) <u>\$51,200</u> )

\* Commission will bill for actual expenses related to verifying/investigating electronic raffle operating and system requirements.

(2) Event licenses or permits:

License Type	Base License Fee	Gross Gambling Receipts Rate	Maximum Annual License Fee
Fund-raising event	(( <del>\$180</del> ) <u>\$200</u> )	(( <del>3.130%</del> ) <u>3.318%</u> )	(( <del>\$1,000</del> ) <u>\$1,600</u> )
Recreational gaming activity	(( <del>\$65</del> ) <u>\$70</u> )	-	-
Special property bingo/change of bingo premises	(( <del>\$30</del> ) <u>\$35</u> )	-	-

(3) Change fees:

Change of:	Fee
Name	(( <del>\$100</del> ) <u>\$110</u> )
Location	(( <del>\$100</del> ) <u>\$110</u> )
Fund-raising event location, date, or time	(( <del>\$50</del> ) <u>\$55</u> )

(4) Other fees:

Transaction	Fee
Add a new amusement game location	(( <del>\$65</del> ) <u>\$70</u> )
Duplicate license	(( <del>\$50</del> ) <u>\$55</u> )
Review, inspection, and/or evaluation of gambling equipment, supplies, services, games, or schemes	Deposit and cost reimbursement

[Statutory Authority: RCW 9.46.070. WSR 21-21-079, § 230-05-160, filed 10/18/21, effective 11/18/21; WSR 20-04-011, § 230-05-160, filed 1/24/20, effective 2/24/20; WSR 18-05-026, § 230-05-160, filed 2/9/18, effective 5/1/18.]

AMENDATORY SECTION (Amending WSR 18-05-026, filed 2/9/18, effective 5/1/18)

**WAC 230-05-165 Commercial stimulant organization fees.** All commercial stimulant organizations must pay the following fees:

(1) Annual licenses:

License Type	Base License Fee	Gross Gambling Receipts Rate	Maximum Annual License Fee
Card games - Nonhouse-banked	<del>(\$65)</del> <u>\$70</u>	<del>(1.462%)</del> <u>1.550%</u>	<del>(\$20,000)</del> <u>\$32,000</u>
Card games - House-banked	<del>(\$10,000)</del> <u>\$11,000</u>	<del>(1.462%)</del> <u>1.550%</u>	<del>(\$40,000)</del> <u>\$64,000</u>
Punch boards/pull-tabs	<del>(\$700)</del> <u>\$770</u>	<del>(1.430%)</del> <u>1.516%</u>	<del>(\$13,000)</del> <u>\$20,800</u>

## (2) Change fees:

Change of:	Fee
Name	<del>(\$100)</del> <u>\$110</u>
Location	<del>(\$100)</del> <u>\$110</u>
Business classification (same owners)	<del>(\$100)</del> <u>\$110</u>
Corporate stock/limited liability company shares/units	<del>(\$100)</del> <u>\$110, and cost reimbursement for investigating the transaction and qualification of each substantial interest holder</u>
License transfers	<del>(\$100)</del> <u>\$110</u>

## (3) Other fees:

Transaction	Fee
Duplicate License	<del>(\$50)</del> <u>\$55</u>

[Statutory Authority: RCW 9.46.070. WSR 18-05-026, § 230-05-165, filed 2/9/18, effective 5/1/18.]

AMENDATORY SECTION (Amending WSR 21-16-072, filed 7/30/21, effective 8/30/21)

**WAC 230-05-170 Fees for other businesses.** All other business organizations must pay the following fees:

## (1) Annual licenses or permits:

License Type	Base License Fee	Gross Gambling Receipts Rate	Maximum Annual License Fee
Agricultural fair bingo (annual permit)	<del>(\$200)</del> <u>\$220</u>	-	-
Call centers for enhanced raffles	<del>(\$4,800)</del> <u>\$5,280</u>	-	-
Commercial amusement games	<del>(\$500)</del> <u>\$550</u> plus <del>(\$65)</del> <u>\$70</u> per approved location	<del>(1.130%)</del> <u>1.198%</u>	<del>(\$11,000)</del> <u>\$17,600</u>
Distributor	<del>(\$700)</del> <u>\$770</u>	<del>(1.430%)</del> <u>1.516%</u>	<del>(\$7,000)</del> <u>\$11,200</u>
Fund-raising event distributor	<del>(\$280)</del> <u>\$310</u>	<del>(1.430%)</del> <u>1.516%</u>	<del>(\$1,000)</del> <u>\$1,600</u>
Linked bingo prize providers	<del>(\$1,500)</del> <u>\$1,650</u>	<del>(.046%)</del> <u>0.048%</u>	<del>(\$20,000)</del> <u>\$32,000</u>
Manufacturer	<del>(\$1,500)</del> <u>\$1,650</u>	<del>(1.430%)</del> <u>1.516%</u>	<del>(\$25,000)</del> <u>\$40,000</u>
Manufacturer's special sales permit	<del>(\$250)</del> <u>\$275</u>	-	-
Punch board/pull-tab service business permit	<del>(\$250)</del> <u>\$275</u>	-	-

License Type	Base License Fee	Gross Gambling Receipts Rate	Maximum Annual License Fee
Gambling service supplier	<del>(\$300)</del> <u>\$330</u>	<del>(1.430%)</del> <u>1.516%</u>	<del>(\$7,000)</del> <u>\$11,200</u>
Major sports wagering vendor	<del>(\$65,000)</del> <u>\$30,000</u>	-	-
Mid-level sports wagering vendor	<del>(\$10,000)</del> <u>\$5,000</u>	-	-
Ancillary sports wagering vendor	<del>(\$5,000)</del> <u>\$2,000</u>	-	-

(2) Events or permits:

License or Permit Type	Base License Fee	Gross Gambling Receipts Rate	Maximum Annual License Fee
Recreational gaming activity	<del>(\$65)</del> <u>\$70</u>	-	-
Special property bingo	<del>(\$30)</del> <u>\$35</u>	-	-

(3) Change fees:

Change of:	Fee
Name	<del>(\$100)</del> <u>\$110</u>
Location	<del>(\$100)</del> <u>\$110</u>
Business classification (same owners)	<del>(\$100)</del> <u>\$110</u>
Corporate stock/limited liability company shares/units	<del>(\$100)</del> <u>\$110, and cost reimbursement for investigating the transaction and qualification of each substantial interest holder</u>
License transfers	<del>(\$100)</del> <u>\$110</u>

(4) Other fees:

Transaction	Fee
Add a new amusement game location	<del>(\$65)</del> <u>\$70</u>
Defective punch board/pull-tab cost recovery fees	Up to <del>(\$100)</del> <u>\$110</u>
Duplicate license	<del>(\$50)</del> <u>\$55</u>
Pre- and post-licensing investigations	Cost reimbursement
Review, inspection, and/or evaluation of gambling equipment, supplies, services, games, schemes, or group 12 amusement games	Deposit and cost reimbursement

[Statutory Authority: RCW 9.46.070, 9.46.075, 9.46.140, 9.46.153, 9.46.210. WSR 21-16-072, § 230-05-170, filed 7/30/21, effective 8/30/21. Statutory Authority: RCW 9.46.070. WSR 18-11-055, § 230-05-170, filed 5/10/18, effective 6/10/18.]

## WSR 23-11-097

## PERMANENT RULES

## HEALTH CARE AUTHORITY

[Filed May 18, 2023, 3:31 p.m., effective June 18, 2023]

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

Purpose: The health care authority (HCA) is amending WAC 182-531-1400(6) to update the requirements in subsection (6)(a) with a cross-reference to WAC 182-538D-0200 and to align requirements for professionals treating children with RCW 71.34.020 and WAC 182-538D-0200.

Citation of Rules Affected by this Order: Amending WAC 182-531-1400.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160, and 71.34.020.

Adopted under notice filed as WSR 23-08-059 on April 3, 2023.

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 1, Repealed 0.

Date Adopted: May 18, 2023.

Wendy Barcus  
Rules Coordinator

**OTS-4442.1**

AMENDATORY SECTION (Amending WSR 22-11-028, filed 5/11/22, effective 6/11/22)

**WAC 182-531-1400 Psychiatric physician-related services and other professional mental health services.** (1) The mental health services covered in this section are different from the mental health services covered under community mental health and involuntary treatment programs in chapter 182-538D WAC.

(2) Inpatient and outpatient mental health services not covered under chapter 182-538D WAC may be covered by the agency under this section.

**Inpatient mental health services**

(3) For hospital inpatient psychiatric admissions, providers must comply with chapter 182-538D WAC.

(4) The agency covers professional inpatient mental health services as follows:

(a) When provided by a psychiatrist, psychiatric advanced registered nurse practitioner (ARNP), psychiatric mental health nurse practitioner-board certified (PMHNP-BC), or psychologist in conjunction with the prescribing provider;

(b) The agency pays only for the total time spent on direct psychiatric client care during each visit, including services provided when making rounds. The agency considers services provided during rounds to be direct client care services and may include, but are not limited to:

(i) Individual psychotherapy up to one hour;

(ii) Family/group therapy; or

(iii) Electroconvulsive therapy.

(c) One electroconvulsive therapy or narcosynthesis per client, per day, and only when performed by a psychiatrist.

### Outpatient mental health services

(5) The agency covers outpatient mental health services when provided by the following licensed health care (~~(professionals)~~) practitioners who are eligible providers under chapter 182-502 WAC:

(a) Psychiatrists;

(b) Psychologists;

(c) Psychiatric advanced registered nurse practitioners (ARNP);

(d) Psychiatric mental health nurse practitioners-board certified (PMHNP-BC);

(e) Mental health counselors;

(f) Independent clinical social workers;

(g) Advanced social workers; or

(h) Marriage and family therapists.

(6) With the exception of (~~licensed psychiatrists and psychologists~~) child psychiatrists, as defined in RCW 71.34.020, qualified ((health care professionals)) practitioners listed in subsection (5) of this section who diagnose and treat clients age 18 and younger must meet one of the following:

(a) (~~Have a minimum of 100 actual hours of specialized study of child development and treatment and a minimum of one year of supervised experience in the diagnosis and treatment of clients age 18 and younger~~) The education and experience requirements for a child mental health specialist found in WAC 182-538D-0200; or

(b) Be working under the supervision of a (~~professional~~) practitioner who meets these (~~criteria~~) requirements.

(7) The agency does not limit the total number of outpatient mental health visits a licensed health care professional can provide.

(8) The agency evaluates a request for covered outpatient mental health services in excess of the limitations in this section under WAC 182-501-0169.

(9) The agency covers outpatient mental health services with the following limitations:

(a) Diagnostic evaluations. One psychiatric diagnostic evaluation, per provider, per client, per calendar year, unless significant change in the client's circumstances renders an additional evaluation medically necessary and is authorized by the agency.

(i) For clients 20 years of age and younger, additional evaluations are paid for when medically necessary and authorized by the agency, per WAC 182-534-0100 and 182-501-0165.

(ii) For clients five years of age and younger, the agency pays for the following without requiring prior authorization:

(A) Up to five sessions to complete a psychiatric diagnostic evaluation; and

(B) Evaluations in the home or community setting, including reimbursement for provider travel.

(iii) For clients age five through age 20, the services in

(a)(ii)(A) and (B) of this subsection are paid for when medically necessary and authorized by the agency.

(b) Psychotherapy. One or more individual or family/group psychotherapy visits, with or without the client, per day, per client, when medically necessary.

(c) Medication management. One psychiatric medication management service, per client, per day, in an outpatient setting when performed by one of the following:

(i) Psychiatrist;

(ii) Psychiatric advanced registered nurse practitioner (ARNP);

or

(iii) Psychiatric mental health nurse practitioner-board certified (PMHNP-BC).

(10) To receive payment for providing mental health services, providers must bill the agency using the agency's published billing instructions.

[Statutory Authority: RCW 41.05.021, 41.05.160 and 2021 c 126 § (2)(11). WSR 22-11-028, § 182-531-1400, filed 5/11/22, effective 6/11/22. Statutory Authority: RCW 41.05.021, 41.05.16 [41.05.160], and 2017 c 226. WSR 19-15-107, § 182-531-1400, filed 7/22/19, effective 8/22/19. Statutory Authority: RCW 41.05.021, 41.05.160, 2014 c 225. WSR 16-06-053, § 182-531-1400, filed 2/24/16, effective 4/1/16. Statutory Authority: RCW 41.05.021, 41.05.160. WSR 15-03-041, § 182-531-1400, filed 1/12/15, effective 2/12/15. WSR 11-14-075, recodified as § 182-531-1400, filed 6/30/11, effective 7/1/11. Statutory Authority: RCW 74.09.521. WSR 08-12-030, § 388-531-1400, filed 5/29/08, effective 7/1/08. Statutory Authority: RCW 74.08.090, 74.09.520. WSR 01-01-012, § 388-531-1400, filed 12/6/00, effective 1/6/01.]

**WSR 23-11-108**  
**PERMANENT RULES**  
**GAMBLING COMMISSION**

[Filed May 19, 2023, 1:19 p.m., effective June 19, 2023]

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

Purpose: The new and amended rules will allow for the purchase of chips using debit cards. In addition to changing the rule related to the process for selling and redeeming chips, rule amendments are necessary to define debit card, expand the definition of "gambling equipment," set limits on withdrawals, and generally change the way that accounting for table inventory and conducting and concluding the count are done and recorded.

Citation of Rules Affected by this Order: New WAC 230-06-006, 230-15-151, 230-15-506 and 230-15-507; and amending WAC 230-03-200, 230-06-035, 230-15-150, 230-15-280, 230-15-500, 230-15-505, 230-15-585, 230-15-615, and 230-15-620.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 23-07-104 on March 20, 2023.

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 1, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 4, Amended 8, 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: May 19, 2023.

Lisa C. McLean  
Legislative and Policy Manager

**OTS-4381.1**

AMENDATORY SECTION (Amending WSR 21-21-079, filed 10/18/21, effective 11/18/21)

**WAC 230-03-200 Defining "gambling equipment."** "Gambling equipment" means any device, gambling-related software, expendable supply, or any other paraphernalia used as a part of gambling or to make gambling possible. "Gambling equipment" includes, but is not limited to:

- (1) Amusement games;
- (2) Punch boards and pull-tabs;
- (3) Devices for dispensing pull-tabs;
- (4) Electronic devices for conducting, facilitating, or accounting for the results of gambling activities including, but not limited to:
  - (a) Components of a tribal lottery system;

- (b) Electronic devices for reading and displaying outcomes of gambling activities; and
- (c) Accounting systems that are a part of, or directly connected to, a gambling system including, but not limited to:
- (i) Bet totalizers; or
  - (ii) Progressive jackpot meters; or
  - (iii) Keno systems;
- (5) Bingo equipment;
- (6) Electronic raffle systems;
- (7) Devices and supplies used to conduct card games, fund-raising events, recreational gaming activities, or Class III gaming activities, as defined in the Indian Gaming Regulatory Act at U.S.C. 25 chapter 29 § 2703 and in tribal-state compacts including, but not limited to:
- (a) Gambling chips;
  - (b) Cards;
  - (c) Dice;
  - (d) Card shuffling devices;
  - (e) Graphical game layouts for table games;
  - (f) Ace finders or no-peek devices;
  - (g) Roulette wheels;
  - (h) Keno equipment; and
  - (i) Tables manufactured exclusively for gambling purposes;
- (8) Debit card reading devices used at gambling tables to sell chips to players.

[Statutory Authority: RCW 9.46.070. WSR 21-21-079, § 230-03-200, filed 10/18/21, effective 11/18/21; WSR 06-07-157 (Order 457), § 230-03-200, filed 3/22/06, effective 1/1/08.]

#### OTS-4370.1

#### NEW SECTION

**WAC 230-06-006 Defining debit card.** "Debit card," as used in this title, means a physical payment card linked to and issued by a bank, mutual savings bank, or credit union regulated by the department of financial institutions or any federally regulated commercial institution, for the purposes of making payments for purchases or services electronically in place of cash. Debit cards must be linked to checking or savings accounts with funds on deposit and available to be withdrawn.

[]

#### OTS-4382.1

AMENDATORY SECTION (Amending WSR 07-21-116, filed 10/22/07, effective 1/1/08)

**WAC 230-06-035 Credit, loans, or gifts prohibited.** (1) Licensees, employees, or members must not offer or give credit, loans, or gifts to any person playing in an authorized gambling activity or which makes it possible for any person to play in an authorized gambling activity.

(2) Gifts are items licensees give to their customers. Licensees must not connect these gifts to gambling activities we regulate unless the gifts are:

- (a) Gambling promotions; or
- (b) Transportation services to and from gambling activities; or
- (c) Free or discounted food, drink, or merchandise which:
  - (i) Costs less than (~~five hundred dollars~~) \$500 per individual item; and
  - (ii) Must not be traded back to you for cash; and
  - (iii) Must not give a chance to participate further in an authorized gambling activity.

(3) You must collect the price required to participate in the gambling activity in full before allowing someone to participate. (~~Licensees must collect~~) Authorized payment methods include cash, check, gift certificate, gift card, or (~~electronic point-of-sale bank transfer~~) debit card.

(4) If the price paid for the opportunity to play a punch board or pull-tab series is (~~ten dollars~~) \$10 or less, licensees may collect the price immediately after the play is completed.

(5) If a charitable or nonprofit organization has a regular billing system for all of the activities of its members, it may use its billing system in connection with the playing of any licensed activities as long as the organization limits play to full and active members of its organization.

(6) Charitable or nonprofit organizations may allow credit cards, issued by a state regulated or federally regulated financial institution, for payment to participate in raffles.

[Statutory Authority: RCW 9.46.070. WSR 07-21-116 (Order 617), § 230-06-035, filed 10/22/07, effective 1/1/08; WSR 06-17-132 (Order 601), § 230-06-035, filed 8/22/06, effective 1/1/08.]

#### OTS-4383.1

AMENDATORY SECTION (Amending WSR 07-10-034, filed 4/24/07, effective 1/1/08)

**WAC 230-15-150 Selling and redeeming chips.** (~~(1)~~) Card game licensees must:

- (~~(a)~~) (1) Sell chips and redeem chips at the same value; and
- (~~(b)~~) (2) Sell chips for cash at gambling tables. Provided that house-banked card game licensees may allow players to use debit cards to purchase chips at house-banked card game tables in accordance with WAC 230-15-506 and 230-15-507; and

~~((e))~~ (3) Keep all funds from selling chips separate and apart from all other money received; and

~~((d))~~ (4) Not extend credit to a person purchasing chips, including to card room employees playing cards ~~(; and~~

~~(2) Licensees may accept checks, if the checks meet the requirements of WAC 230-06-005. They must:~~

~~(a) Deposit any check retained after the close of business no later than the second banking day after the close of business. Checks deposited to an armored car service no later than the second banking day after the close of business meet this requirement; and~~

~~(b) Count each transaction for the purchase of chips as a separate transaction. (Example: They must not allow a player's check to be altered after it is exchanged for chips.)~~

[Statutory Authority: RCW 9.46.070. WSR 07-10-034 (Order 611), § 230-15-150, filed 4/24/07, effective 1/1/08.]

AMENDATORY SECTION (Amending WSR 07-09-033, filed 4/10/07, effective 1/1/08)

**WAC 230-15-280 Surveillance requirements for house-banked card games.** House-banked card game licensees must use a closed circuit television system (CCTV) to closely monitor and record all gambling activities and areas, including, at least:

(1) Each table, including:

- (a) Cards; and
- (b) Wagers; and
- (c) Chip tray; and
- (d) Drop box openings; and
- (e) Table number; and
- (f) Card shoe; and
- (g) Shuffling devices; and
- (h) Players; and
- (i) Dealers; and
- (j) Debit card reading devices at gambling tables; and

(2) The designated gambling areas; and

(3) The cashier's cage, including:

- (a) Outside entrance; and
- (b) Fill/credit dispenser; and
- (c) Customer transactions; and
- (d) Cash and chip drawers; and
- (e) Vault/safe; and
- (f) Storage cabinets; and
- (g) Fill or credit transactions; and
- (h) Floor; and
- (4) The count room, including:

- (a) The audio; and
- (b) Count table; and
- (c) Floor; and
- (d) Counting devices; and
- (e) Trolley; and
- (f) Drop boxes; and
- (g) Storage shelves/cabinets; and
- (h) Entrance and exit; and
- (5) The movement of cash, gambling chips, and drop boxes; and

(6) Entrances and exits to the card room.

[Statutory Authority: RCW 9.46.070. WSR 07-09-033 (Order 608), § 230-15-280, filed 4/10/07, effective 1/1/08.]

AMENDATORY SECTION (Amending WSR 07-09-033, filed 4/10/07, effective 1/1/08)

**WAC 230-15-500 Accounting for table inventory.** (1) House-banked card game licensees must establish procedures to ensure proper accounting for chips and coins stored at gambling tables, known as the "table inventory."

(2) Licensees must not add or remove chips or coins from the table inventory except:

(a) In exchange for cash from players; or

(b) In exchange for debit card transactions from players according to WAC 230-15-506; or

(c) To pay winning wagers and collect losing wagers made at the gambling table; or

~~((e))~~ (d) In exchange for chips received from a player having an equal total face value (known as "coloring up" or "coloring down"); or

~~((d))~~ (e) In compliance with fill and credit procedures.

[Statutory Authority: RCW 9.46.070. WSR 07-09-033 (Order 608), § 230-15-500, filed 4/10/07, effective 1/1/08.]

AMENDATORY SECTION (Amending WSR 14-11-021, filed 5/9/14, effective 7/1/14)

**WAC 230-15-505 Selling gambling chips to players.** House-banked card game licensees must accurately account for all chips, debit card transaction receipts, and cash when they sell chips to players. Licensees must sell chips only at the gambling table.

[Statutory Authority: RCW 9.46.070 and 9.46.0282. WSR 14-11-021 (Order 699), § 230-15-505, filed 5/9/14, effective 7/1/14. Statutory Authority: RCW 9.46.070. WSR 07-09-033 (Order 608), § 230-15-505, filed 4/10/07, effective 1/1/08.]

AMENDATORY SECTION (Amending WSR 07-09-033, filed 4/10/07, effective 1/1/08)

**WAC 230-15-585 Using drop boxes.** (1) House-banked card game licensees must use a drop box to collect all cash, chips, coins, debit card transaction receipts, requests for fill, fill slips, requests for credit, credit slips, and table inventory forms.

(2) The dealer or the floor supervisor must deposit these items in the drop box.

[Statutory Authority: RCW 9.46.070. WSR 07-09-033 (Order 608), § 230-15-585, filed 4/10/07, effective 1/1/08.]

AMENDATORY SECTION (Amending WSR 18-23-074, filed 11/19/18, effective 1/1/19)

**WAC 230-15-615 Conducting the count.** (1) All house-banked card room licensees must have a three person count team except as set forth in subsections (2) and (3) of this section. The three person count team must conduct the count as follows:

(a) The contents of drop boxes must not be combined before the count team separately counts and records the contents of each box; and

(b) As each drop box is placed on the count table, a count team member must announce the game, table number, and shift, if applicable, loudly enough to be heard by all persons present and to be recorded by the audio recording equipment; and

(c) A count team member must empty the contents onto the count table; and

(d) Immediately after the contents are emptied onto the count table, a count team member must display the inside of the drop box to the closed circuit television camera, and show it to at least one other count team member to confirm that all contents of the drop box have been removed. A count team member must then lock the drop box and place it in the drop box storage area; and

(e) Count team member(s) must separate the contents of each drop box into separate stacks on the count table by denominations of coin, chips, and (~~currency~~) cash and by type of form, record, or document; and

(f) At least two count team members must count, either manually or mechanically, each denomination of coin, chips, (~~and currency~~) cash, and debit card transaction receipts separately and independently. Count team members must place individual bills and coins of the same denomination and debit card transaction receipts on the count table in full view of the closed circuit television cameras, and at least one other count team member must observe and confirm the accuracy of the count orally or in writing; and

(g) As the contents of each drop box are counted, a member of the count team must record the total amount of coin, chips, (~~and currency~~) cash, and debit card transaction receipts counted (the drop) on the master games report; and

(h) If a cage cashier has recorded the opener, closer, fill slips, and credit slips on the master game report before the count, a count team member must compare the series numbers and totals recorded on the master game report to the fill slips, credit slips, and table inventory slips removed from the drop boxes, confirm the accuracy of the totals, and must record, by game and shift, the totals we require on the master game report. Otherwise, the count team must complete all required information on the master game report; and

(i) The accounting department may complete the win/loss portions of the master game report independently from the count team if this is properly documented in the approved internal controls.

(2) The two person count team for licensees with card game gross gambling receipts of less than \$5 million in their previous fiscal year must conduct the count as follows:

(a) The contents of drop boxes must not be combined before the count team separately counts and records the contents of each box; and

(b) As each drop box is placed on the count table, a count team member must announce the game, table number, and shift, if applicable, loudly enough to be heard by all persons present and to be recorded by the audio recording equipment; and

(c) A count team member must empty the contents onto the count table; and

(d) Immediately after the contents are emptied onto the count table, a count team member must display the inside of the drop box to the closed circuit television camera, and show it to at least one other count team member to confirm that all contents of the drop box have been removed. A count team member must then lock the drop box and place it in the drop box storage area; and

(e) A count team member must separate the contents of each drop box into separate stacks on the count table by denominations of coin, chips, and (~~currency~~) cash and by type of form, record, or document; and

(f) One count team member must count, either manually or mechanically, each denomination of coin, chips, (~~and currency~~) cash, and debit card transaction receipts separately and independently. The count team member must place individual bills and coins of the same denomination and debit card transaction receipts on the count table in full view of the closed circuit television cameras, and the other count team member must observe and confirm the accuracy of the count orally or in writing; and

(g) As the contents of each drop box are counted, a member of the count team must record the total amount of coin, chips, (~~and currency~~) cash, and debit card transaction receipts counted (the drop) on the master games report; and

(h) As the count is occurring, a surveillance employee must record in the surveillance log the total chip (~~and currency count of~~) cash, and debit card transaction receipts counted for each drop box and the announcement by the count team of the combined dollar count of all drop boxes; and

(i) If a cage cashier has recorded the opener, closer, fill slips, and credit slips on the master game report before the count, a count team member must compare the series numbers and totals recorded on the master game report to the fill slips, credit slips, and table inventory slips removed from the drop boxes, confirm the accuracy of the totals, and must record, by game and shift, the totals we require on the master game report. Otherwise, the count team must complete all required information on the master game report; and

(j) The accounting department may complete the win/loss portions of the master game report independently from the count team if this is properly documented in the approved internal controls.

(3) The two person count team for licensees with card game gross gambling receipts between \$5 million and \$15 million in their previous fiscal year and use a currency counter must conduct the count as follows:

(a) The currency counter to be used must meet the following requirements:

(i) Automatically provides two separate counts of the funds at different stages in the count process. If the separate counts are not in agreement during the count process and the discrepancy cannot be resolved immediately, the count must be suspended until a third count team member is present to manually complete the count as set forth in

subsection (1) of this section until the currency counter is fixed; and

(ii) Displays the total bill count and total dollar amount for each drop box on a screen, which must be recorded by surveillance.

(b) Immediately prior to the count, the count team must verify the accuracy of the currency counter with previously counted currency for each denomination actually counted by the currency counter to ensure the counter is functioning properly. The test results must be recorded on the table games count documentation and signed by the two count team members performing the test; and

(c) The currency counter's display showing the total bill count and total dollar amount of each drop box must be recorded by surveillance during the count; and

(d) The contents of drop boxes must not be combined before the count team separately counts and records the contents of each box; and

(e) As each drop box is placed on the count table, a count team member must announce the game, table number, and shift, if applicable, loudly enough to be heard by all persons present and be recorded by the audio recording equipment; and

(f) A count team member must empty the contents onto the count table; and

(g) Immediately after the contents are emptied onto the count table, a count team member must display the inside of the drop box to the closed circuit television camera, and show it to the other count team member to confirm that all contents of the drop box have been removed. A count team member must then lock the drop box and place it in the drop box storage area; and

(h) Count team member(s) must combine all ~~((currency))~~ cash into one stack and separate the contents of each drop box into separate stacks on the count table by denomination of coin and chips, by type of form, record, or document; and

(i) Count team members must place all of the ~~((currency))~~ cash from a drop box into the currency counter which will perform an aggregate count by denomination of all of the currency collected from the drop box; and

(j) One count team member must count each denomination of coin ~~((and)),~~ chips, and debit card transaction receipts separately and independently by placing coins and chips of the same denomination on the count table in full view of the closed circuit television cameras, and the other count team member must observe and confirm the accuracy of the count orally or in writing; and

(k) As the contents of each drop box are counted, a member of the count team must record the total amount of coin, chips, ~~((and currency))~~ cash, and debit card transaction receipts counted (the drop) on the master games report; and

(l) As the count is occurring, a surveillance employee must record in the surveillance log the currency counter accuracy information in (b) of this subsection, currency verification amount, debit card transaction receipt amount, total bill and dollar count of each drop box and the announcement by the count team of the combined dollar count of all drop boxes; and

(m) If a cage cashier has recorded the opener, closer, fill slips, and credit slips on the master game report before the count, a count team member must compare the series numbers and totals recorded on the master game report to the fill slips, credit slips, and table inventory slips removed from the drop boxes, confirm the accuracy of the totals, and must record, by game and shift, the totals we require

on the master game report. Otherwise, the count team must complete all required information on the master game report; and

(n) The accounting department may complete the win/loss portions of the master game report independently from the count team if this is properly documented in the approved internal controls.

[Statutory Authority: RCW 9.46.070. WSR 18-23-074, § 230-15-615, filed 11/19/18, effective 1/1/19; WSR 07-09-033 (Order 608), § 230-15-615, filed 4/10/07, effective 1/1/08.]

AMENDATORY SECTION (Amending WSR 14-11-021, filed 5/9/14, effective 7/1/14)

**WAC 230-15-620 Concluding the count.** (1) After the count team finishes their count, the cage cashier or accounting department employee must verify the contents of the drop boxes.

(2) In the presence of the count team and before looking at the master game report, the verifier must recount the cash, coin, chips, and debit card transaction receipts either manually or mechanically.

(3) The verifier must sign the master game report verifying that the cash (~~count is~~) and debit card transaction receipt counts are accurate.

(4) Each count team member must sign the report attesting to the accuracy of the information recorded.

(5) After the report is signed, the master game report must be taken directly to the accounting department, along with the debit card transaction receipts, requests for fills, the fill slips, the requests for credit, the credit slips, and the table inventory slips removed from drop boxes. The cage cashiers must not be allowed access to any of these records.

[Statutory Authority: RCW 9.46.070 and 9.46.0282. WSR 14-11-021 (Order 699), § 230-15-620, filed 5/9/14, effective 7/1/14. Statutory Authority: RCW 9.46.070. WSR 07-09-033 (Order 608), § 230-15-620, filed 4/10/07, effective 1/1/08.]

## OTS-4371.2

### NEW SECTION

**WAC 230-15-151 Accepting checks in exchange for chips at non-house-banked card games.** Nonhouse-banked card game licensees may accept checks for the purchase of chips if the checks meet the requirements of WAC 230-06-005. Licensees must:

(1) Deposit any check retained after the close of business no later than the second banking day after the close of business. Checks deposited to an armored car service no later than the second banking day after the close of business meet this requirement; and

(2) Count each transaction for the purchase of chips as a separate transaction. Licensees must not allow a player's check to be altered after it is exchanged for chips.

[]

NEW SECTION

**WAC 230-15-506 Using debit cards to purchase chips on house-banked card games.** House-banked card game licensees may allow a player to use a debit card to purchase chips at house-banked card games under the following conditions:

- (1) The licensee must use approved debit card reading devices to process the debit card transactions; and
- (2) The debit card transaction must be initiated at an approved gambling table; and
- (3) A supervisor must be present at the gambling table during the debit card transaction; and
- (4) The dealer or supervisor must examine the player's identification to confirm the player's identity. The dealer or supervisor must verify that the name on the identification matches the name on the debit card; and
- (5) Verify the player is not on the state-wide self-exclusion list; and
- (6) Not execute a debit card transaction upon notification from the player's financial institution that the available funds in the player's account associated with the debit card are less than the amount requested by the player; and
- (7) A single debit card transaction is limited to \$500 or less. Furthermore, aggregated debit card transactions at gambling tables for a single player cannot exceed \$2,500 during a 24-hour period; and
- (8) The licensee must prominently post all fees charged by the gaming establishment or system provider associated with the transfer at the gambling table or on the approved debit card reading device; and
- (9) The debit card transaction receipt must be deposited into the drop box attached to the gambling table; and
- (10) Licensees are required to post at all tables in which the debit transaction may be completed signage with the problem gambling helpline and how to register for the state-wide self-exclusion program at the licensee's establishment. The signage must be in at least the same font as all other signage on the table; and
- (11) Conspicuously display on or at the gaming device or game, and on a printed item given to the patron, notice that funds may be approved for transfer from sources other than the account associated with the patron's debit instrument, as determined by the patron's financial institution; and
- (12) Licensees must submit internal controls to us in the format we require.

[]

NEW SECTION

**WAC 230-15-507 Debit card reading devices used on house-banked card games.** House-banked card game licensees may use approved debit

card reading devices on house-banked card games to sell chips to players in accordance with WAC 230-15-506. Licensees must use debit card reading devices that:

- (1) Are approved and documented in internal controls; and
- (2) Execute all transactions in accordance with all applicable state and federal electronic funds transfer requirements including, receipting and fee disclosure requirements; and
- (3) Provide real-time accounting reports for each debit card reading device to include patron transaction history by date and time; and
- (4) Do not interfere with gaming system interfaces and device operations; and
- (5) Do not accept signature debit, credit, and EBT cards; and
- (6) Are not used for the purchase of live gaming vouchers that can be used for other authorized gambling activities at the card room; and
- (7) Do not execute a transaction for funds that exceed the available amount of funds from the linked bank account; and
- (8) Provide a daily monetary transfer limit per patron that does not exceed the limits in WAC 230-15-506. A fee charged by the gaming establishment or system provider associated with a transfer does not contribute to the transfer limit; and
- (9) Employ data encryption that meets or exceeds current industry standards for all data that is transmitted.

[]

## WSR 23-11-109

## PERMANENT RULES

## EASTERN WASHINGTON UNIVERSITY

[Filed May 19, 2023, 3:54 p.m., effective June 19, 2023]

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

Purpose: Updates Eastern Washington University's student conduct code to identify the process for investigating non-Title IX complaints, provide for separate prehearing conferences, and clarify the standards for admission of and review of evidence.

Citation of Rules Affected by this Order: Amending WAC 172-121-100, 172-121-110, and 172-121-122.

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

Adopted under notice filed as WSR 23-07-013 on March 3, 2023.

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 3, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 3, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 19, 2023.

Annika Scharosch  
Associate Vice President for Civil Rights  
Compliance and Enterprise Risk Management

## OTS-4356.1

AMENDATORY SECTION (Amending WSR 23-01-027, filed 12/9/22, effective 1/9/23)

**WAC 172-121-100 Complaints.** (1) Filing of complaints.

(a) Any person or the university may file a complaint against a student or student organization for violation of the student conduct code.

(b) A person wishing to file a complaint under the student conduct code must submit the complaint, in writing, to one of the following:

(i) Student rights and responsibilities ([www.inside.ewu.edu/srr](http://www.inside.ewu.edu/srr));  
or

(ii) Title IX coordinator  
([www.inside.ewu.edu/titleix](http://www.inside.ewu.edu/titleix)).

(c) Filing a complaint under the student conduct code does not prohibit or limit a person's right to file complaints or charges with other civil and/or criminal authorities for violations of local, county, state, or federal law.

(d) All student conduct code complaints will be forwarded to the director of SRR for further review and action.

(e) In cases where the university is pursuing a student conduct case on its own behalf, an EWU employee shall initiate the complaint. For Title IX complaints, a complaint must either be filed by the person subject to the alleged misconduct or by the Title IX coordinator. If a complaint is filed by the Title IX coordinator, the Title IX coordinator will not be considered a complainant for the purposes of participating in the investigation and hearing process.

(2) Complaint review. Upon receipt of a complaint, the director of SRR shall review the complaint to determine whether it includes allegations of sexual misconduct or interpersonal violence, may lead to suspension or expulsion and/or felony level criminal conduct to determine which student conduct process applies and if appropriate law enforcement or other authorities should be notified. If a complaint falls within such categories, it shall be referred to a hearing under WAC 172-121-122.

(3) Sexual misconduct and interpersonal violence proceedings. Except where specifically stated, this section applies to all allegations the university receives of sexual misconduct or interpersonal violence regardless of the possible level of sanction or whether there is a formal Title IX complaint.

(a) Report to Title IX coordinator. The director of SRR shall report all complaints which may constitute any form of sexual misconduct or interpersonal violence to the university Title IX coordinator within 24 hours.

(b) Title IX complaints. The Title IX coordinator will determine whether or not the allegation of sexual misconduct or interpersonal violence constitutes a Title IX complaint under this code. Solely in cases of Title IX complaints, the university will not move forward with initiating a Title IX investigation or student conduct hearing unless a formal complaint from the person alleged to have been subjected to sexual misconduct or interpersonal violence or a complaint from the Title IX coordinator requesting initiation of the student conduct process has been received.

The Title IX coordinator is responsible for determining whether or not the allegations constitute a formal Title IX complaint. If allegations include sexual misconduct or interpersonal violence but do not meet the definition of a Title IX complaint, the Title IX coordinator will inform the complainant and the respondent that the complaint is not considered a Title IX complaint and the reasons it does not fit within the required elements of a formal Title IX complaint. If the complainant or respondent disagrees with the Title IX coordinator's decision, the party may file an appeal with the dean of students within three calendar days of the Title IX coordinator's decision. The dean of students can affirm, reverse, or remand the Title IX coordinator's decision and such decision must be communicated in writing simultaneously to the parties.

SRR may proceed, however, with pursuing a student conduct case against the respondent for misconduct outside of Title IX including, but not limited to, sexual misconduct or interpersonal violence that does not fit the definition of a Title IX complaint.

(c) Prompt resolution. The university shall investigate any complaint alleging sexual misconduct or interpersonal violence when it is legally required to do so. The university's goal is to have complaints of sexual misconduct or interpersonal violence resolved within 90 days. If the university needs additional time, the investigator or di-

rector of SRR should provide written notice to the complainant and respondent of the delay and the reasons for the delay. Delays and extensions beyond the 90 days must be based on good cause.

(d) Investigations.

(i) Sexual misconduct and interpersonal violence. The university will investigate complaints of sexual misconduct and interpersonal violence, including Title IX complaints, and may, at its discretion, ask for an investigation of other alleged misconduct. During the investigation, the investigator is responsible for gathering evidence relating to the complaint. The investigator will contact the complainant, respondent, and other witnesses to ask questions and gather relevant evidence. Parties may be assisted by an advisor during the investigative process. During the investigation, parties will be provided with an equal opportunity to identify witnesses and other evidence that supports their position. Prior to any investigatory interview regarding a Title IX complaint, the investigator will provide written notice of the meeting with the date, time, location, participants, and purpose with sufficient time for the person to prepare to participate in the interview.

Prior to the completion of the investigative report for a Title IX complaint, the investigator will send to each party the evidence obtained during the investigation that is directly related to the allegations raised, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility and inculpatory and exculpatory evidence. Each party will then have at least 10 calendar days to submit a written response for a Title IX complaint. The investigator will consider the written response prior to the completion of the investigative report. At the conclusion of the investigation, the investigator will prepare a final written report that fairly summarizes the relevant evidence. The investigative report, along with any evidence collected during the investigation, shall then be transmitted to the director of SRR at least 10 days prior to any hearing or other determination of responsibility. In cases of sexual misconduct or interpersonal violence, a copy of the report must also be provided to the parties for their review and written response.

(ii) Other types of conduct. The director may request an investigation for other types of alleged misconduct. During the investigation, the investigator is responsible for gathering evidence relating to the complaint. An investigation may be completed by a single investigator or team of investigators. The investigator will contact the complainant, if applicable, respondent, and other witnesses to ask questions and gather relevant evidence. During the investigation, parties will be provided with an equal opportunity to identify witnesses and other evidence that supports their position. At the conclusion of the investigation, the investigator will prepare a final written report that fairly summarizes the relevant evidence gathered during the investigation. The investigative report, along with any evidence collected during the investigation, shall then be transmitted to the director of SRR.

(e) Confidentiality. To facilitate the investigative process and protect the privacy of those involved, all information will be maintained in a confidential manner to the fullest extent permissible by law. During an investigation, complaint information will be disseminated on a need-to-know basis. If the complainant wishes to remain anonymous, the university will take all reasonable steps to investigate the allegation without disclosing the name of the complainant to the

extent allowed by state and federal law. If the complainant wishes to remain anonymous, the university shall inform them that its ability to investigate and respond to the allegation will be limited. The university cannot ensure confidentiality, as its legal obligations under federal or state law may require investigation of the allegation and possible disclosure of the complainant's name. Reports of crimes to the campus community shall not include the names of the complainants. Files subject to public disclosure will be released to the extent required by law.

(f) Right to file a criminal report. Once the university is notified of an allegation of sexual misconduct or interpersonal violence that could constitute a crime, it will notify the potential complainant of their right to file a criminal complaint with campus or local law enforcement. If the complainant in such circumstances wishes to report the conduct to local law enforcement, the university will assist them in doing so. The university will also notify the complainant that they are not required to file a report with local law enforcement. The university will report allegations of sexual misconduct or interpersonal violence to law enforcement or other authorities when it is required to do so under federal, state, and local law.

(4) Supportive measures and interim restrictions. During the complaint review, the director of SRR or Title IX coordinator will review whether any supportive measures or interim restrictions are needed. Supportive measures and interim restrictions are addressed in WAC 172-121-140.

(5) SRR will follow up with the parties as described below.

(a) The director of SRR will contact the respondent, and the complainant in cases of sexual misconduct or interpersonal violence, and provide them with the following information:

(i) The respondent's and complainant's rights under the student conduct code;

(ii) A summary of the allegations the complainant has against the respondent;

(iii) The potential conduct code violations related to the allegations; and

(iv) How to report any subsequent problems or retaliation, including intimidation, threats, coercion, or discrimination.

(b) In all cases alleging sexual misconduct or interpersonal violence, the director of SRR will, in addition to the information specified under (a) of this subsection, provide both parties with written information that will include, at a minimum:

(i) The student's rights and options, including options to avoid contact with the other party; a list of available university and community resources for counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other academic and housing services at the university and in the community; and options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;

(ii) The importance of preserving evidence of the alleged incident and procedures to follow to preserve evidence of the alleged incident;

(iii) Who will receive a report of the allegation;

(iv) Their right to file or not file a criminal complaint as detailed above and the ability to be assisted by campus authorities in notifying law enforcement authorities if the complainant wishes to do so;

(v) A list of resources for obtaining protective, no contact, restraining, or similar orders, if applicable;

(vi) The procedures the university will follow when determining if discipline is appropriate;

(vii) Steps the university will take to ensure confidentiality of complainants and other necessary parties and the limits this may place on the university's ability to investigate and respond, as set forth above; and

(viii) Information regarding the university's policy against retaliation, steps the university will take to prevent and respond to any retaliation, and how the student should report retaliation or new incidents.

(6) Following the complaint review, the director of SRR will either dismiss the matter or arrange a prehearing conference.

(a) Dismiss the matter. If the director of SRR determines the allegations, even if true, would not rise to the level of a conduct violation, they may dismiss the matter. In such cases, the director of SRR will prepare a written record of the dismissal. The director of SRR will also notify the complainant of their decision, if such notification is permissible under FERPA. The dismissal letter, along with the original complaint and any other related documents, will be maintained as described in WAC 172-121-080. In cases of sexual misconduct or interpersonal violence or for a Title IX complaint, the complainant may request a review of the dismissal by the dean of students by filing a request for review with the director of SRR within seven business days of receiving notice of the dismissal.

(b) Prehearing conference. If the director of SRR does not dismiss the matter they will arrange a prehearing conference as described in WAC 172-121-110 unless a respondent is opting to admit responsibility under WAC 172-121-118.

[Statutory Authority: RCW 28B.35.120(12). WSR 23-01-027, § 172-121-100, filed 12/9/22, effective 1/9/23; WSR 21-01-102, § 172-121-100, filed 12/11/20, effective 1/11/21; WSR 20-19-046, § 172-121-100, filed 9/10/20, effective 10/11/20; WSR 20-01-032, § 172-121-100, filed 12/6/19, effective 1/6/20. Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 19-01-047, § 172-121-100, filed 12/13/18, effective 1/13/19. Statutory Authority: RCW 28B.35.120(12). WSR 17-17-031, § 172-121-100, filed 8/9/17, effective 9/9/17; WSR 15-24-050, § 172-121-100, filed 11/23/15, effective 12/24/15; WSR 13-24-123, § 172-121-100, filed 12/4/13, effective 1/4/14; WSR 09-12-001, § 172-121-100, filed 5/20/09, effective 6/20/09.]

AMENDATORY SECTION (Amending WSR 23-01-027, filed 12/9/22, effective 1/9/23)

**WAC 172-121-110 Notice of allegations and initial scheduling.**

(1) Notice of investigation. If the director of SRR refers a complaint to an investigation, the director shall provide the respondent with a notice of investigation that meets the following requirements:

(a) Is made in writing;

(b) Includes a written list of the allegations against the respondent with sufficient details of the allegations based on current information including, if known, date and time of the incident, de-

scription of the conduct, and the specific sections of this code allegedly violated;

(c) Indicates that the complaint has been assigned to a university investigator and provide the contact information for the investigator;

(d) Provides notice that the respondent is presumed not responsible for the alleged conduct and a determination of responsibility will be made at the end of the hearing;

(e) Provides a reminder that the person may have an advisor of their choice throughout the student conduct process;

(f) A statement that students are prohibited from knowingly furnishing false information during the student conduct process; and

(g) Information about supportive measures and resources available to the respondent as well as information about the university's prohibition on retaliation.

(2) Notice of allegations: If the director of SRR decides to send the case to hearing, following a review of the investigative report if any, the director of SRR shall appoint a CRO to the case and notify the respondent of the CRO and the date of a prehearing conference. In cases alleging sexual misconduct or interpersonal violence, the CRO and session council assigned must have completed training on issues relating to sexual misconduct and interpersonal violence, the Violence Against Women Reauthorization Act, and Title IX requirements. Notification of the allegations to the respondent must:

(a) Be made in writing;

(b) Include a written list of the allegations against the respondent with sufficient details of the allegations based on current information, including, if known, date and time of the incident, description of the conduct, and the specific sections of this code allegedly violated;

(c) Provide notice that the respondent is presumed not responsible for the alleged conduct and a determination of responsibility will be made at the end of the hearing;

(d) Provide a reminder that the person may have an advisor of their choice and, for Title IX complaints, that the university will provide them with an advisor upon requests for the purposes of conducting cross-examination;

(e) Provide information about how to review the evidence gathered prior to the hearing;

(f) Provide a statement that students are prohibited from knowingly furnishing false information during the student conduct process;

(g) Inform them of the option to admit responsibility under WAC 172-121-118; and

(h) Include a date, time, and location of the prehearing conference.

(3) Follow up with complainant. In all cases alleging sexual misconduct or interpersonal violence, the SRR office shall notify the complainant(s) of the date, time, and location of the prehearing conference and of their right to attend the conference. The director may, at their discretion, conduct a separate prehearing conference with each party. The SRR office shall also follow up with the complainant(s) and respondent(s) to inform them of the process of reporting any retaliation or new incidents. If the complainant or respondent engages in retaliatory behavior, the university shall take immediate steps to protect the complainant or respondent from further harassment or retaliation. The complainant will also be notified that they have a right to an advisor during the hearing process, and, for Title IX com-

plaints, that the university will provide an advisor upon request for the purposes of conducting cross-examination.

(4) If additional information is learned during the investigation that may rise to additional allegations, the university must provide the respondent with an updated notice of allegations.

(5) The procedures for the prehearing conference for brief hearings is contained in WAC 172-121-121. The procedures for the prehearing conference for full hearings is contained in WAC 172-121-122.

[Statutory Authority: RCW 28B.35.120(12). WSR 23-01-027, § 172-121-110, filed 12/9/22, effective 1/9/23; WSR 20-19-046, § 172-121-110, filed 9/10/20, effective 10/11/20; WSR 20-01-032, § 172-121-110, filed 12/6/19, effective 1/6/20. Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 19-01-047, § 172-121-110, filed 12/13/18, effective 1/13/19. Statutory Authority: RCW 28B.35.120(12). WSR 17-17-031, § 172-121-110, filed 8/9/17, effective 9/9/17; WSR 13-24-123, § 172-121-110, filed 12/4/13, effective 1/4/14; WSR 09-12-001, § 172-121-110, filed 5/20/09, effective 6/20/09.]

AMENDATORY SECTION (Amending WSR 23-01-027, filed 12/9/22, effective 1/9/23)

**WAC 172-121-122 Full hearing procedures.** (1) Scheduling and notification. Full hearings are used for allegations which, if substantiated by a preponderance of the evidence, could be a felony-level crime, involve a Title IX complaint, or could result in a sanction of suspension or expulsion. Following provision of the notice of allegations to the respondent, as set forth in WAC 172-121-110, the SRR office shall arrange for a prehearing conference unless the respondent has admitted responsibility under WAC 172-121-118.

(2) General provisions.

(a) Hearing authority: The CRO exercises control over hearing proceedings. All procedural questions are subject to the final decision of the CRO. The CRO chairs the disciplinary council.

(b) Closed hearings: All conduct review hearings will be closed. Admission of any person to a conduct review hearing shall be at the discretion of the CRO.

(c) Consolidation of hearings: In the event that one or more students are charged with the same misconduct arising from the same occurrence, the council may conduct separate hearings for each student or consolidate the hearings as practical, as long as consolidation does not impinge on the rights of any student.

(3) Appearance.

(a) Failure to appear: In cases where proper notice has been given but the respondent fails to attend a conduct review hearing, the council shall decide the case based on the information available, without the respondent's input. The council may not make an inference about the determination regarding responsibility based solely on a party's or witness's failure to appear at the hearing. However, nonappearance by a party may impact the evidence available for the council to make a decision.

(b) Appearance: The parties will be provided options for reasonable alternative arrangements if they do not wish to be present in the same room as the other student during the hearing. The parties may appear at the conduct review hearing in person via a method that allows

the council to hear the parties and physically observe them while testifying, subject to the limits set forth below in (e) of this subsection. If a party does not appear at the hearing, the council will decide the case based on the information available. (~~Soely for Title IX complaints, if a party or witness does not appear at the hearing and submit to cross-examination, the council must not rely on any statement of that party or witness in reaching a determination regarding responsibility; additionally,~~) The council cannot draw an inference regarding responsibility based on the failure to appear or refusal to answer cross-examination or other questions.

(c) Advisors: The complainant and the respondent may be assisted by one advisor during conduct review hearings as described in WAC 172-121-105. For Title IX complaints, the university will provide an advisor to a party upon request for the purposes of conducting cross-examination.

(d) Disruption of proceedings: Any person, including the respondent or advisor, who disrupts a hearing, may be excluded from the proceedings.

(e) Remote appearance. In the interest of fairness and expedience, the CRO may permit any person to appear by a method that allows the person to be seen and heard by the council.

(4) Standard of evidence. The council shall determine whether the respondent violated the student conduct code, as charged, based on a preponderance of the evidence. A preponderance means, based on the evidence admitted, whether it is more probable than not that the respondent violated the student conduct code.

(5) Prehearing conference. The SRR office or designee will arrange for a prehearing conference with the parties to advise them about the student conduct process. During the prehearing conference, the SRR office or designee will:

(a) Review the written list of allegations;

(b) Inform the respondent who is bringing the complaint against them;

(c) Provide the respondent and complainant with a copy of the student conduct code and any other relevant university policies;

(d) Explain the respondent's and complainant's rights and responsibilities under the student code;

(e) Explain the conduct review procedures;

(f) Explain possible penalties under the student conduct code;

(g) Review the option for admitting responsibility under WAC 172-121-118;

(h) Schedule a date for the full hearing; and

(i) Address any preliminary matters or motions.

(6) Notice of hearing. Following the prehearing conference, the director shall schedule the hearing and notify the respondent and complainant of the date, time, location, participants, and purpose of the hearing. At the discretion of the hearing officer, and where the rights of the parties will not be prejudiced thereby, all or part of any hearing may be conducted by telephone or other electronic means. Each party in the hearing must have an opportunity to participate effectively in, to hear, and if technically and economically feasible, to see the entire proceeding while it is taking place. The notices will include information about how to request accommodations or interpreters for any parties or witnesses. Any request for the presence of an emotional support animal or any other accommodation must be directed to disability support services and approved as a reasonable accommodation in advance of the hearing. A person may bring a certified

therapy animal with a handler to a hearing. The notice of hearing must be served on the respondent and complainant at least seven business days prior to the hearing. The director may coordinate with the parties to facilitate scheduling, but is not required to do so.

(7) Evidence.

(a) Evidence: Pertinent records, exhibits and written statements may be accepted as information for consideration by the council in accordance with RCW 34.05.452. Council may review proposed exhibits prior to the hearing. Any investigation conducted by the university will be admitted into evidence as long as the investigator testifies at the hearing. Evidence, including hearsay evidence, is admissible if in the judgment of the CRO it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The CRO shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized by Washington courts. The CRO may exclude irrelevant material. If not inconsistent with this section, the CRO shall refer to the Washington rules of evidence as guidelines for evidentiary rulings. Prior or subsequent conduct of the respondent may be considered in determining opportunity, intent, preparation, plan, identity, a pattern of conduct, credibility, or absence of mistake or lack of knowledge. For Title IX complaints, prior to allowing a question to be answered during cross-examination, the CRO must determine that the question is relevant, and, if excluded, the CRO must explain on the record the reason for the exclusion.

(b) The respondent and complainant have the right to view all material presented during the course of the hearing. If a respondent's disciplinary history is considered solely for sanctioning purposes, the complainant does not have a right to review the history.

(c) All testimony of parties and witnesses shall be made under oath or affirmation. Any interpreter shall be proscribed the oath set forth in WAC 10-08-160.

(d) Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(e) Official notice may be taken of (i) any easily verifiable facts such as dates or weather conditions, (ii) technical or scientific facts within EWU's specialized knowledge, such as enrollment status or class schedules, and (iii) codes or standards that have been adopted by an agency of the United States, of this state or of another state, or by a nationally recognized organization or association. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed and the sources thereof, including any staff memoranda and data, and they shall be afforded an opportunity to contest the facts and material so noticed. A party proposing that official notice be taken may be required to produce a copy of the material to be noticed.

(f) All rulings upon objections to the admissibility of evidence shall be made in accordance with the provisions of RCW 34.05.452, except for the additional restrictions on the admission of evidence required by Title IX.

(8) Discovery. Discovery is not permitted under the code, except for requests for documentary information from the university. Either party may request the university to produce relevant documents in the university's possession as long as such request is submitted at least five business days prior to the hearing, absent extenuating circumstances. If the CRO determines the request is not relevant to the present allegation, the CRO may deny the request. The university will

provide the requested information prior to the hearing to the extent permitted by state and federal law.

(9) Subpoenas.

(a) Subpoenas may be issued by the presiding officer or an attorney consistent with RCW 34.05.446. However, for the protection of both parties, a party cannot subpoena the other party. A party may request an exemption from this rule by filing a written request with the presiding officer at least 10 days prior to the hearing. The presiding officer will provide a copy of the request to the other party and give them three days to respond. The presiding officer will then decide whether or not sufficient cause exists to grant an exemption to this rule and will inform the parties of the decision. Any subpoena issued must conform to EWU's subpoena form. Every subpoena shall identify the party causing issuance of the subpoena and shall state EWU's name and the title of the proceeding and shall direct the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under their control.

A subpoena to a person to provide testimony at a hearing shall specify the time and place set for hearing.

(b) A subpoena may be served by any suitable person over 18 years of age, by exhibiting and reading it to the witness, or by giving them a copy thereof, or by leaving such copy at the place of their abode. When service is made by any other person than an officer authorized to serve process, proof of service shall be made by affidavit or declaration under penalty of perjury.

(c) The CRO, upon motion by a party or at their own discretion, may quash or modify the subpoena if it is unreasonable or oppressive. Subpoenas may not be used to threaten or intimidate parties or witnesses.

(10) Summary judgment. A motion for summary judgment may be granted and an order issued if the written record shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. A motion for summary judgment is not permitted for Title IX complaints.

(11) Witnesses.

(a) The complainant, respondent, and the university's presenter may call witnesses at full hearings.

(b) The person who wishes to call a witness is responsible for ensuring that the witness is available and present at the time of the hearing. An attorney may subpoena a witness to appear at the hearing. Nonattorneys may request the CRO to subpoena witnesses in accordance with subsection (4) of this section. The CRO has the discretion to deny a request to issue a subpoena or to quash a subpoena issued by an attorney if the subpoena is unreasonable, oppressive, or does not conform to EWU's subpoena form.

(c) The CRO may exclude witnesses from the hearing room when they are not testifying. The CRO is not required to take the testimony of all witnesses called by the parties if such testimony may be irrelevant. For Title IX complaints, any decision to exclude a witness shall be explained on the record.

(d) All parties have the right to hear all testimony provided by witnesses during the hearing.

(e) The parties should inform the CRO of any possible need for an interpreter or any accommodation requests at least five business days prior to the hearing. The CRO will comply with WAC 10-08-150.

(12) Questioning:

(a) The complainant's advisor, the respondent's advisor, and the university's presenter may ask questions of any witness, or party, including cross-examination questions. For cases that do not involve Title IX complaints, if the student does not have an advisor, the complainant and respondent may submit questions in writing to the CRO and the CRO may ask the questions. For Title IX complaints, if a party does not have an advisor, the university will provide the party with an advisor aligned with that party for the purposes of conducting cross-examination as long as the party requests such an advisor at least five business days in advance of the hearing. The CRO may also ask questions, but is not required to do so. The CRO may preclude any questions which they consider irrelevant, and for Title IX cases such decision must be explained on the record. The CRO must exclude and the council shall not consider any questions or evidence pertaining to the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The CRO will explain to the parties the reason for rejecting any questions and will maintain a record of the questions submitted and rulings made.

(b) The council may ask their own questions of any witness or party called before them.

(13) Remote appearance. The CRO may accommodate concerns for personal safety, well-being, or fears of confrontation of any person appearing at the hearing by providing separate facilities, or by permitting participation by video conferencing, or other means that allows the council and parties to see and hear the party answering questions, as determined appropriate, subject to subsection (3)(b) of this section.

(14) Deliberations and sanctions. Following the hearing, the council will determine in closed session whether, by a preponderance of the evidence, the respondent violated the student conduct code based on the evidence presented at the hearing. If a student fails to appear, the council shall make a decision based on the information available. The council shall make its decisions based on a majority vote. If the council determines the respondent violated the student conduct code, the CRO shall then decide what sanctions and remedies shall be imposed. The CRO may review the respondent's previous disciplinary history for purposes of determining the appropriate sanction. In addition to sanctions under this code, if the student is also an employee of the university, the CRO's decision may be forwarded to the student's supervisor to determine whether any employment actions outside of this code should be taken in accordance with university policy.

The council shall issue a decision including their findings, conclusions, and rationale. The decision shall address credibility issues if credibility or witness demeanor was a substantial factor in the council's decision. Credibility determinations may not be based on a person's status as a complainant, respondent, or witness. The findings shall be based exclusively on the evidence provided at the hearing. If the council finds the respondent violated the code, the CRO shall add the decision regarding sanctions and remedies to the council's decision. Such decisions should be issued within 10 business days from the date of the hearing. The written decision shall also:

(a) Be correctly captioned identifying EWU and the name of the proceeding;

(b) Designate all parties and representatives participating in the proceeding;

(c) Identify the allegations at issue;

(d) A description of the procedural steps taken, including notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

(e) Contain appropriate numbered findings of fact meeting the requirements in RCW 34.05.461;

(f) Contain appropriately numbered conclusions regarding the application of university policies and this code to the facts;

(g) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed, and if any remedies are necessary to provide to the complainant in a Title IX complaint to restore or preserve equal access to the university's educational programs or activities;

(h) Contain a statement describing rights to appeal and the procedures for appealing.

(15) Finality. The council's and CRO's decision becomes final at either the conclusion or the appeal process under this code, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be timely.

(16) Notification to the respondent. The CRO shall serve the respondent with a copy of the decision and notice of the right to appeal.

(17) Notification to the complainant. In cases of sexual misconduct or interpersonal violence, simultaneous with notification of the decision to the respondent, the complainant shall be provided with written notice of:

(a) The university's determination as to whether sexual misconduct or interpersonal violence occurred;

(b) The complainant's right to appeal;

(c) Any change to the results that occurs prior to the time that such results become final and when such results become final (20 U.S.C. 1092(f));

(d) Information regarding the discipline of the respondent will not be released unless:

(i) The information contained in the record directly relates to the complainant, such as an order requiring the student harasser to not contact the complainant; or

(ii) The misconduct involves a crime of violence or a sexual assault, including rape, dating violence, domestic violence or stalking as defined in 42 U.S.C. Sec. 13925(a).

(e) Any remedies provided to the complainant. For Title IX complaints, the complainant shall receive a copy of the decision provided to the respondent under subsection (14) of this section.

(18) **Notification to Title IX coordinator.** For Title IX complaints, the Title IX coordinator must be provided with notice of the decision as the Title IX coordinator is responsible for effective implementation of any remedies.

[Statutory Authority: RCW 28B.35.120(12). WSR 23-01-027, § 172-121-122, filed 12/9/22, effective 1/9/23; WSR 22-01-090, § 172-121-122, filed 12/12/21, effective 1/12/22; WSR 21-01-102, § 172-121-122, filed 12/11/20, effective 1/11/21; WSR 20-19-046, § 172-121-122, filed 9/10/20, effective 10/11/20; WSR 20-01-032, §

172-121-122, filed 12/6/19, effective 1/6/20. Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 19-01-047, § 172-121-122, filed 12/13/18, effective 1/13/19. Statutory Authority: RCW 28B.35.120(12). WSR 17-17-031, § 172-121-122, filed 8/9/17, effective 9/9/17.]

## WSR 23-11-116

## PERMANENT RULES

## WASHINGTON STATE LOTTERY

[Filed May 22, 2023, 1:03 p.m., effective October 1, 2023]

Effective Date of Rule: October 1, 2023.

Purpose: Washington's lottery is adding a new chapter to Title 315 WAC to create rules for a new draw game known as Cash Pop. This game has proven to be successful in other states and could help lottery achieve its statutory mandate to "produce the maximum amount of net revenues for the state ..." Rules are necessary to inform the public how the game is played, odds, ticket price, prize structure, etc.

Citation of Rules Affected by this Order: New chapter 315-42 WAC.

Statutory Authority for Adoption: RCW 67.70.040(1).

Adopted under notice filed as WSR 23-04-015 on January 20, 2023.

Changes Other than Editing from Proposed to Adopted Version: The last sentence was removed from new WAC 315-42-030, "*A single ticket may contain up to five Cash Pop plays, for a maximum wager of \$25.00.*" This minor change was made based on new information related to the number of plays that will physically fit on a single ticket and does not impact any other aspect of the game or prize structure.

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 6, 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 6, Amended 0, Repealed 0.

Date Adopted: May 22, 2023.

Kristi Weeks  
Director of Legal Services

OTS-4318.2

**Chapter 315-42 WAC  
CASH POP GAME RULES**

NEW SECTION

**WAC 315-42-010 Definitions for Cash Pop.** (1) "Cash Pop ticket" means a computer-generated receipt from a licensed lottery retailer evidencing payment for one or more Cash Pop plays.

(2) "Game grids" means a field of 15 numbers found on the play slip.

(3) "Lottery drawing official" means lottery personnel designated by the director to conduct drawings.

(4) "Number" means any play integer from one through 15 inclusive.

(5) "Play" means one selection of one number.

(6) "Play slip" means a mark-sensitive game card used by Cash Pop players to select a play(s).

[]

#### NEW SECTION

**WAC 315-42-020 Play for Cash Pop.** (1) A Cash Pop player shall select one number in each play.

(2) (a) A player may use a play slip to make number selection(s). The lottery terminal will read the play slip and issue ticket(s) with corresponding play(s). If a play slip is not available, the lottery retailer may enter the selected number via the keyboard; or

(b) A player may choose to have the number selections made by the lottery terminal using a random number generator, commonly referred to as a "quick pick."

(3) A player wins the prize printed on the Cash Pop ticket by matching the number on the ticket to the lottery's certified winning number for the drawing date.

[]

#### NEW SECTION

**WAC 315-42-030 Price of Cash Pop play.** The price of each Cash Pop play is \$5. Each Cash Pop ticket must contain at least one Cash Pop play.

[]

#### NEW SECTION

**WAC 315-42-040 Cash Pop ticket purchases.** (1) Cash Pop tickets may be purchased daily in accordance with a schedule to be determined by the director. Cash Pop tickets may be purchased only from a licensed lottery retailer. Licensed lottery retailers shall sell and redeem tickets only during their normal business hours.

(2) Cash Pop tickets shall contain the selected number(s), wager amount, drawing date, ticket serial number and reference numbers, overall odds of winning any Cash Pop prize, player instructions, player information, signature area, governing statutes and rules, and the ticket stock number.

(3) Cash Pop tickets cannot be canceled.

[]

NEW SECTION

**WAC 315-42-050 Drawings.** (1) Cash Pop drawings shall be held pursuant to WAC 315-30-040.

(2) The drawings will be conducted by lottery drawing officials.

(3) Each drawing will randomly select one winning number. The drawing method will be tested before and after each drawing. A drawn number is not a declared winner until the drawing is certified by the lottery. The certified winning number shall be used in determining all Cash Pop winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine the winning number.

(4) The drawing shall not be invalidated based on the liability of the lottery.

(5) The Cash Pop drawings shall be held on a daily basis, Sunday through Saturday, except that the director may exclude certain holidays from the drawing schedule.

[]

NEW SECTION

**WAC 315-42-060 Prizes for Cash Pop.** (1) Prizes range from \$25 to \$500 per \$5 wagered.

(2) A randomly selected prize will appear beneath the Cash Pop play number printed on each ticket that will be won if that number is drawn by the lottery. The same number may win a different prize on a different ticket.

(3) The prize amounts to be paid to each Cash Pop player who selects a winning number are as follows:

Prize	Overall odds of winning a prize on ticket	Odds of prize appearing under each number
\$500	1 in 7,500	1 in 500.00
\$250	1 in 4,500	1 in 300.00
\$200	1 in 2,625	1 in 175.00
\$125	1 in 675	1 in 45.00
\$100	1 in 150	1 in 10.00
\$70	1 in 120	1 in 8.00
\$50	1 in 90.0	1 in 6.00
\$35	1 in 75.0	1 in 5.00
\$25	1 in 40.0	1 in 2.67

[]

WSR 23-11-118  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE

[Filed May 22, 2023, 3:29 p.m., effective June 22, 2023]

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

Purpose: The revision to the rules listed below will set the 2023 hunting season setting.

**Landowner Hunting Permits (LHP):** The LHP revision will address one landowner, the Centralia Mine. The primary purpose of this rule change is to move away from narrow harvest seasons that require annual adjustments to WAC 220-412-100 to broader season time frames based on the landowner's staff availability. Additionally, due to the landscape conditions, the landowner's insurance requires that hunters only use rifles when hunting on the mine lands. The change also adds this requirement not previously addressed in the rule.

**Deer:** The revision of this rule change is to retain deer special permit opportunity in 2023 in accordance with the department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Changes to deer special permit availability (i.e., permit dates, permit levels) are to balance hunting opportunity among user groups with deer population status (i.e., increased hunting opportunities when populations allow, reduced opportunities when declining numbers warrant reduction), and to retain consistency in season timing (e.g., open/close day of week).

**Elk:** The primary purpose of this revision is to retain elk special permit opportunity in 2023 in accordance with the department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Specific changes to elk special permit availability (i.e., permit dates, permit levels) are to balance hunting opportunity among user groups against elk population status (i.e., increased hunting opportunities when populations allow, reduced opportunities when declining numbers warrant reduction), to retain consistency in season timing (e.g., open/close day of week), or to avoid overlap among big game special permits and general seasons (e.g., overlap of seasons with different legal weapon types).

**Moose:** The only revision changed the WAC title language to reflect the appropriate license year (i.e., from 2022-2023).

**Bighorn Sheep:** The primary purpose of this revision is to retain bighorn sheep special permit opportunity in 2023 in accordance with the department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Changes to bighorn sheep special permit availability (i.e., permit dates, permit levels) are to balance hunting opportunity with population status (i.e., increased hunting opportunities when populations allow, reduced opportunities when declining numbers warrant reduction), and to retain consistency in season timing (e.g., open/close day of week).

**Mountain Goat:** The primary purpose of this revision is to retain mountain goat special permit opportunity in 2023 in accordance with the department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Changes to mountain goat special permit availability (i.e., permit dates, permit levels) are to balance hunting opportunity

with population status (i.e., increased hunting opportunities when populations allow, reduced opportunities when declining numbers warrant reduction), and to retain consistency in season timing (e.g., open/close day of week).

**Migratory Game Birds:** Migratory game bird seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the United States Fish and Wildlife Service, considering population status and other biological parameters. The rule revisions modified Washington state's migratory game bird seasons and regulations to continue to provide recreational opportunity, control waterfowl damage, and conserve the migratory game bird resources of Washington, consistent with federal frameworks.

Citation of Rules Affected by this Order: Amending WAC 220-412-100, 220-415-030, 220-415-060, 220-415-070, 220-415-120, 220-415-130, and 220-416-060.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, and 77.08.030.

Other Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.08.030.

Adopted under notice filed as WSR 23-05-068 on February 13, 2023.

Changes Other than Editing from Proposed to Adopted Version: All changes were administrative changes to correct typographical errors without changing its effect of the WAC.

WAC 220-415-030: Special hunts in the antlerless category were changed to correct an oversight in hunt dates. Six hunts, Mayview, Prescott, Blue Creek, Ten Ten, Marengo, and Peola, were adjusted to opening dates Sept 30 - Oct 8. In the original filing, the dates were incorrectly listed as Sept 23 - Oct 1.

WAC 220-415-060: Special hunts in the antlerless category were changed to correct an oversight in hunt dates. Nine hunts, North Half, Douglas, Aladdin, Selkirk, 49 Degrees North, Huckleberry, Mountain View, Mayview-Peola, and Couse, were adjusted to dates Oct 7 - 13. In the original filing, the dates were incorrectly listed as Sept 30 - Oct 6.

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 7, 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: March 27, 2023.

Kelly Susewind  
Director

**OTS-4313.1**

AMENDATORY SECTION (Amending WSR 22-15-096, filed 7/19/22, effective 8/19/22)

**WAC 220-412-100 Landowner hunting permits.** (1) A landowner may enter into a contract with the department and establish boundaries and other requirements for hunter access consistent with commission policy.

(2) It is unlawful to participate in a landowner hunting permit (LHP) hunt without a landowner LHP permit from the landowner **or** a public LHP permit from the department for the species covered under the landowner's contract and possess an unfilled tag for said species. A violation of this section is punishable under RCW 77.15.410.

(3) **Acceptance Guidelines**

(a) LHP contracts must provide one or both of the hunting opportunities listed below for the public via landowner permits and public permits:

- Hunting opportunity that otherwise would not exist.
- Hunting opportunity that helps resolve chronic crop damage problems that have been documented by WDFW.

(b) WDFW may deny LHP applications that do not provide substantial public access benefit beyond the allotted WDFW public permit opportunity.

- For the purposes of this program, "substantial public benefit" will be defined as access for the general public to the property outside of the designated LHP permit season, for any of the following activities: General season or special permit hunting access for deer, elk, bear, cougar, sheep, goat, moose, upland game birds, turkey, waterfowl, dove or other nonhunting activities such as wildlife viewing or fishing. At a minimum, the LHP property should attempt to allow access for at least two types of recreational opportunity outside of the designated LHP permit seasons for deer and elk. Each LHP agreement must demonstrate a substantial public benefit to the citizens of the state and the wildlife resources of the area. For further information regarding public benefit, please refer to the standard operating procedure.

(c) Lands in a single LHP must have a minimum huntable acreage of 1,000 acres.

- Lands that are contiguous can span GMU boundaries.
- Lands that are not contiguous have to reside within the same GMU.

(d) Only 2 LHP contracts will be active at the same time in each WDFW district (Appendix B). If an LHP crosses district boundaries, the LHP will be considered to be in the district containing the majority of the land and/or hunting opportunity.

(e) WDFW will prioritize LHP applications that score the highest using the scoring matrix (Criteria - Appendix D in the standard operating procedure). In addition to LHP hunts, "no-fee" general public access opportunity is strongly encouraged (e.g., general deer, elk, turkey, upland hunting, or other opportunities as stated in (b) of this subsection). Special accommodations for hunters with disabilities, youth, seniors, and designated master hunters are also strongly encouraged, as well as "no-fee" access for special permit holders (e.g., elk, bear, moose and bighorn sheep).

(f) To ensure predictability for landowners, hunters, and WDFW, all landowners who enter into an LHP contract in April are required to abide by the conditions of the LHP contract for the term of the contract. Any changes in property ownership, total acreage or management

practices on the land(s) enrolled in the LHP will require an amendment to the contract. WDFW reserves the right to alter conditions to the contract if an amendment is required. It is the responsibility of the landowner to inform the proper WDFW regional staff of any changes. Not providing accurate information may result in the termination of the contract.

(g) Landowners may only be involved in one LHP statewide.

(4) **Program Guidelines**

(a) Policy C-6002 divides hunting on LHP cooperator lands into public and landowner permit opportunities. Public opportunity is defined as permits that are drawn through the WDFW permit drawing system or are drawn through a public raffle. Landowner opportunity is defined as those permits allocated to and distributed by the LHP cooperator(s).

(b) No LHP permits for elk will be issued in those GMUs where branch-antlered bull elk hunting is by quality or bull elk special permits only.

(c) No LHP permits for deer will be issued in those GMUs where antlered deer hunting is by quality or buck deer special permits only.

(d) Landowners may sell access associated with the landowner portion of the permits, but then must waive the right to all claims for wildlife damage that may occur on their lands. Selling access may also affect landowner liability as described in RCW 4.24.200 and 4.24.210. It is the responsibility of the landowner to ensure they are protected against liability claims.

(e) WDFW will draw permits for public hunting opportunity through the licensing permit drawing system or through a public raffle. Public raffles must be conducted according to state laws and regulations including, but not limited to, WAC 220-412-050 and as outlined in the commission policy C-6002.

(f) Access to LHP property and associated hunting will be free of charge for individuals who draw a public LHP permit. Hunting opportunity (i.e., location, length of time, season of the hunt and hunting area) must be equivalent for public permit holders and landowner permit holders. Landowners not meeting this requirement will have their LHP contract voided. Landowners in an LHP may be required to provide evidence verifying equitability between both the public and landowner permits.

(g) Lands in an LHP contract will be identified on the WDFW website, along with other private and public hunting lands. The cooperator or WDFW may create additional detailed maps to better inform the public. Any additional maps or materials may also be posted on the WDFW website.

(h) LHP boundaries will be posted with WDFW approved signs in accordance with boundary posting requirements section of the standard operating procedure.

(i) LHP properties may not have fences that alter or prevent the natural movement of wildlife.

(j) All LHP permits are only valid within the identified LHP property boundaries. Any wildlife harvested outside the boundaries of the LHP using an LHP permit will be considered a "closed season" violation. LHP permits are not valid on private or public in-holdings that are not included in the LHP contract.

(k) Any cost to implement the program, other than costs typically covered by WDFW (e.g., WDFW staff time and LHP signage), will be the responsibility of the landowner.

(l) Damage prevention permits authorized under WAC 220-440-060 will be issued to LHP cooperators only if WDFW deems it necessary to control damage.

(m) All LHP contracts will be tied to the three-year season setting cycle.

(n) LHP permits will be allocated annually. WDFW regional staff will provide permit recommendations to the private lands section manager by November of each year.

(o) A cooperator who does not comply with their LHP contract may have their contract voided by the department. If their contract is voided, they will not be able to reapply until the next application cycle and forfeit any remaining permits to WDFW. If a contract is voided, the LHP property may be enrolled in another WDFW access program without having to wait until the next LHP application cycle.

(p) WDFW at its discretion may deny any LHP application for biological or social reasons.

(q) LHPs shall not be authorized in areas where other access opportunities may be jeopardized.

(r) Due to the limited availability of habitat funding, LHP properties will not be prioritized for any funding available to the private lands access program for the purposes of habitat enhancement, restoration or other habitat related activities. This does not include federal programs, where WDFW staff provide technical assistance.

Annual reports (Appendix C) will be required for all LHP properties. The annual report form will be mailed to the landowners with their LHP permits each year. Reports are due back to the private lands section manager no later than May 1st of the following year. Failing to mail/send completed annual reports may result in a delay in issuing permits the following hunting season. Chronic failure to submit reports will lead to voiding of the LHP contract.

(5) (a) **Buckrun**

(i) Buckrun is located in Grant County, near the town of Wilson Creek.

(ii) Hunting on Buckrun is managed for a quality experience by scheduling hunt dates and keeping the number of hunters in the field low. Hunters with limited flexibility for hunt dates may experience scheduling problems. Hunters can generally expect one-day hunts during the permit seasons with written authorization from the Buckrun manager. All hunters must check in and out with the landowner or their designee on hunt day. Hunts are scheduled on a first-come basis by calling 509-345-2577 in advance.

(b) **Buckrun landowner hunting permits**

(i) Buckrun's manager will distribute Buckrun's landowner hunting permits. Buckrun may charge an access fee for these permits, but not for winning raffle permits. Only hunters possessing a modern firearm deer tag are eligible for permits on Buckrun's properties. Contact the manager at 509-345-2577 for additional information.

(ii) **Deer Seasons for the landowner portion of LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless Mule Deer or any White-tailed Deer	Buckrun
Buckrun	30	Sept. 1 - Dec. 31	Any deer	Buckrun
Buckrun Raffle	10	Oct. 25 - Dec. 31	Any deer	Buckrun

(c) **Buckrun public hunting permits**

(i) Hunters must apply to the Washington department of fish and wildlife for Buckrun's special hunting permits. Only hunters possessing a modern firearm deer tag are eligible for these special permits. All hunters must check in and out with the landowner or their designee. Hunts must be scheduled in advance by calling 509-345-2577.

(ii) **Deer Seasons for the public portion of the LHP permits:**

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless	Buckrun

(6) (a) **Silver Dollar Association**

The Silver Dollar Association is located in Yakima and Benton counties, on the western edge of the Hanford Reservation.

(b) **Silver Dollar Association landowner hunting permits**

(i) The Silver Dollar Association's manager will distribute the association's landowner hunting permits. The association may charge an access fee for these permits.

(ii) **Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Silver Dollar	24	Aug. 1 - March 31	Any Elk	Silver Dollar
Silver Dollar	8	Aug. 1 - March 31	Antlerless	Silver Dollar

(c) **Silver Dollar Association public hunting permits**

(i) Hunters must apply to the department for the Silver Dollar Association's special hunting permits.

(ii) **Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Permit Number	Weapon/Tag	Permit Season	Special Restrictions	Boundary Description
Silver Dollar	8	EF	Aug. 1 - March 31	Youth Only, Any Elk	Silver Dollar
Silver Dollar Antlerless Elk	6	EF	Aug. 1 - March 31	Youth Only, Antlerless Elk Only	Silver Dollar
Silver Dollar Antlerless Elk	2	EF	Aug. 1 - March 31	Persons of Disability Only, Antlerless Elk Only	Silver Dollar

(7) (a) **Blackrock Ranches**

Blackrock Ranches is located in Yakima County west of the Hanford Reservation.

(b) **Blackrock Ranches landowner hunting permits**

(i) Blackrock Ranches' manager will distribute the ranches' landowner hunting permits. Blackrock Ranches may charge an access fee for these permits.

(ii) **Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Blackrock Ranches	8	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	2	Aug. 1 - March 31	Antlerless	Blackrock Ranches

(c) **Blackrock Ranches public hunting permits**

(i) Hunters must apply to the department for Blackrock Ranches' special hunting permits. To apply, hunters must have an eastside elk tag.

(ii) **Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Permit Number	Weapon/Tag	Permit Season	Special Restrictions	Boundary Description
Blackrock Ranches	2	EF	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Antlerless Only	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Youth Only, Any Elk	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Youth Only, Antlerless Only	Blackrock Ranches

(8) (a) **Columbia Plateau Wildlife Management Association**

(i) The Columbia Plateau Wildlife Management Association (CPWMA) landowner hunting permit area is located in Spokane County (GMU 130) near Turnbull National Wildlife Refuge.

(ii) Landowner permit hunts are primarily small ranch hunts but are managed for a quality experience by keeping the number of hunters in the field low.

(b) **Columbia Plateau Wildlife Management Association landowner hunting permits**

(i) CPWMA's manager will distribute the association's landowner hunting permits. CPWMA will not charge an access fee for raffle permit winners. Only hunters possessing an elk tag are eligible for permits on CPWMA's properties. All successfully drawn permit applicants must have written authorization from CPWMA's manager and must check in and out with CPWMA's designee at the beginning and ending of the scheduled hunting dates. Successful applicants will receive a packet of information with forms to complete and a map showing the hunt area. These applicants must complete the forms and return them before September 30. Applicants should see CPWMA's website at [www.cpwma.org](http://www.cpwma.org) or contact the hunt manager at 509-263-4616. Holders of landowner permits selected through raffle, including 9 antlerless elk and 2 any elk permits, are eligible to purchase second elk tags that may only be used on lands included in the CPWMA LHP.

(ii) **Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
CPWMA	1	Jan. 1 - Mar. 31	Antlerless	CPWMA
CPWMA	1	Jan. 1 - Mar. 31	Any Bull	CPWMA
CPWMA Raffle 1	3	Jan. 1-31	Antlerless	CPWMA
CPWMA Raffle 2	3	Feb. 1-28	Antlerless	CPWMA
CPWMA Raffle 3	3	Mar. 1-31	Antlerless	CPWMA
CPWMA Raffle 4	2	Jan. 1 - Mar. 31	Any Bull	CPWMA

(c) **Columbia Plateau Wildlife Management Association public hunting permits**

(i) Hunters must apply to the department for CPWMA's special hunting permits. All successfully drawn permit applicants must have written authorization from CPWMA's manager and must check in and out with CPWMA's designee at the beginning and ending of the scheduled hunting dates. Successful applicants will receive a packet of required information with forms to complete and a map showing the hunt area. These applicants must complete the forms and return them before Sep-

tember 30. Applicants should see CPWMA's website at www.cpwma.org or contact the hunt manager at 509-263-4616.

(ii) **Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
CPWMA 1	1	Jan. 1 - Mar. 31	Any Bull	CPWMA

(9) (a) **Centralia Mine**

(i) Centralia Mine landowner hunting permit area is located in Lewis and Thurston counties (GMU 667) on the Centralia Mine near Centralia.

(ii) The Centralia Mine is owned by TransAlta and is a federally mandated, closed access area. Hunters must be escorted by TranAlta employees to access the property. Public hunters that are drawn for permits are escorted to huntable areas on the mine by employees with TransAlta that volunteer their time.

(b) **Centralia Mine landowner hunting permits**

(i) TransAlta staff will distribute the Centralia Mine landowner hunting permits including to TransAlta staff that volunteer as guides for state disabled, senior and youth permit elk hunts. TransAlta volunteers using their permits will attempt to target limping cows to assist with Treponeme Associated Hoof Disease control.

(ii) **Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Centralia Mine	5	Sept. 1 - Dec. 31	Antlerless	Centralia Mine

(c) **Centralia Mine public hunting permits**

(i) Hunters must apply to the department for Centralia Mine special hunting permits. To apply, hunters must have the required license/transport tag who are 65 years and older at some point during the license year for the senior hunts or be registered with the department as a hunter with a disability for the disabled hunts or meet the qualifications for youth hunting for the youth hunt. Due to landscape conditions, all hunters, regardless of tag type, are required to use a rifle during these hunts. Successful applicants will be contacted by TransAlta to arrange their hunt date and will receive a packet of logistical information from TransAlta about the hunt.

(ii) **Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Centralia Mine	5	((Sept. 3-11*)) Sept. 1 - Oct. 15*	Senior only, Antlerless	Centralia Mine
Centralia Mine	5	((Sept. 17-25*)) Sept. 1 - Oct. 15*	Disabled only, Antlerless	Centralia Mine
Centralia Mine	1	((Oct. 1-9*)) Sept. 1 - Oct. 15*	Youth only, Any Bull	Centralia Mine

\*Individuals selected for these hunts will be granted a single weekend within the listed time frame. Coordination with the hunt manager is required when selecting specific weekend dates.

[Statutory Authority: RCW 77.04.012, 77.04.055, and 77.12.047. WSR 22-15-096 (Order 22-71), § 220-412-100, filed 7/19/22, effective 8/19/22. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 21-14-022 (Order 21-61), § 220-412-100, filed 6/28/21, effective 7/29/21; WSR 20-12-080 (Order 20-76), § 220-412-100, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520.

WSR 19-10-011 (Order 19-79), § 220-412-100, filed 4/19/19, effective 5/20/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-412-100, filed 5/11/18, effective 6/11/18. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090. WSR 17-10-076 (Order 17-10), amended and recodified as § 220-412-100, filed 5/3/17, effective 6/3/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 16-12-087, § 232-28-296, filed 5/31/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-031 (Order 15-94), § 232-28-296, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-28-296, filed 4/25/14, effective 5/26/14; WSR 13-11-078 (Order 13-94), § 232-28-296, filed 5/16/13, effective 6/16/13. Statutory Authority: RCW 77.12.047. WSR 12-11-005 (Order 12-70), § 232-28-296, filed 5/2/12, effective 6/2/12.]

**OTS-4309.3**

AMENDATORY SECTION (Amending WSR 22-15-096, filed 7/19/22, effective 8/19/22)

**WAC 220-415-030 ((2022)) 2023 Deer special permits.** It is unlawful to fail to comply with the bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

**Deer Special Permit Hunting Seasons (Open to Permit Holders Only)**

Hunters must purchase a deer hunting license prior to purchasing a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for archery, muzzleloader, or modern firearm permit hunts. Hunters drawn for a special permit hunt must comply with weapon restrictions, dates, and other conditions listed for the hunt. Hunters drawn for a special permit designated "**Any tag**" under the "**Weapon/Tag**" restriction must use equipment consistent with the requirements of their transport tag and license.

**Bag Limit:** One (1) deer per hunter during the license year except where otherwise permitted by department rule, even if permits are drawn for more than one deer hunt category.

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Kelly Hill White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 105	5
Kelly Hill Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 105	1
Douglas White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 108	5
Douglas Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 108	1

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Aladdin White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 111	5
Aladdin Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 111	1
Selkirk Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 113	1
49 Degrees North White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 117	5
49 Degrees North Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 117	1
Huckleberry White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 121	5
Huckleberry Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 121	1
Mt. Spokane	Modern	Any	Nov. 1-24	Any buck	GMU 124	5
Mica Peak	Modern	Any	Nov. 1-24	3 pt. min.	GMU 127	5
Cheney	Modern	Any	Nov. 1-24	3 pt. min.	GMU 130	5
Roosevelt	Modern	Any	Nov. 1-24	3 pt. min.	GMU 133	5
Harrington	Modern	Any	Nov. 1-24	3 pt. min.	GMU 136	5
Steptoe	Modern	Any	Nov. 1-24	3 pt. min.	GMU 139	5
Almota	Modern	Any	Nov. 1-24	3 pt. min.	GMU 142	5
Dayton	Modern	Any	Nov. 20-24	3 pt. min.	GMU 162	5
Tucannon	Modern	Any	Nov. 20-24	3 pt. min.	GMU 166	2
Wenaha West	Modern	Any	Nov. 9-15	Mule deer, 3 pt. min.	Deer Area 1008	2
Wenaha East	Modern	Any	Nov. 9-15	Mule deer, 3 pt. min.	Deer Area 1009	5
Grande Ronde	Modern	Any	Nov. 20-24	3 pt. min.	GMU 186	1
East Okanogan	Modern	Any	Nov. 1-20	Any buck	GMU 204	10
Sinlahekin	Modern	Any	Nov. 1-20	Any buck	GMU 215	10
Chewuch	Modern	Any	Nov. 1-20	Any buck	GMU 218	15
Pearygin	Modern	Any	Nov. 1-20	Any buck	GMU 224	15
Gardner	Modern	Any	Nov. 1-20	Any buck	GMU 231	10
Pogue	Modern	Any	Nov. 1-20	Any buck	GMU 233	15
Alta	Modern	Any	Nov. 1-20	Any buck	GMU 242	15
Manson	Modern	Any	Nov. 1-20	Any buck	GMU 243	7
Chiwawa	Modern	Any	Nov. 1-20	Any buck	GMU 245	19
Slide Ridge	Modern	Any	Nov. 1-20	Any buck	GMU 246	9
Entiat	Modern	Any	Nov. 1-20	Any buck	GMU 247	15
Swakane	Modern	Any	Nov. 1-20	Any buck	GMU 250	9
Mission	Modern	Any	Nov. 1-20	Any buck	GMU 251	7
Desert	Modern	Any	Oct. ((22-30)) <u>21-29</u>	Any buck	GMU 290	((20)) <u>18</u>
Desert	Modern	Any	Nov. ((6-13)) <u>4-12</u>	Any buck	GMU 290	5
Naneum	Modern	Any	Nov. ((14-20)) <u>13-19</u>	Any buck	GMU 328	14
Quilomene	Modern	Any	Nov. ((7-20)) <u>6-19</u>	Any buck	GMU 329	20
Teanaway	Modern	Any	Nov. ((14-20)) <u>13-19</u>	Any buck	GMU 335	29
L.T. Murray	Modern	Any	Nov. ((14-20)) <u>13-19</u>	Any buck	GMUs 336, 340	5
Bethel	Modern	Any	Nov. ((7-20)) <u>6-19</u>	Any buck	GMU 360	5
Cowiche	Modern	Any	Nov. ((7-20)) <u>6-19</u>	Any buck	GMU 368	10
Alkali	Modern	Any	((Oct. 30 - Nov. 14)) <u>Oct. 28 - Nov. 12</u>	Any buck	GMU 371	8
Grayback	Modern	Any	Nov. ((7-22)) <u>6-21</u>	3 pt. min.	GMU 388	20
Nooksack	Modern	Any	Nov. 1-12	Any buck	GMU 418	25
((Skagit)) Diablo	Modern	Any	Nov. 1-17	Any buck	GMU 426	10
Sauk	Modern	Any	Nov. 1-12	Any buck	GMU 437	25
Stillaguamish	Modern	Any	Nov. 1-17	Any buck	GMU 448	12

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Snoqualmie	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 460	10
Green River	Any tag	Any	<del>((Oct. 15-21))</del> <u>Nov. 4-10</u>	Any buck	GMU 485	5
Lincoln	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 501	4
Mossyrock	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 505	2
Willapa Hills	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 506	4
Stormking	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 510	1
South Rainier	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 513	1
Packwood	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 516	1
Winston	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 520	4
Ryderwood	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 530	4
Coweeman	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 550	4
Toutle	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 556	1
Lewis River	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 560	1
Washougal	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 568	2
Siouxon	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 572	1
Wind River	Modern	Any	Nov. <del>((17-24))</del> <u>16-23</u>	Any buck	GMU 574	20
West Klickitat	Modern	Any	Nov. <del>((17-24))</del> <u>16-23</u>	3 pt. min.	GMU 578	15
Mason	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 633	10
Wynoochee	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 648	8
Satsop	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 651	10
White River	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 653	10
Mashel	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 654	10
Minot Peak	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 660	5
Capitol Peak	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 663	8
Skookumchuck	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 667	10
Fall River	Modern	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 672	5
Chiliwist	Archery	Any	Nov. 21-30	Any buck	GMU 239	10
Chiwawa	Archery	Any	Dec. 1-8	Any buck	GMU 245	6
Slide Ridge	Archery	Any	Dec. 1-8	Any buck	GMU 246	1
Entiat	Archery	Any	Nov. 21-30	Any buck	GMU 247	30
Desert	Archery	Any	Sept. <del>((1-30))</del> <u>1-29</u>	Any buck	GMU 290	10
Desert	Archery	Any	<del>((Nov. 19 - Dec. 4))</del> <u>Nov. 18 - Dec. 3</u>	Any buck	GMU 290	<del>((40))</del> <u>9</u>
Naneum	Archery	Any	Nov. <del>((23))</del> <u>22</u> - Dec. 8	Any buck	GMU 328	5
Quilomene	Archery	Any	Nov. <del>((23))</del> <u>22</u> - Dec. 8	Any buck	GMU 329	6
Teanaway	Archery	Any	Nov. <del>((23))</del> <u>22</u> - Dec. 8	Any buck	GMU 335	15
Kitsap	Archery	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 627	10
Skookumchuck	Archery	Any	Nov. <del>((1-16))</del> <u>1-15</u>	Any buck	GMU 667	10
Blue Mtns. Foothills	Muzzleloader	Any	Nov. 20 - Dec. 8	White-tailed, 3 pt. min.	GMUs 149, 154, 162, 166	45
Alta	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 242	10
Chiwawa	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 245	2
Slide Ridge	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 246	1
Mission	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 251	9
Desert	Muzzleloader	Any	<del>((Oct. 1-9))</del> <u>Sept. 30 - Oct. 8</u>	Any buck	GMU 290	2
Teanaway	Muzzleloader	Any	Nov. <del>((7-13))</del> <u>6-12</u>	Any buck	GMU 335	3
L.T. Murray	Muzzleloader	Any	Nov. <del>((7-13))</del> <u>6-12</u>	Any buck	GMUs 336, 340	1
Bald Mountain	Muzzleloader	Any	Nov. <del>((7-13))</del> <u>6-12</u>	Any buck	GMUs 342, 346	2
Naneum	Muzzleloader	Any	Nov. <del>((7-13))</del> <u>6-12</u>	Any buck	GMU 328	1

<b>Quality</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Quilomene	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 23 - Oct. 1	Any buck	GMU 329	3
Olympic	Muzzleloader	Any	Nov. ((1-16)) 1-15	Any buck	GMU 621	10
<b>Bucks</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Palouse	Modern	Any	Nov. ((5-19)) 11-19	White-tailed, 3 pt. min.	GMUs 127-142	300
Blue Mtns. Foothills West	Modern	Any	Nov. 9-19	White-tailed, 3 pt. min.	GMUs 149, 154, 162, 163, 166	60
Blue Mtns. Foothills East	Modern	Any	Nov. 9-19	White-tailed, 3 pt. min.	GMUs 145, 172, 178, 181	25
Mayview	Any tag	Any	Nov. 16-19	3 pt. min.	GMU 145	15
Lick Creek	Modern	Any	Nov. 20-24	3 pt. min.	GMU 175	1
East Okanogan	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 204	20
Sinlahekin	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 215	20
Chewuch	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 218	10
Pearrygin	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 224	10
Gardner	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 231	10
Pogue	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 233	10
Chiliwist	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 239	10
Alta	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 242	10
Ritzville	Modern	Any	Nov. 1-20	Any buck	GMU 284	10
Simcoe	Modern	Any	Oct. ((15-25)) 14-24	3 pt. min.	Deer Area 5382	5
Hoko	Modern	Any	Nov. ((1-16)) 1-15	Any buck	GMU 601	5
Sol Duc	Modern	Any	Nov. ((1-16)) 1-15	Any buck	GMU 607	5
Goodman	Modern	Any	Nov. ((1-16)) 1-15	Any buck	GMU 612	5
Clearwater	Modern	Any	Nov. ((1-16)) 1-15	Any buck	GMU 615	5
Quinault Ridge	Modern	Any	Nov. ((1-16)) 1-15	Any buck	GMU 638	1
North River	Modern	Any	Nov. ((1-16)) 1-15	Any buck	GMU 658	4
Williams Creek	Modern	Any	Nov. ((1-16)) 1-15	Any buck	GMU 673	3
Bear River-Long Beach	Modern	Any	Nov. ((1-16)) 1-15	Any buck	GMUs 681, 684	2
Parker Lake	Archery	Any	Sept. 1-30 and Nov. 19 - Dec. 1	Any white-tailed buck	Deer Area 1031	5
Big Bend	Archery	Any	Dec. 1-8	Any buck	GMU 248	10
Ritzville	Archery	Any	Dec. ((1-18)) 1-16	Any buck	GMU 284	10
Alkali	Archery	Any	Sept. ((1-24)) 1-22	Any buck	GMU 371	2
Ringold	Archery	Any	Nov. 15-24	3 pt. min.	GMU 379	5
Whitcomb	Archery	Any	Oct. ((2-14)) 1-13	Any buck	Deer Area 3071	10
Paterson	Archery	Any	Oct. ((2-14)) 1-13	Any buck	Deer Area 3072	10
Simcoe	Archery	Any	Sept. ((1-23)) 1-29 and Dec. 1-8	3 pt. min.	Deer Area 5382	3
West Klickitat	Archery	Any	((Nov. 25 - Dec. 2)) Nov. 24-30	3 pt. min.	GMU 578	20
Skokomish	Archery	Any	Nov. ((1-16)) 1-15	Any buck	GMU 636	5
Parker Lake	Muzzleloader	Any	Oct. 1-31 and Dec. 2-14	Any white-tailed buck	Deer Area 1031	5
Blue Creek	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 23 - Oct. 1	3 pt. min.	GMU 154	10
Dayton	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 23 - Oct. 1	3 pt. min.	GMU 162	15
Marengo	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 23 - Oct. 1	3 pt. min.	GMU 163	10
Tucannon	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 23 - Oct. 1	3 pt. min.	GMU 166	5
Wenaha	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 23 - Oct. 1	3 pt. min.	GMU 169	20

<b>Bucks</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Mountain View	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> Sept. 23 - Oct. 1	3 pt. min.	GMU 172	15
Peola	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> Sept. 23 - Oct. 1	3 pt. min.	GMU 178	10
Ritzville	Muzzleloader	Any	Nov. <del>((19-27))</del> 18-26	Any buck	GMU 284	1
Alkali	Muzzleloader	Any	<del>((Sept. 24 - Oct. 14))</del> Sept. 23 - Oct. 13	Any buck	GMU 371	1
Kahlotus	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> Sept. 30 - Oct. 8	Any buck	GMU 381	20
Whitcomb	Muzzleloader	Any	Nov. <del>((19-27))</del> 18-26	Any buck	Deer Area 3071	5
Paterson	Muzzleloader	Any	Nov. <del>((19-27))</del> 18-26	Any buck	Deer Area 3072	5
Simcoe	Muzzleloader	Any	Nov. 20-30	3 pt. min.	Deer Area 5382	3
West Klickitat	Muzzleloader	Any	Dec. <del>((3-8))</del> 1-8	3 pt. min.	GMU 578	20
Dickey	Muzzleloader	Any	Nov. <del>((1-16))</del> 1-15	Any buck	GMU 602	5
Copalis-Matheny	Muzzleloader	Any	Nov. <del>((1-16))</del> 1-15	Any buck	GMUs 618, 642	5

<b>Antlerless</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Mayview	Modern	Any	Nov. 1-12	Antlerless	GMU 145	15
Prescott	Modern	Any	Nov. 1-12	Antlerless	GMU 149	20
Blue Creek	Modern	Any	Nov. 9-19	White-tailed, antlerless	GMU 154	<del>((20))</del> 15
Dayton	Modern	Any	Nov. 9-19	White-tailed, antlerless	GMU 162	<del>((40))</del> 15
Ten Ten	Modern	Any	Nov. 9-19	Antlerless	Deer Area 1010	5
Marengo	Modern	Any	Nov. 1-12	White-tailed, antlerless	GMU 163	15
Marengo	Modern	Any	Nov. 1-12	Antlerless	GMU 163	5
Peola	Modern	Any	Nov. 1-12	Antlerless	GMU 178	<del>((15))</del> 10
Lincoln	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 501	15
Mossyrock	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 505	30
Winston	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 520	20
Ryderwood	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 530	10
Olympic	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 621	15
Coyle	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 624	15
Kitsap	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 627	<del>((40))</del> 25
Mason	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 633	20
Skokomish	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 636	5
Wynoochee	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 648	30
Satsop	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 651	15
Mashel	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 654	10
North River	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 658	10
Minot Peak	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 660	20
Capitol Peak	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 663	5
Skookumchuck	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 667	20
Williams Creek	Modern	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 673	5
Mashel	Archery	Any	Oct. <del>((15-31))</del> 14-31	Antlerless	GMU 654	10
Whitcomb	Archery	Any	Oct. <del>((18-30))</del> 17-29	Antlerless	Deer Area 3071	10
Paterson	Archery	Any	Oct. <del>((18-30))</del> 17-29	Antlerless	Deer Area 3072	10
Whitcomb	Muzzleloader	Any	Nov. 29 - Dec. 5	Antlerless	Deer Area 3071	10
Paterson	Muzzleloader	Any	Nov. 29 - Dec. 5	Antlerless	Deer Area 3072	10
Washtucna	Muzzleloader	Any	Nov. 25 - Dec. 8	Mule deer, antlerless	GMUs 139, 142, 284, 381	200
Mayview	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> Sept. 23 - Oct. 1	Mule deer, antlerless	GMU 145	5

<b>Antlerless</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Prescott	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 23 - Oct. 1</u>	Antlerless	GMU 149	10
Blue Creek	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 23 - Oct. 1</u>	Antlerless	GMU 154	10
Ten Ten	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 23 - Oct. 1</u>	Antlerless	Deer Area 1010	10
Marengo	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 23 - Oct. 1</u>	Antlerless	GMU 163	5
Peola	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 23 - Oct. 1</u>	Antlerless	GMU 178	5
Mossyrock	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 30 - Oct. 8</u>	Antlerless	GMU 505	10
Winston	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 30 - Oct. 8</u>	Antlerless	GMU 520	5
Ryderwood	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 30 - Oct. 8</u>	Antlerless	GMU 530	10
Coweeman	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 30 - Oct. 8</u>	Antlerless	GMU 550	10
Yale	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 30 - Oct. 8</u>	Antlerless	GMU 554	2
Olympic	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 30 - Oct. 8</u>	Antlerless	GMU 621	25
Coyle	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 30 - Oct. 8</u>	Antlerless	GMU 624	20
Mason	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 30 - Oct. 8</u>	Antlerless	GMU 633	35
Skokomish	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 30 - Oct. 8</u>	Antlerless	GMU 636	10
Wynoochee	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 30 - Oct. 8</u>	Antlerless	GMU 648	30
Satsop	Muzzleloader	Any	Nov. <del>((23))</del> 22 - Dec. 15	Antlerless	GMU 651	30
Mashel	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 30 - Oct. 8</u>	Antlerless	GMU 654	20
North River	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 30 - Oct. 8</u>	Antlerless	GMU 658	8
Minot Peak	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 30 - Oct. 8</u>	Antlerless	GMU 660	5
Capitol Peak	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 30 - Oct. 8</u>	Antlerless	GMU 663	5
Williams Creek	Muzzleloader	Any	<del>((Sept. 24 - Oct. 2))</del> <u>Sept. 30 - Oct. 8</u>	Antlerless	GMU 673	5

<b>2nd Deer</b>						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Benge	Any	Any	Dec. <del>((19-30))</del> 16-24	Antlerless	Deer Area 2010	5
Lakeview	Any	Any	Jan. 1-30, 2022	Antlerless	Deer Area 2011	5
Methow	Any	Any	<del>((Sept. 6 - Oct. 2))</del> <u>Sept. 5 - Oct. 8</u>	Antlerless	Deer Area 2012	5
North Okanogan	Any	Any	<del>((Sept. 6 - Oct. 2))</del> <u>Sept. 5 - Oct. 8</u>	Antlerless	Deer Area 2013	5
Central Okanogan	Any	Any	<del>((Sept. 6 - Oct. 2))</del> <u>Sept. 5 - Oct. 8</u>	Antlerless	Deer Area 2014	5
Omak	Any	Any	<del>((Sept. 6 - Oct. 2))</del> <u>Sept. 5 - Oct. 8</u>	Antlerless	Deer Area 2015	5
Conconully	Any	Any	<del>((Sept. 6 - Oct. 2))</del> <u>Sept. 5 - Oct. 8</u>	Antlerless	Deer Area 2016	5
Lake Chelan North	Any	Any	Aug. 1-31	Antlerless	Deer Area 2017	45
North Issaquah	Any	Any	<del>((Oct. 15-31 and Nov. 17-20))</del> <u>Oct. 14-31 and Nov. 16-19</u>	Antlerless	Deer Area 4541	10

<b>2nd Deer</b>						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mt. Spokane	Modern	Any	(( <del>Oct. 15-28</del> and <del>Nov. 5-19</del> )) <u>Oct. 14-27 and Nov. 11-19</u>	Antlerless	GMU 124	5
Mica Peak	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	Antlerless	GMU 127	5
Cheney Mule Deer	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	Mule deer, antlerless	GMU 130	60
Cheney White-tailed Deer	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	White-tailed, antlerless	GMU 130	5
Roosevelt Mule Deer	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	Mule deer, antlerless	GMU 133	90
Roosevelt White-tailed Deer	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	White-tailed, antlerless	GMU 133	5
Harrington	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	Antlerless	GMU 136	90
Step toe	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	White-tailed, antlerless	GMU 139	5
Almota	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	White-tailed, antlerless	GMU 142	5
Washtucna	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	Mule deer, antlerless	GMUs 139, 142, 284, 381	350
East Okanogan	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	White-tailed, antlerless	GMU 204	5
Sinlahekin	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	White-tailed, antlerless	GMU 215	5
Chewuch	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	White-tailed, antlerless	GMU 218	5
Pearrygin	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	White-tailed, antlerless	GMU 224	5
Gardner	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	White-tailed, antlerless	GMU 231	5
Pogue	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	White-tailed, antlerless	GMU 233	5
Chiliwist	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	White-tailed, antlerless	GMU 239	5
Alta	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	White-tailed, antlerless	GMU 242	5
Big Bend	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	Antlerless	GMU 248	20
St. Andrews	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	Antlerless	GMU 254	15
Foster Creek	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	Antlerless	GMU 260	15
Withrow	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	Antlerless	GMU 262	15
Badger	Modern	Any	Oct. (( <del>15-25</del> )) <u>14-24</u>	Antlerless	GMU 266	15
Desert	Modern	Any	Dec. (( <del>10-25</del> )) <u>9-24</u>	Antlerless	GMU 290	25
Kahlotus	Modern	Any	Dec. 9-17	Antlerless	GMU 381	10
Orcas	Any	Any	(( <del>Aug.</del> ) <u>Sept. 1 - Dec. 31</u>	Antlerless	GMU 411	(( <del>135</del> )) <u>145</u>
Shaw	Any	Any	(( <del>Aug.</del> ) <u>Sept. 1 - Dec. 31</u>	Antlerless	GMU 412	40
San Juan	Any	Any	(( <del>Aug.</del> ) <u>Sept. 1 - Dec. 31</u>	Antlerless	GMU 413	(( <del>120</del> )) <u>130</u>
Lopez	Any	Any	(( <del>Aug.</del> ) <u>Sept. 1 - Dec. 31</u>	Antlerless	GMU 414	(( <del>130</del> )) <u>150</u>
Blakely	Any	Any	Aug. 1 - Dec. 31	Antlerless	GMU 415	(( <del>60</del> )) <u>70</u>
Decatur	Modern	Any	(( <del>Oct. 15-31</del> and <del>Nov. 17-20</del> )) <u>Oct. 14-31 and Nov. 16-19</u>	Antlerless	GMU 416	5
Cypress	Modern	Any	(( <del>Oct. 15-31</del> and <del>Nov. 17-20</del> )) <u>Oct. 14-31 and Nov. 16-19</u>	Antlerless	GMU 417	30
Guemes	Modern	Any	(( <del>Oct. 15-31</del> and <del>Nov. 17-20</del> )) <u>Oct. 14-31 and Nov. 16-19</u>	Antlerless	GMU 419	20
Whidbey	Any	Any	Aug. 1 - Dec. 31	Antlerless	GMU 420	275
Camano	Modern	Any	(( <del>Oct. 15-31</del> and <del>Nov. 17-20</del> )) <u>Oct. 14-31 and Nov. 16-19</u>	Antlerless	GMU 421	30
Vashon-Maury	Any	Any	Aug. 1 - Dec. 31	Antlerless	GMU 422	200

<b>2nd Deer</b>						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Anderson	Modern	Any	((Oct. 15-31 and Nov. 17-20)) Oct. 14-31 and Nov. 16-19	Antlerless	GMU 655	30
Deschutes	Modern	Any	((Oct. 15-31 and Nov. 17-20)) Oct. 14-31 and Nov. 16-19	Antlerless	GMU 666	40
Mt. Spokane	Archery	Any	Sept. ((1-23)) 1-29 and Nov. 25 - Dec. 15	Antlerless	GMU 124	5
Mica Peak	Archery	Any	Sept. ((1-23)) 1-29 and Nov. 25 - Dec. 15	Antlerless	GMU 127	5
Cheney Mule Deer	Archery	Any	Sept. ((1-23)) 1-29	Mule deer, antlerless	GMU 130	20
Cheney White-tailed Deer	Archery	Any	Sept. ((1-23)) 1-29	White-tailed, antlerless	GMU 130	5
Roosevelt Mule Deer	Archery	Any	Sept. ((1-23)) 1-29	Mule deer, antlerless	GMU 133	20
Roosevelt White-tailed Deer	Archery	Any	Sept. ((1-23)) 1-29	White-tailed, antlerless	GMU 133	5
Harrington	Archery	Any	Sept. ((1-23)) 1-29	Antlerless	GMU 136	30
Step toe	Archery	Any	Sept. ((1-23)) 1-29	White-tailed, antlerless	GMU 139	5
Almota	Archery	Any	Sept. ((1-23)) 1-29	White-tailed, antlerless	GMU 142	5
Decatur	Archery	Any	((Sept. 1-25 and Nov. 25-Dec. 31)) Sept. 1-29 and Nov. 22 - Dec. 31	Antlerless	GMU 416	5
Cypress	Archery	Any	((Sept. 1-25 and Nov. 25-Dec. 31)) Sept. 1-29 and Nov. 22 - Dec. 31	Antlerless	GMU 417	20
Guemes	Archery	Any	((Sept. 1-23 and Nov. 23-Dec. 31)) Sept. 1-29 and Nov. 22 - Dec. 31	Antlerless	GMU 419	10
Camano	Archery	Any	((Sept. 1-23 and Nov. 23-Dec. 31)) Sept. 1-29 and Nov. 22 - Dec. 31	Antlerless	GMU 421	25
Miller	Archery	Any	Dec. 15-31	Antlerless	Deer Area 6020	40
Anderson	Archery	Any	((Sept. 1-23 and Nov. 23-Dec. 31)) Sept. 1-29 and Nov. 22 - Dec. 31	Antlerless	GMU 655	10
Mt. Spokane	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 30 - Oct. 8	Antlerless	GMU 124	5
Mica Peak	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 30 - Oct. 8	Antlerless	GMU 127	5
Cheney Mule Deer	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 30 - Oct. 8	Mule deer, antlerless	GMU 130	10
Cheney White-tailed Deer	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 23 - Oct. 1 and Nov. 25 - Dec. 8	White-tailed, antlerless	GMU 130	5
Roosevelt Mule Deer	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 30 - Oct. 8	Mule deer, antlerless	GMU 133	10
Roosevelt White-tailed Deer	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 30 - Oct. 8 and Nov. 25 - Dec. 8	White-tailed, antlerless	GMU 133	5
Harrington	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 30 - Oct. 8	Antlerless	GMU 136	10
Step toe	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 30 - Oct. 8 and Nov. 25 - Dec. 8	White-tailed, antlerless	GMU 139	5
Almota	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 30 - Oct. 8 and Nov. 25 - Dec. 8	White-tailed, antlerless	GMU 142	5

<b>2nd Deer</b>						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Foster Creek	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 30 - Oct. 8	Antlerless	GMU 260	10
Moses Coulee	Muzzleloader	Any	((Sept. 24 - Oct. 2)) Sept. 30 - Oct. 8	Antlerless	GMU 269	10
Lakeview	Muzzleloader	Any	Nov. 1-18	Antlerless	Deer Area 2011	5
Decatur	Muzzleloader	Any	((Sept. 24 - Oct. 2 and Nov. 23 - Dec. 15)) Sept. 30 - Oct. 8 and Nov. 22 - Dec. 15	Antlerless	GMU 416	5
Cypress	Muzzleloader	Any	((Sept. 24 - Oct. 2 and Nov. 23 - Dec. 15)) Sept. 30 - Oct. 8 and Nov. 22 - Dec. 15	Antlerless	GMU 417	20
Guemes	Muzzleloader	Any	((Sept. 24 - Oct. 2 and Nov. 23 - Dec. 15)) Sept. 30 - Oct. 8 and Nov. 22 - Dec. 15	Antlerless	GMU 419	10
Camano	Muzzleloader	Any	((Sept. 24 - Oct. 2 and Nov. 23 - Dec. 15)) Sept. 30 - Oct. 8 and Nov. 22 - Dec. 15	Antlerless	GMU 421	20
Anderson	Muzzleloader	Any	((Sept. 24 - Oct. 2 and Nov. 23 - Dec. 15)) Sept. 30 - Oct. 8 and Nov. 22 - Dec. 15	Antlerless	GMU 655	5

<b>Youth</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Washtucna	Modern	Youth	Oct. ((15-25)) 14-24	Any deer	GMUs 139, 142, 284, 381	100
Blue Mtns. Foothills West	Modern	Youth	Oct. ((15-25)) 14-24	Antlerless	GMUs 149, 154, 163, Deer Area 1010	30
Blue Mtns. Foothills East	Modern	Youth	Oct. ((15-25)) 14-24	Antlerless	GMUs 145, 172, 178,181	20
Mayview	Modern	Youth	Oct. ((15-25)) 14-24	Any deer	GMU 145	15
Prescott	Modern	Youth	Oct. ((15-25)) 14-24	Any deer	GMU 149	20
Blue Creek	Modern	Youth	Oct. 14-24	Any deer	GMU 154	5
Dayton	Modern	Youth	Oct. 14-24	Any deer	GMU 162	5
Peola	Modern	Youth	Oct. ((15-25)) 14-24	Any deer	GMU 178	((20)) 10
Tucannon	Modern	Youth	Oct. ((15-25)) 14-24	((White-tailed, antlerless)) Any deer	GMU 166	5
((Couse	Modern	Youth	Oct. 15-25	Antlerless	GMU 181	5))
Couse	Modern	Youth	Oct. ((15-25)) 14-24	Any deer	GMU 181	((5)) 10
Grande Ronde	Modern	Youth	Oct. ((15-25)) 14-24	Any deer	GMU 186	3
East Okanogan	Modern	Youth	Oct. ((15-25)) 14-24	Antlerless	GMU 204	3
Wannacut	Modern	Youth	Oct. ((15-25)) 14-24	Antlerless	GMU 209	3
Sinlahekin	Modern	Youth	Oct. ((15-25)) 14-24	Antlerless	GMU 215	3
Chewuch	Modern	Youth	Oct. ((15-25)) 14-24	Antlerless	GMU 218	3
Pearrygin	Modern	Youth	Oct. ((15-25)) 14-24	Antlerless	GMU 224	3
Gardner	Modern	Youth	Oct. ((15-25)) 14-24	Antlerless	GMU 231	3
Pogue	Modern	Youth	Oct. ((15-25)) 14-24	Antlerless	GMU 233	3
Chiliwist	Modern	Youth	Oct. ((15-25)) 14-24	Antlerless	GMU 239	3
Alta	Modern	Youth	Oct. ((15-25)) 14-24	Antlerless	GMU 242	3
Chiwawa	Modern	Youth	Oct. ((15-25)) 14-24	Antlerless	GMU 245	3
Entiat	Modern	Youth	Oct. ((15-25)) 14-24	Antlerless	GMU 247	3
Swakane	Modern	Youth	Oct. ((15-25)) 14-24	Antlerless	GMU 250	3

Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mission	Modern	Youth	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMU 251	5
Bridgeport	Modern	Youth	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMUs 248, 260	20
Palisades	Modern	Youth	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMUs 266, 269	20
Beezley	Modern	Youth	Oct. ((15-25)) <u>14-29</u>	Any deer	GMU 272	((50)) 40
Benge	Modern	Youth	((Oct. 30 - Nov. 6)) Oct. 28 - Nov. 5	Antlerless	Deer Area 2010	30
Desert	Modern	Youth	Dec. ((5-13)) <u>2-24</u>	Antlerless	GMU 290	12
Horse Heaven Hills	Modern	Youth	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMU 373	10
Ringold	Modern	Youth	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMU 379	10
Simcoe	Modern	Youth	Oct. ((15-25)) <u>14-24</u>	Any deer	Deer Area 5382	3
East Klickitat	Modern	Youth	Oct. ((15-25)) <u>14-24</u>	Any buck	GMU 382 (except <b>CLOSED</b> in Deer Area 5382)	5
East Klickitat	Modern	Youth	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMU 382 (except <b>CLOSED</b> in Deer Area 5382)	5
Grayback	Modern	Youth	Oct. ((15-25)) <u>14-24</u>	Any buck	GMU 388	5
Grayback	Modern	Youth	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMU 388	5
<u>Green River</u>	<u>Any</u>	<u>Youth</u>	<u>Nov. 4-10</u>	<u>Any buck</u>	<u>GMU 485</u>	<u>3</u>
Lincoln	Modern	Youth	Oct. 15-31	Antlerless	GMU 501	10
Randle	Modern	Youth	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 503	5
Mossyrock	Modern	Youth	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 505	10
Stormking	Modern	Youth	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 510	5
South Rainier	Modern	Youth	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 513	5
Packwood	Modern	Youth	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 516	5
Winston	Modern	Youth	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 520	10
Ryderwood	Modern	Youth	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 530	10
Coweeman	Modern	Youth	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 550	10
Yale	Modern	Youth	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 554	3
Toutle	Modern	Youth	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 556	15
Lewis River	Modern	Youth	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 560	5
Washougal	Modern	Youth	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 568	5
Siouxon	Modern	Youth	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 572	5
Wind River	Modern	Youth	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 574	5
West Klickitat	Modern	Youth	Oct. ((15-31)) <u>14-31</u>	Any buck	GMU 578	5
West Klickitat	Modern	Youth	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 578	5
Pysht	Modern	Youth	Nov. ((1-16)) <u>1-15</u>	Any buck	GMU 603	5
Olympic	Modern	Youth	Oct. ((8-31)) <u>9-31</u>	Any deer	GMU 621	20
Coyle	Modern	Youth	Oct. ((8-31)) <u>9-31</u>	Any deer	GMU 624	20
Kitsap	Modern	Youth	Oct. ((8-31)) <u>9-31</u>	Any deer	GMU 627	20
Mason	Modern	Youth	Nov. ((1-20)) <u>1-19</u>	Any deer	GMU 633	25
Skokomish	Modern	Youth	Oct. ((8-31)) <u>9-31</u>	Any deer	GMU 636	15
Wynoochee	Modern	Youth	Oct. ((8-31)) <u>9-31</u>	Any deer	GMU 648	20
Satsop	Modern	Youth	Oct. ((8-31)) <u>9-31</u>	Any deer	GMU 651	20
Mashel	Modern	Youth	Oct. ((8-31)) <u>7-31</u>	Antlerless	GMU 654	15
North River	Modern	Youth	Oct. ((8-31)) <u>7-31</u>	Antlerless	GMU 658	5
Minot Peak	Modern	Youth	Oct. ((8-31)) <u>9-31</u>	Any deer	GMU 660	10
Minot Peak	Modern	Youth	Nov. ((1-16)) <u>1-15</u>	Any buck	GMU 660	4
Capitol Peak	Modern	Youth	Oct. ((8-31)) <u>9-31</u>	Any deer	GMU 663	5
Skookumchuck	Modern	Youth	Oct. ((8-31)) <u>7-31</u>	Antlerless	GMU 667	15
Skookumchuck	Modern	Youth	Oct. ((8-31)) <u>7-31</u>	Any buck	GMU 667	20
East Okanogan	Muzzleloader	Youth	((Sept. 24 - Oct. 2)) <u>Sept. 30 - Oct. 8</u>	Antlerless	GMU 204	3

<b>Youth</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Wannacut	Muzzleloader	Youth	((Sept. 24 – Oct. 2)) Sept. 30 - Oct. 8	Antlerless	GMU 209	3
Pogue	Muzzleloader	Youth	((Sept. 24 – Oct. 2)) Sept. 30 - Oct. 8	Antlerless	GMU 233	3
Chiliwist	Muzzleloader	Youth	((Sept. 24 – Oct. 2)) Sept. 30 - Oct. 8	Antlerless	GMU 239	3
Alta	Muzzleloader	Youth	((Sept. 24 – Oct. 2)) Sept. 30 - Oct. 8	Antlerless	GMU 242	3
Mission	Muzzleloader	Youth	((Sept. 24 – Oct. 2)) Sept. 30 - Oct. 8	Antlerless	GMU 251	3
Whitcomb	Muzzleloader	Youth	Nov. 1-13	Antlerless	Deer Area 3071	5
Paterson	Muzzleloader	Youth	Nov. 1-13	Antlerless	Deer Area 3072	5
Region 3	Modern, Muzzleloader	Youth	((Aug. 1, 2022 – Mar. 31, 2023)) Aug. 1, 2023 - Mar. 31, 2024	Antlerless	Designated Areas in Region 3	20 <sup>HC</sup>
Region 5	Modern, Muzzleloader	Youth with mentor	((Aug. 1, 2022 – Mar. 31, 2023)) Aug. 1, 2023 - Mar. 31, 2024	Antlerless	Designated Areas in Region 5	5 <sup>HC</sup>

<b>Senior 65+</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Mt. Spokane	Modern	Any	((Oct. 15-28 and Nov. 5-19)) Oct. 14-27 and Nov. 11-19	Antlerless	GMU 124	5
Mica Peak	Modern	Any	Oct. ((15-25)) 14-24	Antlerless	GMU 127	5
Cheney Mule Deer	Modern	Any	Oct. ((15-25)) 14-24	Mule deer, antlerless	GMU 130	10
Cheney White-tailed Deer	Modern	Any	Oct. ((15-25)) 14-24	White-tailed, antlerless	GMU 130	5
Roosevelt Mule Deer	Modern	Any	Oct. ((15-25)) 14-24	Mule deer, antlerless	GMU 133	15
Roosevelt White- tailed Deer	Modern	Any	Oct. ((15-25)) 14-24	White-tailed, antlerless	GMU 133	5
Harrington	Modern	Any	Oct. ((15-25)) 14-24	Antlerless	GMU 136	10
Step toe	Modern	Any	Oct. ((15-25)) 14-24	White-tailed, antlerless	GMU 139	5
Almota	Modern	Any	Oct. ((15-25)) 14-24	White-tailed, antlerless	GMU 142	5
Washtucna	Modern	65+	Oct. ((15-25)) 14-24	Mule deer, antlerless	GMUs 139, 142, 284, 381	20
Blue Mtns. Foothills	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMUs 145, 149, 154, 163, Deer Area 1010, 178, 181	15
East Okanogan	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMU 204	3
Wannacut	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMU 209	3
Sinlahekin	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMU 215	3
Chewuch	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMU 218	3
Pearrygin	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMU 224	3
Gardner	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMU 231	3
Pogue	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMU 233	3
Chiliwist	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMU 239	3
Alta	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMU 242	3
Chiwawa	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMU 245	5
Entiat	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMU 247	5
Swakane	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMU 250	5
Mission	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMU 251	5
Bridgeport	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMUs 248, 260	5
Palisades	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMUs 266, 269	5
Rattlesnake Hills	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMU 372	10
Horse Heaven Hills	Modern	65+	Oct. ((15-25)) 14-24	Antlerless	GMU 373	10

Senior 65+						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
North Issaquah	Any	65+	((Oct. 15-31 and Nov. 17-20)) Oct. 14-31 and Nov. 16-19	Antlerless	Deer Area 4541	10
Lincoln	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 501	5
Mossyrock	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 505	5
Winston	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 520	5
Yale	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 554	2
Toutle	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 556	5
Washougal	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 568	2
Olympic	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 621	5
Coyle	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 624	5
Kitsap	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 627	10
Mason	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 633	20
Skokomish	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 636	5
Wynoochee	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 648	20
Satsop	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 651	10
Mashel	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 654	10
North River	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 658	5
Minot Peak	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 660	15
Capitol Peak	Modern	65+	Oct. ((15-31)) 14-31	Antlerless	GMU 663	5

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mt. Spokane	Modern	Any	((Oct. 15-28 and Nov. 5-19)) Oct. 14-27 and Nov. 11-19	Antlerless	GMU 124	5
Mica Peak	Modern	Any	Oct. ((15-25)) 14-24	Antlerless	GMU 127	5
Cheney Mule Deer	Modern	Any	Oct. ((15-25)) 14-24	Mule deer, antlerless	GMU 130	10
Cheney White-tailed Deer	Modern	Any	Oct. ((15-25)) 14-24	White-tailed, antlerless	GMU 130	5
Roosevelt Mule Deer	Modern	Any	Oct. ((15-25)) 14-24	Mule deer, antlerless	GMU 133	15
Roosevelt White-tailed Deer	Modern	Any	Oct. ((15-25)) 14-24	White-tailed, antlerless	GMU 133	5
Harrington	Modern	Any	Oct. ((15-25)) 14-24	Antlerless	GMU 136	10
Step toe	Modern	Any	Oct. ((15-25)) 14-24	White-tailed, antlerless	GMU 139	5
Almota	Modern	Any	Oct. ((15-25)) 14-24	White-tailed, antlerless	GMU 142	5
Washtucna	Modern	Hunter with Disability	Oct. ((15-25)) 14-24	Mule deer, antlerless	GMUs 139, 142, 284, 381	20
Blue Mtns. Foothills	Modern	Hunter with Disability	Oct. ((15-25)) 14-24	Antlerless	GMUs 145, 149, 154, 163, Deer Area 1010, 178, 181	10
East Okanogan	Modern	Hunter with Disability	Oct. ((15-25)) 14-24	Antlerless	GMU 204	3
Wannacut	Modern	Hunter with Disability	Oct. ((15-25)) 14-24	Antlerless	GMU 209	3
Sinlahekin	Modern	Hunter with Disability	Oct. ((15-25)) 14-24	Antlerless	GMU 215	3
Chewuch	Modern	Hunter with Disability	Oct. ((15-25)) 14-24	Antlerless	GMU 218	3
Pearrygin	Modern	Hunter with Disability	Oct. ((15-25)) 14-24	Antlerless	GMU 224	3
Gardner	Modern	Hunter with Disability	Oct. ((15-25)) 14-24	Antlerless	GMU 231	3

<b>Hunters with Disabilities</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Pogue	Modern	Hunter with Disability	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMU 233	3
Chiliwist	Modern	Hunter with Disability	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMU 239	3
Alta	Modern	Hunter with Disability	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMU 242	3
Chiwawa	Modern	Hunter with Disability	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMU 245	3
Entiat	Modern	Hunter with Disability	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMU 247	3
Mission	Modern	Hunter with Disability	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMU 251	3
Saint Andrews	Modern	Hunter with Disability	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMU 254	5
Bridgeport	Modern	Hunter with Disability	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMUs 248, 260	5
Palisades	Modern	Hunter with Disability	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMUs 266, 269	5
Beezley	Modern	Hunter with Disability	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMU 272	10
Horse Heaven Hills	Modern	Hunter with Disability	Oct. ((15-25)) <u>14-24</u>	Antlerless	GMU 373	10
Kahlotus	Modern	Hunter with Disability	Nov. 1-14	Antlerless	GMU 381	10
North Issaquah	Any	Hunter with Disability	((Oct. 15-31 and Nov. 17-20)) Oct. 14-31 and Nov. 16-19	Antlerless	Deer Area 4541	10
Green River	Any	Hunter with Disability	((Oct. 15-21)) Nov. 4-10	((Buck only)) Any buck	GMU 485	((5)) <u>2</u>
Lincoln	Modern	Hunter with Disability	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 501	2
Mossyrock	Modern	Hunter with Disability	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 505	3
Winston	Modern	Hunter with Disability	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 520	2
Toutle	Modern	Hunter with Disability	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 556	3
Washougal	Modern	Hunter with Disability	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 568	2
Olympic	Modern	Hunter with Disability	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 621	5
Skokomish	Modern	Hunter with Disability	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 636	10
Satsop	Modern	Hunter with Disability	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 651	10
Mashel	Modern	Hunter with Disability	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 654	10
North River	Modern	Hunter with Disability	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 658	2
Minot Peak	Modern	Hunter with Disability	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 660	5
Capitol Peak	Modern	Hunter with Disability	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 663	5
Skookumchuck	Modern	Hunter with Disability	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 667	10
Fall River	Modern	Hunter with Disability	Oct. ((15-31)) <u>14-31</u>	Antlerless	GMU 672	2
Fall River	Modern	Hunter with Disability	Nov. ((1-16)) <u>1-15</u>	Any buck	GMU 672	5
East Okanogan	Muzzleloader	Hunter with Disability	((Sept. 24 - Oct. 2)) Sept. 30 - Oct. 8	Antlerless	GMU 204	3
Sinlahekin	Muzzleloader	Hunter with Disability	((Sept. 24 - Oct. 2)) Sept. 30 - Oct. 8	Antlerless	GMU 215	3

<b>Hunters with Disabilities</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Gardner	Muzzleloader	Hunter with Disability	<del>((Sept. 24 - Oct. 2))</del> Sept. 30 - Oct. 8	Antlerless	GMU 231	3
Chiwawa	Muzzleloader	Hunter with Disability	<del>((Sept. 24 - Oct. 2))</del> Sept. 30 - Oct. 8	Antlerless	GMU 245	3
Entiat	Muzzleloader	Hunter with Disability	<del>((Sept. 24 - Oct. 2))</del> Sept. 30 - Oct. 8	Antlerless	GMU 247	3
Mission	Muzzleloader	Hunter with Disability	<del>((Sept. 24 - Oct. 2))</del> Sept. 30 - Oct. 8	Antlerless	GMU 251	3
Saint Andrews	Muzzleloader	Hunter with Disability	<del>((Sept. 24 - Oct. 2))</del> Sept. 30 - Oct. 8	Antlerless	GMU 254	5
Bridgeport	Muzzleloader	Hunter with Disability	<del>((Sept. 24 - Oct. 2))</del> Sept. 30 - Oct. 8	Antlerless	GMUs 248, 260	5
Palisades	Muzzleloader	Hunter with Disability	<del>((Sept. 24 - Oct. 2))</del> Sept. 30 - Oct. 8	Antlerless	GMUs 266, 269	5
Olympic	Muzzleloader	Hunter with Disability	<del>((Sept. 24 - Oct. 2))</del> Sept. 30 - Oct. 8	Antlerless	GMU 621	5
Wynoochee	Muzzleloader	Hunter with Disability	<del>((Sept. 24 - Oct. 2))</del> Sept. 30 - Oct. 8	Antlerless	GMU 648	5
North River	Muzzleloader	Hunter with Disability	<del>((Sept. 24 - Oct. 2))</del> Sept. 30 - Oct. 8	Antlerless	GMU 658	1
Capitol Peak	Muzzleloader	Hunter with Disability	<del>((Sept. 24 - Oct. 2))</del> Sept. 30 - Oct. 8	Antlerless	GMU 663	2
Skookumchuck	Muzzleloader	Hunter with Disability	<del>((Sept. 24 - Oct. 2))</del> Sept. 30 - Oct. 8	Antlerless	GMU 667	10

**Master Hunter** - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned by the hunt coordinator for each hunt. For those hunts requiring the purchase of a master hunter second tag, one deer may be killed in the unit under the authorization of the special permit.

Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Region 1	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	<del>((Aug. 1, 2022 - Mar. 31, 2023))</del> Aug. 1, 2023 - Mar. 31, 2024	Antlerless	Designated Areas in Region 1	20 <sup>HC</sup>
Region 1	Archery/2nd deer tag	Master Hunter deer tag required	Master Hunter	<del>((Aug. 1, 2022 - Mar. 31, 2023))</del> Aug. 1, 2023 - Mar. 31, 2024	Antlerless	Designated Areas in Region 1	10 <sup>HC</sup>
Region 2	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	<del>((Aug. 1, 2022 - Mar. 31, 2023))</del> Aug. 1, 2023 - Mar. 31, 2024	Antlerless	Designated Areas in Region 2	10 <sup>HC</sup>
Region 3	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	<del>((Aug. 1, 2022 - Mar. 31, 2023))</del> Aug. 1, 2023 - Mar. 31, 2024	Antlerless	Designated Areas in Region 3	40 <sup>HC</sup>
Region 5	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	<del>((Aug. 1, 2022 - Mar. 31, 2023))</del> Aug. 1, 2023 - Mar. 31, 2024	Antlerless	Designated Areas in Region 5	5 <sup>HC</sup>
Region 6	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	<del>((July 1, 2022 - Mar. 31, 2023))</del> July 1, 2023 - Mar. 31, 2024	Antlerless	Designated Areas in Region 6	10 <sup>HC</sup>

<sup>HC</sup> This is a damage hunt administered by a WDFW designated hunt coordinator. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year, depending on elk damage activity for that year.

<b>Hunter Education Instructor Incentive Permits</b>				
<ul style="list-style-type: none"> <li>- Special deer permits will be allocated through a random drawing to those hunter education instructors who qualify.</li> <li>- Permit hunters must use archery equipment during archery seasons, muzzleloader equipment or archery equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Hunter orange and/or hunter pink is required during modern firearm seasons.</li> <li>- Except for online class incentive permits and chief instructor incentive permits, qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing.</li> <li>- Permittees may purchase a second license for use with the permit hunt only.</li> </ul> <p>Qualified hunter education instructors may only receive one incentive permit each year.</p>				
Area	Dates	Restrictions	GMUs	Permits

Hunter Education Instructor Incentive Permits				
Region 1	All general season and permit seasons established for GMUs included with the permit. Not eligible for seasons and permits for auction hunts; raffle hunts; and hunts for master hunters, youth hunters, hunters with disabilities, or hunters 65 years and older, unless the hunter education instructor legally qualifies for such hunts.	Any white-tailed deer	Any 100 series GMU EXCEPT GMU 157	3
Region 2		Any white-tailed deer	GMUs 204, 215, 233, 239	1
Region 2		Any white-tailed deer	GMUs 218, 224, 231, 242	1
Region 2		Any deer	GMUs 218, 231	1
Region 2		Any deer	GMUs 245, 247	1
Region 2		Any deer	GMU 290	1
Region 3		Any deer	GMUs 335-368	2
Region 4		Any deer	Any 400 series GMU EXCEPT GMUs 485 and 490	4
Region 5		Any deer	All 500 series GMUs EXCEPT GMUs 522 and 578	3
Region 6		Any deer	Any 600 series GMU	4

[Statutory Authority: RCW 77.04.012, 77.04.055, and 77.12.047. WSR 22-15-096 (Order 22-71), § 220-415-030, filed 7/19/22, effective 8/19/22. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 21-14-022 (Order 21-61), § 220-415-030, filed 6/28/21, effective 7/29/21; WSR 20-12-080 (Order 20-76), § 220-415-030, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.020. WSR 19-20-078 (Order 19-245), § 220-415-030, filed 9/27/19, effective 10/28/19. Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 19-10-011 (Order 19-79), § 220-415-030, filed 4/19/19, effective 5/20/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-415-030, filed 5/11/18, effective 6/11/18. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090. WSR 17-10-076 (Order 17-10), amended and recodified as § 220-415-030, filed 5/3/17, effective 6/3/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 16-12-087, § 232-28-359, filed 5/31/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-059 (Order 15-98), § 232-28-359, filed 4/30/15, effective 5/31/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-28-359, filed 4/25/14, effective 5/26/14; WSR 13-11-078 (Order 13-94), § 232-28-359, filed 5/16/13, effective 6/16/13. Statutory Authority: RCW 77.12.047. WSR 12-11-005 (Order 12-70), § 232-28-359, filed 5/2/12, effective 6/2/12.]

#### OTS-4315.4

AMENDATORY SECTION (Amending WSR 22-15-096, filed 7/19/22, effective 8/19/22)

**WAC 220-415-060 ((2022)) 2023 Elk special permits.** It is unlawful to fail to comply with the bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

**Special Elk Permit Hunting Seasons (Open to Permit Holders Only)**

Hunters must purchase an elk hunting license prior to purchasing a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for Eastern or Western Washington archery, muzzle-loader, or modern firearm permit hunts. Applicants must have purchased the proper tag for these hunts. The elk tag prefixes required to apply for each hunt are shown in the following table. Hunters drawn for a special permit hunt must comply with weapon restrictions, dates, and other conditions listed for the hunt. Hunters drawn for a special permit designated "**Any tag**" under the "**Weapon/Tag**" restriction must use equipment consistent with the requirements of their transport tag and license.

**Bag Limit:** One (1) elk per hunter during the license year except where otherwise permitted by department rule, even if permits are drawn for more than one elk hunt category. Any combination of seasons, tags, and permits set by the department will not exceed a maximum of two (2) elk per hunter during the license year.

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EA, EF, EM	Any	<del>((Oct. 1-10 and Nov. 12 - Dec. 1))</del> Sept. 30 - Oct. 9 and Nov. 11-30	Any bull	Elk Area 1015	1
Prescott	EF	Any	<del>((Oct. 24 - Nov. 6))</del> Oct. 23 - Nov. 5	Any bull	GMU 149	3
Blue Creek	EF	Any	Sept. <del>((26-30))</del> 25-29	Any bull	GMU 154	1
Blue Creek	EF	Any	<del>((Oct. 24 - Nov. 6))</del> Oct. 23 - Nov. 5	Any bull	GMU 154	<del>((7))</del> 6
Watershed	EA, EF, EM	Any	<del>((Oct. 29 - Nov. 6))</del> Oct. 23 - Nov. 5	3 pt. min.	GMU 157	25
Dayton	EF	Any	<del>((Oct. 24 - Nov. 6))</del> Oct. 23 - Nov. 5	Any bull	GMU 162, 163	3
Tucannon	EF	Any	<del>((Oct. 24 - Nov. 6))</del> Oct. 23 - Nov. 5	Any bull	GMU 166	<del>((4))</del> 3
Wenaha West	EF	Any	<del>((Oct. 24 - Nov. 6))</del> Oct. 23 - Nov. 5	Any bull	Elk Area 1008	5
Wenaha East	EF	Any	<del>((Oct. 24 - Nov. 6))</del> Oct. 23 - Nov. 5	Any bull	Elk Area 1009	<del>((5))</del> 4
Mountain View	EF	Any	<del>((Oct. 24 - Nov. 6))</del> Oct. 23 - Nov. 5	Any bull	GMU 172	7
Lick Creek	EF	Any	<del>((Oct. 24 - Nov. 6))</del> Oct. 23 - Nov. 5	Any bull	GMU 175	2
Peola	EF	Any	Sept. <del>((26-30))</del> 25-29	Any bull	GMUs 178, 145	1
Peola	EF	Any	<del>((Oct. 24 - Nov. 6))</del> Oct. 23 - Nov. 5	Any bull	GMUs 178, 145	1
Couse	EF	Any	<del>((Oct. 24 - Nov. 6))</del> Oct. 23 - Nov. 5	Any bull	GMU 181	<del>((7))</del> 6
Couse	EF	Any	Sept. 25-29	Any bull	GMU 181; Private Lands Only	1
Mission	EF	Any	Sept. <del>((26-30))</del> 25-29	Any bull	GMU 251	2
Colockum	EF	Any	Sept. <del>((26-30))</del> 25-29	Any bull	GMUs 328, 329, 334	1
Colockum	EF	Any	<del>((Oct. 24 - Nov. 6))</del> Oct. 23 - Nov. 5	Any bull	GMUs 328, 329, 334	11
Teanaway	EF	Any	Sept. <del>((26-30))</del> 25-29	Any bull	GMU 335	2
Peaches Ridge	EF	Any	Sept. <del>((26-30))</del> 25-29	Any bull	GMUs 336, 346	2
Observatory	EF	Any	Sept. <del>((26-30))</del> 25-29	Any bull	GMUs 334, 340, 342	2
Little Naches	EF	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMU 346	3

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Goose Prairie	EF	Any	Sept. ((26-30)) <u>25-29</u>	Any bull	GMUs 352, 356	2
Bethel	EF	Any	Sept. ((26-30)) <u>25-29</u>	Any bull	GMU 360	2
Rimrock	EF	Any	Sept. ((26-30)) <u>25-29</u>	Any bull	GMU 364	2
Cowiche	EF	Any	Sept. ((26-30)) <u>25-29</u>	Any bull	GMU 368	2
Alkali	EF	Any	((Oct. 15 - Nov. 4)) Oct. 14 - Nov. 3	Any bull	GMUs 334, 371	((33)) <u>30</u>
Nooksack	WF	Any	((Oct. 1-27 and Dec. 12-27)) Oct. 5-29 and Dec. 9-26	Any bull	GMU 418	13
Green River	WF, WA, WM	Any	((Oct. 15-21)) Nov. 4-10	Any bull	GMU 485	10
Wahkiakum	WF	Any	Sept. ((19-23)) <u>25-29</u>	Any bull	GMUs 506, 530	1
South Rainier	WF	Any	Sept. ((19-23)) <u>25-29</u>	Any bull	GMUs 510, 513	3
Packwood	WF	Any	Sept. ((19-23)) <u>25-29</u>	Any bull	GMU 516	3
Winston	WF	Any	Sept. ((19-23)) <u>25-29</u>	Any bull	GMU 520	1
Coweeman	WF	Any	Sept. ((19-23)) <u>25-29</u>	Any bull	GMU 550	1
Toutle	WF	Any	((Sept. 19-23 and Nov. 5-16)) Sept. 25-29 and Nov. 4-15	Any bull	GMU 556	2
Toutle	WF	Any	Nov. ((5-16)) <u>4-15</u>	Any bull	GMU 556	32
Lewis River	WF	Any	Sept. ((19-23)) <u>25-29</u>	Any bull	GMU 560	2
Siouxon	WF	Any	Sept. ((19-23)) <u>25-29</u>	Any bull	GMU 572	2
Upper Smith Creek	WF	Any	Sept. ((19-23)) <u>25-29</u>	Any bull	Elk Area 5064	1
Mount Whittier	WF	Any	Sept. ((19-23)) <u>25-29</u>	Any bull	Elk Area 5065	1
Norway Pass	WF	Any	Sept. ((19-23)) <u>25-29</u>	Any bull	Elk Area 5066	2
Mudflow	WF	Any	Nov. ((5-16)) <u>4-15</u>	Any bull	Elk Area 5099	7
Peninsula	WF	Any	Sept. 23-26	3 pt. min.	GMUs 602, 603, 607, 612, 615	4
Matheny	WF	Any	Sept. ((26-30)) <u>25-29</u>	3 pt. min.	GMU 618	1
Quinault	WF	Any	Sept. ((26-30)) <u>25-29</u>	3 pt. min.	GMU 638	3
Wynoochee	WF	Any	Sept. ((26-30)) <u>25-29</u>	3 pt. min.	GMU 648	1
White River	WF	Any	Sept. ((24-28)) <u>23-27</u>	Any bull	GMU 653	2
Prescott	EA	Any	Sept. ((5-22)) <u>4-21</u>	Any bull	GMU 149	1
Blue Creek	EA	Any	Sept. ((5-22)) <u>4-21</u>	Any bull	GMU 154	((3)) <u>2</u>
Dayton	EA	Any	Sept. ((5-22)) <u>4-21</u>	Any bull	GMUs 162, 163	1
Tucannon	EA	Any	Sept. ((5-22)) <u>4-21</u>	Any bull	GMU 166	((2)) <u>1</u>
Wenaha West	EA	Any	Sept. ((5-22)) <u>4-21</u>	Any bull	Elk Area 1008	2
Wenaha East	EA	Any	Sept. ((5-22)) <u>4-21</u>	Any bull	Elk Area 1009	2
Mountain View	EA	Any	Sept. ((5-22)) <u>4-21</u>	Any bull	GMU 172	5
Lick Creek	EA	Any	Sept. ((5-22)) <u>4-21</u>	Any bull	GMU 175	((2)) <u>1</u>
Peola	EA	Any	Sept. ((5-22)) <u>4-21</u>	Any bull	GMUs 178, 145	1
Couse	EA	Any	Sept. ((5-22)) <u>4-21</u>	Any bull	GMU 181	2
Colockum	EA	Any	Sept. ((10-22)) <u>9-21</u>	Any bull	GMUs 328, 329, 334	6
Teanaway	EA	Any	Sept. ((10-22)) <u>9-21</u>	Any bull	GMU 335	2
Peaches Ridge	EA	Any	Sept. ((10-22)) <u>9-21</u>	Any bull	GMUs 336, 346	8
Observatory	EA	Any	Sept. ((10-22)) <u>9-21</u>	Any bull	GMUs 334, 340, 342	13
Goose Prairie	EA	Any	Sept. ((10-22)) <u>9-21</u>	Any bull	GMUs 352, 356	5
Bethel	EA	Any	Sept. ((10-22)) <u>9-21</u>	Any bull	GMU 360	9
Rimrock	EA	Any	Sept. ((10-22)) <u>9-21</u>	Any bull	GMU 364	12
Cowiche	EA	Any	Sept. ((10-22)) <u>9-21</u>	Any bull	GMU 368	4
Alkali	EA	Any	Sept. ((1-23)) <u>1-22</u>	Any elk	GMUs 334, 371	((25)) <u>22</u>

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Nooksack	WA	Any	<del>((Aug. 25 – Sept. 15 and Jan. 1-19, 2023))</del> Sept. 1-22, 2023 and Jan. 1-19, 2024	Any bull	GMU 418	8
Toutle	WA	Any	Sept. <del>((10-22))</del> 9-21 and Dec. 1-15	Any bull	GMU 556	17
Upper Smith Creek	WA	Any	Sept. <del>((12-18))</del> 9-15	Any bull	Elk Area 5064	1
Norway Pass	WA	Any	Sept. <del>((3-9))</del> 9-15	Any bull	Elk Area 5066	2
Mudflow	WA	Any	<del>((Sept. 10-17 and Nov. 17-20))</del> Sept. 9-15 and Nov. 16-19	Any bull	Elk Area 5099	7
Peninsula	WA	Any	Sept. <del>((1-22))</del> 1-21	3 pt. min.	GMUs 602, 603, 607, 612, 615	2
White River	WA	Any	<del>((Sept. 10-22 and Nov. 26 – Dec. 11))</del> Sept. 9-21 and Nov. 22 - Dec. 15	Any bull	GMU 653	18
Prescott	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMU 149	1
Blue Creek	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMU 154	<del>((2))</del> 1
Dayton	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMU 162, 163	1
Tucannon	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMU 166	1
Wenaha West	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	Elk Area 1008	1
Wenaha East	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	Elk Area 1009	1
Mountain View	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMU 172	4
Lick Creek	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMU 175	1
Peola	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMUs 178, 145	1
Couse	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMU 181	2
Mission	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMU 251	2
Colockum	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMUs 328, 329, 334	4
Teanaway	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMU 335	1
Peaches Ridge	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMUs 336, 346	3
Observatory	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMUs 334, 340, 342	5
Goose Prairie	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMUs 352, 356	1
Bethel	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMU 360	2
Rimrock	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMU 364	5
Cowiche	EM	Any	<del>((Oct. 1-9))</del> Sept. 30 - Oct. 8	Any bull	GMU 368	2
Alkali	EM	Any	Sept. 24 - Oct. 14	Any bull	GMUs 334, 371	<del>((9))</del> 8
Nooksack	WM	Any	<del>((Sept. 17-28 and Nov. 13-30))</del> Sept. 23 - Oct. 4 and Nov. 15 - Dec. 8	Any bull	GMU 418	8
Toutle	WM	Any	Oct. <del>((1-7))</del> 7-13	Any bull	GMU 556	11
Mount Whittier	WM	Any	Sept. <del>((12-18))</del> 17-23	Any bull	Elk Area 5065	1

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Norway Pass	WM	Any	Sept. ((12-18)) 17-23	Any bull	Elk Area 5066	2
Mudflow	WM	Any	Oct. ((1-11)) 7-17	Any bull	Elk Area 5099	7
Peninsula	WM	Any	((Sept. 27-30)) Sept. 28 - Oct. 1	3 pt. min.	GMUs 602, 603, 607, 612, 615	2

Bulls						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EF	Any	Dec. ((6-11)) 5-10	Spike bull only	Elk Area 1015	1
Grande Ronde	EF	Any	((Oct. 24 - Nov. 6)) Oct. 23 - Nov. 5	Any bull	GMU 186	1
Mission	EF	Any	((Oct. 24 - Nov. 6)) Oct. 23 - Nov. 5	Any bull	GMU 251	2
Peshastin	EF	Any	Feb. 8-17, ((2022)) 2024	Any bull	Elk Area 2033	4
Teanaway	EF	Any	((Oct. 24 - Nov. 6)) Oct. 23 - Nov. 5	Any bull	GMU 335	4
Peaches Ridge	EF	Any	((Oct. 24 - Nov. 6)) Oct. 23 - Nov. 5	Any bull	GMUs 336, 346	17
Observatory	EF	Any	((Oct. 24 - Nov. 6)) Oct. 23 - Nov. 5	Any bull	GMUs 334, 340, 342	16
Goose Prairie	EF	Any	((Oct. 24 - Nov. 6)) Oct. 23 - Nov. 5	Any bull	GMUs 352, 356	9
Bethel	EF	Any	((Oct. 24 - Nov. 6)) Oct. 23 - Nov. 5	Any bull	GMU 360	10
Rimrock	EF	Any	((Oct. 24 - Nov. 6)) Oct. 23 - Nov. 5	Any bull	GMU 364	36
Cowiche	EF	Any	((Oct. 24 - Nov. 6)) Oct. 23 - Nov. 5	Any bull	GMU 368	5
Sauk	WF	Any	((Oct. 1)) Oct. 5 - Nov. 3	Any bull	GMU 437	6
Upper Smith Creek	WF	Any	Oct. 17-23	Any bull	Elk Area 5064	1
Mount Whittier	WF	Any	Oct. 17-23	Any bull	Elk Area 5065	1
Norway Pass	WF	Any	Oct. 17-23	Any bull	Elk Area 5066	3
Olympic	WF	Any	Nov. ((1-16)) 1-15	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	8
Skokomish	WF	Any	Nov. ((1-16)) 1-15	3 pt. min.	GMU 636	5
White River	WF	Any	Oct. 15 - Nov. 10	Any bull	GMU 653	44
Turnbull	EA	Any	Sept. ((10-22)) 9-21	Spike bull only	Elk Area 1015	1
Grande Ronde	EA	Any	Sept. ((5-22)) 4-21	Any bull	GMU 186	1
Sauk	WA	Any	((Aug. 25 - Sept. 15 and Jan. 1-7, 2023)) Sept. 1-22, 2023; and Nov. 27 - Dec. 2, 2023; and Jan. 1-7, 2024	Any bull	GMU 437	9
Upper Smith Creek	WA	Any	Oct. 1-7	Any bull	Elk Area 5064	2
Mount Whittier	WA	Any	Oct. 1-7	Any bull	Elk Area 5065	1
Norway Pass	WA	Any	Oct. 1-7	Any bull	Elk Area 5066	3
Lewis River	WA	Any	Nov. ((23)) 22 - Dec. 8	3 pt. min.	GMU 560	5
Siouxon	WA	Any	Nov. ((23)) 22 - Dec. 8	3 pt. min.	GMU 572	5
Olympic	WA	Any	Sept. ((1-22)) 1-21 and Dec. 1-15	3 pt. min.	GMU 621, EXCEPT Elk Area 6071	4
Skokomish	WA	Any	Sept. ((1-22)) 1-21 and Dec. 1-15	3 pt. min.	GMU 636	4
Turnbull	EM	Any	((Nov. 26 - Dec. 1)) Nov. 25-30	Spike bull only	Elk Area 1015	1
Grande Ronde	EM	Any	((Oct. 1-9)) Sept. 20 - Oct. 8	Any bull	GMU 186	1

<b>Bulls</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Sauk	WM	Any	((Sept. 17-28 and Nov. 28 - Dec. 7 and Jan. 8-19, 2023)) Sept. 23 - Oct. 4, 2023; and Dec. 3-11, 2023; and Jan. 8-19, 2024	Any bull	GMU 437	6
Upper Smith Creek	WM	Any	Oct. 9-15	Any bull	Elk Area 5064	2
Mount Whittier	WM	Any	Oct. 9-15	Any bull	Elk Area 5065	1
Norway Pass	WM	Any	Oct. 9-15	Any bull	Elk Area 5066	3
Yale	WM	Any	Nov. ((23)) 22 - Dec. 15	3 pt. min.	GMU 554	5
Olympic	WM	Any	((Sept. 24 - Oct. 7)) Sept. 30 - Oct. 13	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	3
Skokomish	WM	Any	((Sept. 24 - Oct. 7)) Sept. 30 - Oct. 13	3 pt. min.	GMU 636	1
White River	WM	Any	((Sept. 24 - Oct. 7)) Sept. 30 - Oct. 13	Any bull	GMU 653	9

<b>Antlerless Elk</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
North Half	EF	Any	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5	Antlerless	GMUs 101, 105, 204	10
Douglas	EF	Any	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5	Antlerless	GMU 108	5
Aladdin	EF	Any	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5	Antlerless	GMU 111	10
Selkirk	EF	Any	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5	Antlerless	GMU 113	10
49 Degrees North	EF	Any	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5 and Dec. 16-31	Antlerless	GMU 117	10
Huckleberry	EF	Any	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5 and Dec. 16-31	Antlerless	GMU 121	10
Turnbull	EF	Any	Nov. ((12-17)) 11-16	Antlerless	Elk Area 1015	5
Turnbull	EF	Any	Dec. ((6-11)) 5-10	Antlerless	Elk Area 1015	5
((Mayview-Peola	EF	Any	Oct. 15-23	Antlerless	GMUs 145, 178	40))
Mayview-Peola	EF	Any	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5	Antlerless	GMUs 145, 178	10
Prescott	EF	Any	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5	Antlerless	GMU 149	20
((Blue-Creek	EF	Any	Oct. 15-23	Antlerless	GMU 154	5))
Blue Creek	EF	Any	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5	Antlerless	GMU 154	5
Marengo	EF	Any	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5	Antlerless	GMU 163	((40)) 5
Mountain View	EF	Any	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5	Antlerless	Elk Area 1013	5
((Couse	EF	Any	Oct. 15-23	Antlerless	Elk Area 1081	40))
Couse	EF	Any	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5	Antlerless	Elk Area 1081	((25)) 15
Malaga	EF	Any	Sept. 6-17	Antlerless	Elk Area 2032	20
Malaga	EF	Any	Nov. 1 - Dec. 31	Antlerless	Elk Area 2032	55
Peshastin	EF	Any	Dec. 15, ((2022)) 2023 - Feb. 8, ((2023)) 2024	Antlerless	Elk Area 2033	20
Colockum	EF	Any	Nov. ((2-6)) 1-5	Antlerless	GMUs 328, 329	50
West Bar	EF	Any	Nov. ((2-6)) 1-5	Antlerless	GMU 330	5
Teanaway	EF	Any	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5	Antlerless	GMU 335	25
Taneum	EF	Any	Nov. ((2-6)) 1-5	Antlerless	GMU 336	180
Manastash	EF	Any	Nov. ((2-6)) 1-5	Antlerless	GMU 340	130
Umtanum	EF	Any	Nov. ((2-6)) 1-5	Antlerless	GMU 342, 346	125

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Little Naches	EF	Any	Nov. ((2-6)) <u>1-5</u>	Antlerless	GMU 346	125
Nile	EF	Any	Nov. ((2-6)) <u>1-5</u>	Antlerless	GMU 352	10
Bumping	EF	Any	Nov. ((2-6)) <u>1-5</u>	Antlerless	GMU 356	15
Bethel	EF	Any	Nov. ((2-6)) <u>1-5</u>	Antlerless	GMU 360	10
Rimrock	EF	Any	Nov. ((2-6)) <u>1-5</u>	Antlerless	GMU 364	145
Cowiche	EF	Any	Nov. ((2-6)) <u>1-5</u>	Antlerless	GMU 368	80
Alkali A	EF	Any	((Oct. 15 - Nov. 4)) Oct. 14 - Nov. 3	Antlerless	GMU 371	45
Alkali B	EF	Any	Nov. ((5-23)) <u>4-22</u>	Antlerless	GMU 371	45
Green River	WF, WA, WM	Any	((Oct. 15-21)) Nov. 4-10	Antlerless	GMU 485	((40)) <u>5</u>
Mossyrock	WF	Any	Nov. ((5-16)) <u>4-15</u>	Antlerless	GMU 505	20
Willapa Hills	WF	Any	Nov. ((5-16)) <u>4-15</u>	Antlerless	GMU 506	20
Winston	WF	Any	Nov. ((5-16)) <u>4-15</u>	Antlerless	GMU 520	5
Margaret	WF	Any	Nov. ((5-16)) <u>4-15</u>	Antlerless	GMU 524 (except <b>CLOSED</b> in Elk Area 5066)	5
Ryderwood	WF	Any	Nov. ((5-16)) <u>4-15</u>	Antlerless	GMU 530	15
Coweeman	WF	Any	Nov. ((5-16)) <u>4-15</u>	Antlerless	GMU 550	5
Toutle	WF	Any	Nov. ((21-30)) <u>20-30</u>	Antlerless	GMU 556	5
Lewis River	WF	Any	Nov. ((5-16)) <u>4-15</u>	Antlerless	GMU 560	10
Washougal	WF	Any	Nov. ((5-16)) <u>4-15</u>	Antlerless	GMU 568	5
Siouxon	WF	Any	Nov. ((5-16)) <u>4-15</u>	Antlerless	GMU 572	5
Wind River	WF	Any	Nov. ((5-16)) <u>4-15</u>	Antlerless	GMU 574	5
West Klickitat	WF	Any	Nov. ((5-16)) <u>4-15</u>	Antlerless	GMU 578	5
Norway Pass	WF	Any	Oct. 17-23	Antlerless	Elk Area 5066	3
Mudflow	WF	Any	Nov. ((5-16)) <u>4-15</u>	Antlerless	Elk Area 5099	3
Mallis	WF	Any	Dec. 16-31	Antlerless	Elk Area 6010	10
Mallis	WF	Any	Jan. 1-20, ((2023)) <u>2024</u>	Antlerless	Elk Area 6010	20
Puyallup	WF	Any	Jan. 1-20, ((2023)) <u>2024</u>	Antlerless	Elk Area 6014	10
Puyallup	WF	Any	Jan. 21 - Feb. 10, ((2023)) <u>2024</u>	Antlerless	Elk Area 6014	10
Puyallup	WF	Any	Feb. 11-28, ((2023)) <u>2024</u>	Antlerless	Elk Area 6014	10
Joyce	WF	Any	Dec. 16-31	Antlerless	Elk Area 6030	5
((Hanaford	WF	Any	Nov. 5-16	Antlerless	Elk Area 6069	5))
Williams Creek	WF	Any	Nov. ((5-16)) <u>4-15</u>	Antlerless	GMU 673	50
Long Beach	WF	Any	Nov. ((5-16)) <u>4-15</u>	Antlerless	GMU 684	4
Turnbull	EA	Any	Sept. ((10-22)) <u>9-21</u>	Antlerless	Elk Area 1015	12
Malaga	EA	Any	Aug. 29 - Sept. 4	Antlerless	Elk Area 2032	20
Colockum	EA	Any	Sept. ((10-22)) <u>9-21</u>	Antlerless	GMUs 328, 329	75
Colockum	EA	Any	Nov. ((23)) <u>22</u> - Dec. 8	Antlerless	GMU 328	20
Taneum Early	EA	Any	Sept. ((10-22)) <u>9-21</u>	Antlerless	GMU 336	100
Taneum Late	EA	Any	Nov. ((23)) <u>22</u> - Dec. 8	Antlerless	GMU 336	100
Manastash	EA	Any	Sept. ((10-22)) <u>9-21</u>	Antlerless	GMU 340	140
Umtanum	EA	Any	Nov. ((23)) <u>22</u> - Dec. 8	Antlerless	GMU 342	175
Nile Early	EA	Any	Sept. ((10-22)) <u>9-21</u>	Antlerless	GMU 352	30
Nile Late	EA	Any	Nov. ((23)) <u>22</u> - Dec. 8	Antlerless	GMU 352	30
Bumping	EA	Any	Sept. ((10-22)) <u>9-21</u>	Antlerless	GMU 356	50
Rimrock	EA	Any	Sept. ((10-22)) <u>9-21</u>	Antlerless	GMU 364	100
Cowiche	EA	Any	Nov. ((23)) <u>22</u> - Dec. 8	Antlerless	Elk Area 3681	100
Margaret	WA	Any	Sept. ((10-22)) <u>9-21</u> and Dec. 1-15	Antlerless	GMU 524 (except <b>CLOSED</b> in Elk Area 5066)	5

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Toutle	WA	Any	Sept. ((10-22)) 9-21 and Dec. 1-15	Antlerless	GMU 556	10
Norway Pass	WA	Any	Oct. 1-7	Antlerless	Elk Area 5066	3
Mudflow	WA	Any	((Sept. 3-9 and Nov. 17-20)) Sept. 2-8 and Nov. 16-19	Antlerless	Elk Area 5099	5
Lewis River	WA	Any	Nov. ((23)) 22 - Dec. 8	Antlerless	GMU 560	5
Siouxon	WA	Any	Nov. ((23)) 22 - Dec. 8	Antlerless	GMU 572	3
Wynoochee	WA	Any	Nov. ((23)) 22 - Dec. 15	Antlerless	GMU 648	90
North Half	EM	Any	Oct. ((1-7)) 7-13	Antlerless	GMUs 101, 105, 204	10
Douglas	EM	Any	Oct. ((1-7)) 7-13	Antlerless	GMU 108	5
Aladdin	EM	Any	Oct. ((1-7)) 7-13	Antlerless	GMU 111	10
Selkirk	EM	Any	Oct. ((1-7)) 7-13	Antlerless	GMU 113	10
49 Degrees North	EM	Any	Oct. ((1-7)) 7-13 and Dec. 16-31	Antlerless	GMU 117	20
Huckleberry	EM	Any	Oct. ((1-7)) 7-13 and Dec. 16-31	Antlerless	GMU 121	10
Turnbull	EM	Any	((Nov. 26 - Dec. 1)) Nov. 25-30	Antlerless	Elk Area 1015	8
Turnbull	EM	Any	Dec. ((13-18)) 12-17	Antlerless	Elk Area 1015	8
Blue Creek	EM	Any	Dec. 9, ((2022)) 2023 - Jan. 20, ((2023)) 2024	Antlerless	Elk Area 1054	15
Mountain View	EM	Any	Oct. ((1-7)) 7-13	Antlerless	Elk Area 1013	5
Mayview-Peola	EM	Any	Oct. ((1-7)) 7-13	Antlerless	GMUs 145, 178	10
Couse	EM	Any	Oct. ((1-7)) 7-13	Antlerless	Elk Area 1081	((10)) 5
Couse	EM	Any	Dec. 1, ((2022)) 2023 - Jan. 20, ((2023)) 2024	Antlerless	Elk Area 1081 and Elk Area 1075	((30)) 20
Malaga	EM	Any	Oct. 2-8	Antlerless	Elk Area 2032	45
Colockum	EM	Any	Oct. ((1-9)) 7-13	Antlerless	GMUs 328, 329	35
Teanaway	EM	Any	Oct. ((1-9)) 7-13	Antlerless	GMU 335	20
Taneum	EM	Any	Oct. ((1-9)) 7-13	Antlerless	GMU 336	100
Manastash	EM	Any	Oct. ((1-9)) 7-13	Antlerless	GMU 340	100
Umtanum	EM	Any	Oct. ((1-9)) 7-13	Antlerless	GMU 342	85
Nile	EM	Any	Oct. ((1-9)) 7-13	Antlerless	GMU 352	10
Bumping	EM	Any	Oct. ((1-9)) 7-13	Antlerless	GMU 356	10
Bethel	EM	Any	Oct. ((1-9)) 7-13	Antlerless	GMU 360	10
Cowiche	EM	Any	Oct. ((1-9)) 7-13	Antlerless	GMU 368	60
Alkali	EM	Any	((Sept. 24 - Oct. 14)) Sept. 23 - Oct. 13	Antlerless	GMU 371	45
Willapa Hills	WM	Any	Oct. ((1-7)) 7-13	Antlerless	GMU 506	15
Mudflow	WM	Any	Oct. ((1-14)) 7-17	Antlerless	Elk Area 5099	4
Winston	WM	Any	Oct. ((1-7)) 7-13	Antlerless	GMU 520	5
Margaret	WM	Any	Oct. ((1-7)) 7-13	Antlerless	GMU 524 (except CLOSED in Elk Area 5066)	5
Ryderwood	WM	Any	Oct. ((1-7)) 7-13	Antlerless	GMU 530	10
Coweeman	WM	Any	Oct. ((1-7)) 7-13	Antlerless	GMU 550	5
Yale	WM	Any	Oct. ((1-7)) 7-13	Antlerless	GMU 554	((5)) 3
Yale	WM	Any	Nov. ((23)) 22 - Dec. 15	Antlerless	GMU 554	((5)) 3
Toutle	WM	Any	Oct. ((1-7)) 7-13	Antlerless	GMU 556	5
Lewis River	WM	Any	Oct. ((1-7)) 7-13	Antlerless	GMU 560	5
Washougal	WM	Any	Nov. ((23)) 22 - Dec. 8	Antlerless	GMU 568	5
Siouxon	WM	Any	Oct. ((1-7)) 7-13	Antlerless	GMU 572	5
Wind River	WM	Any	Nov. ((23)) 22 - Dec. 8	Antlerless	GMU 574	5

<b>Antlerless Elk</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
West Klickitat	WM	Any	Nov. ((23)) <u>22</u> - Dec. 8	Antlerless	GMU 578	25
Mount Whittier	WM	Any	Oct. 9-15	Antlerless	Elk Area 5065	1
Norway Pass	WM	Any	Oct. 9-15	Antlerless	Elk Area 5066	2
Mallis	WM	Any	Oct. ((1-7)) <u>7-13</u>	Antlerless	Elk Area 6010	10
Mashel	WM	Any	Jan. 1-15, ((2023)) <u>2024</u>	Antlerless	Elk Area 6054	20
North River	WM	Any	Nov. ((23)) <u>22</u> - Dec. 15	Antlerless	GMU 658	25
Forks	WF, WM, WA	Any	Jan. 1-31, ((2023)) <u>2024</u>	Antlerless	Elk Area 6612	20*

<b>Youth - Only youth hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
((Turnbull	EF	Youth	Nov. 19-24	Antlerless	Elk Area 1015	5))
Turnbull	EF	Youth	Nov. ((19-24)) <u>18-23</u>	Spike bull ((only)) or <u>antlerless</u>	Elk Area 1015	((1)) <u>6</u>
Aladdin	EF	Youth	((Oct. 29 - Nov. 6)) <u>Oct. 28 - Nov. 5</u>	Antlerless	GMU 111	5
Selkirk	EF	Youth	((Oct. 29 - Nov. 6)) <u>Oct. 28 - Nov. 5</u>	Antlerless	GMU 113	5
49 Degrees North	EF	Youth	((Oct. 29 - Nov. 6)) <u>Oct. 28 - Nov. 5</u> and Dec. 16-31	Antlerless	GMU 117	5
Mayview-Peola	EF	Youth	((Oct. 29 - Nov. 6)) <u>Oct. 28 - Nov. 5</u>	Antlerless	GMUs 145, 178	5
Blue Creek	EF	Youth	((Oct. 29 - Nov. 6)) <u>Oct. 28 - Nov. 5</u>	Antlerless	GMU 154	3
Couse	EF	Youth	((Oct. 29 - Nov. 6)) <u>Oct. 28 - Nov. 5</u>	Antlerless	Elk Area 1081	((5)) <u>3</u>
Malaga	EF	Youth	Nov. 1-12	Antlerless	Elk Area 2032	10
Yakima North	EF	Youth	Nov. ((2-11)) <u>1-12</u>	Antlerless	GMUs 336, 340, 342, 346	35
Yakima Central	EF	Youth	Nov. ((2-11)) <u>1-12</u>	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF	Youth	Nov. ((2-11)) <u>1-12</u>	Antlerless	GMUs 364, 368	25
Alkali	EF	Youth	((Dec. 17, 2022 - Jan. 2, 2023)) Dec. 16, 2023 - Jan. 21, <u>2024</u>	Antlerless	GMU 371	20
Yakima Early	EA	Youth	Sept. ((10-22)) <u>9-21</u>	Antlerless	GMUs 336, 340, 352, 356, 364	55
Yakima Late	EA	Youth	Nov. ((23)) <u>22</u> - Dec. 8	Antlerless	GMUs 336, 342, 368	40
Yakima North	EM	Youth	((Oct. 1-9)) <u>Sept. 30 - Oct. 13</u>	Antlerless	GMUs 336, 340, 342, 346	25
Yakima Central	EM	Youth	((Oct. 1-9)) <u>Sept. 30 - Oct. 13</u>	Antlerless	GMUs 352, 356, 360	10
Yakima South	EM	Youth	((Oct. 1-9)) <u>Sept. 30 - Oct. 13</u>	Antlerless	GMUs 364, 368	15
Alkali	EM	Youth	((Nov. 25 - Dec. 17)) <u>Nov. 23 - Dec. 15</u>	Antlerless	GMU 371	10
Sauk	WF, WM, WA	Youth	((Nov. 5-27 and Dec. 12-27)) <u>Nov. 4-26 and Dec. 12-31</u>	Antlerless	GMU 437	5
Green River	WF, WM, WA	Youth	((Oct. 15-21)) <u>Nov. 4-10</u>	Antlerless	GMU 485	2
Mudflow	WF, WM, WA	Youth	Nov. ((22-30)) <u>20-30</u>	Any bull	Elk Area 5099	5
Mudflow	WF, WM, WA	Youth	((Oct. 22-30)) <u>Sept. 27 - Oct. 5</u>	Antlerless	Elk Area 5099	5
Coweeman	WF	Youth	Nov. ((5-16)) <u>4-15</u>	Antlerless	GMU 550	10
Toutle	WF	Youth	Nov. ((21-30)) <u>20-30</u>	Antlerless	GMU 556	10
Lewis River	WF	Youth	Nov. ((5-16)) <u>4-15</u>	Antlerless	GMU 560	5
Wind River	WF	Youth	Nov. ((5-16)) <u>4-15</u>	Antlerless	GMU 574	5

<b>Youth - Only youth hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
West Klickitat	WF	Youth	Nov. ((5-16)) 4-15	Antlerless	GMU 578	10
Region 5	WF, WM, WA	Youth with mentor	Aug. 1, ((2022)) 2023 - Mar. 31, ((2023)) 2024	Antlerless	Designated Areas in Region 5	((5)) 10 <sup>HC</sup>
Peninsula	WF	Youth	Nov. ((5-16)) 4-15	Antlerless	GMUs 602, 607, 612, 615	4
Clearwater	WF	Youth	Nov. ((5-16)) 4-15	Antlerless	GMU 615	5
Matheny	WF	Youth	Nov. ((5-16)) 4-15	Antlerless	GMU 618	5
Wynoochee	WF	Youth	Nov. ((5-16)) 4-15	Antlerless	GMU 648	10
North River	WF	Youth	Nov. ((5-16)) 4-15	Antlerless	GMU 658	6
Williams Creek	WF	Youth	Nov. ((5-16)) 4-15	Antlerless	GMU 673	10
Mallis	WF	Youth	Dec. 16, ((2022)) 2023 - Jan. 20, ((2023)) 2024	Antlerless	Elk Area 6010	10
Peninsula	WA	Youth	Sept. ((10-22)) 9-21	Antlerless	GMUs 602, 607, 612, 615	2
Peninsula	WM	Youth	Oct. ((1-7)) 7-13	Antlerless	GMUs 602, 607, 612, 615	2
Forks	WF, WM, WA	Youth	Dec. 16, 2023 - Jan. 31, 2024	Antlerless	Elk Area 6612	10*
Region 6	WF	Youth with mentor	Aug. 1, ((2022)) 2023 - Mar. 31, ((2023)) 2024	Antlerless	Designated Areas in Region 6	7 <sup>HC</sup>

<b>65+ Senior - Only hunters 65 and older may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Northeast	EF	65+	Oct. 29 - Nov. 6 and Dec. 16-31	Antlerless	GMUs 113, 117	10
Prescott	EF	65+	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5	Antlerless	GMU 149	3
Blue Creek	EF	65+	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5	Antlerless	GMU 154	1
Marengo	EF	65+	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5	Antlerless	GMU 163	1
Peola-Mayview	EF	65+	((Oct. 29 - Nov. 6)) Oct. 28 - Nov. 5	Antlerless	GMU 178, 145	2
Malaga	EF	65+	Nov. 1-12	Antlerless	Elk Area 2032	10
Yakima North	EF	65+	Nov. ((2-11)) 1-12	Antlerless	GMUs 336, 340, 342, 346	10
Yakima Central	EF	65+	Nov. ((2-11)) 1-12	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF	65+	Nov. ((2-11)) 1-12	Antlerless	GMUs 364, 368	5
Alkali	EF	65+	((Oct. 15 - Nov. 4)) Oct. 14 - Nov. 3	Antlerless	GMU 371	10
Yakima Early	EA	65+	Sept. ((10-22)) 9-21	Antlerless	GMUs 336, 340, 352, 356, 364	15
Yakima Late	EA	65+	Nov. ((23)) 22 - Dec. 8	Antlerless	GMUs 336, 342, 368	10
Yakima North	EM	65+	((Oct. 1-9)) Sept. 30 - Oct. 13	Antlerless	GMUs 336, 340, 342, 346	5
Yakima Central	EM	65+	((Oct. 1-9)) Sept. 30 - Oct. 13	Antlerless	GMUs 352, 356, 360	5
Ryderwood	WF	65+	Nov. ((5-16)) 4-15	Antlerless	GMU 530	5
Willapa Hills	WF	65+	Nov. ((5-16)) 4-15	Antlerless	GMU 506	5
Sauk	WF, WM, WA	65+	((Nov. 5-27 and Dec. 12-27)) Nov. 4-26 and Dec. 12-31	Antlerless	GMU 437	5
Peninsula	WF	65+	Nov. ((5-16)) 4-15	Antlerless	GMUs 602, 607, 612, 615	3
Hanaford	WF, WM, WA	65+	Jan. 1-15, ((2023)) 2024	Antlerless	Elk Area 6069	5
Hanaford	WF, WM, WA	65+	Jan. 16-31, ((2023)) 2024	Antlerless	Elk Area 6069	5

<b>65+ Senior - Only hunters 65 and older may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Peninsula	WA	65+	Sept. ((10-22)) <u>9-21</u>	Antlerless	GMUs 602, 607, 612, 615	1
Peninsula	WM	65+	Oct. ((1-7)) <u>7-13</u>	Antlerless	GMUs 602, 607, 612, 615	1

<b>Hunters with Disabilities - Only hunters with disabilities may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Northeast	EF	Hunters w/ Disabilities	(( <del>Oct. 29 - Nov. 6</del> ) Oct. 28 - Nov. <u>5</u> and Dec. 16-31	Antlerless	GMUs 113, 117	4
Turnbull	EF, EM, EA	Hunters w/ Disabilities	Oct. (( <del>5-10</del> ) <u>4-9</u>	Antlerless	Elk Area 1015	5
Prescott	EF	Hunters w/ Disabilities	(( <del>Oct. 29 - Nov. 6</del> ) Oct. 28 - Nov. <u>5</u>	Antlerless	GMU 149	3
Blue Creek	EF	Hunters w/ Disabilities	(( <del>Oct. 29 - Nov. 6</del> ) Oct. 28 - Nov. <u>5</u>	Antlerless	GMU 154	1
Marengo	EF	Hunters w/ Disabilities	(( <del>Oct. 29 - Nov. 6</del> ) Oct. 28 - Nov. <u>5</u>	Antlerless	GMU 163	1
Peola-Mayview	EF	Hunters w/ Disabilities	(( <del>Oct. 29 - Nov. 6</del> ) Oct. 28 - Nov. <u>5</u>	Antlerless	GMU 178, 145	1
Observatory	EF, EM, EA	Hunters w/ Disabilities	(( <del>Oct. 29 - Nov. 6</del> ) Oct. 28 - Nov. <u>5</u>	Any bull	GMUs 334, 340, 342	1
Little Naches	EF, EM, EA	Hunters w/ Disabilities	(( <del>Oct. 1-9</del> ) Sept. 30 - Oct. <u>8</u>	Any bull	GMU 346	2
Malaga	EF, EM, EA	Hunters w/ Disabilities	Sept. 6-17	Antlerless	Elk Area 2032	10
Yakima North	EF, EM, EA	Hunters w/ Disabilities	Nov. (( <del>2-11</del> ) <u>1-12</u>	Antlerless	GMUs 336, 340, 342, 346	15
Yakima Central	EF, EM, EA	Hunters w/ Disabilities	Nov. (( <del>2-11</del> ) <u>1-12</u>	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF, EM, EA	Hunters w/ Disabilities	Nov. (( <del>2-11</del> ) <u>1-12</u>	Antlerless	GMUs 364, 368	5
Alkali	EF, EM, EA	Hunters w/ Disabilities	(( <del>Oct. 15 - Nov. 4</del> ) Oct. 14 - Nov. <u>3</u>	Any elk	GMUs 334, 371	5
Corral Canyon	EF, EM, EA	Hunters w/ Disabilities	(( <del>Sept. 24 - Oct. 2</del> ) Sept. 23 - Oct. <u>1</u>	Any elk	Elk Area 3721	2
Sauk	WF, WM, WA	Hunters w/ Disabilities	(( <del>Nov. 5-27 and Dec. 12-27</del> ) Nov. 4-26 and Dec. <u>12-31</u>	Antlerless	GMU 437	5
Mudflow	WF, WM, WA	Hunters w/ Disabilities	Oct. (( <del>13-19</del> ) <u>19-25</u>	Antlerless	Elk Area 5099	5
Mudflow	WF, WM, WA	Hunters w/ Disabilities	Sept. (( <del>22-28</del> ) <u>19-25</u>	Any bull	Elk Area 5099	5
Washougal	WF	Hunters w/ Disabilities	Nov. (( <del>5-16</del> ) <u>4-15</u>	Antlerless	GMU 568	5
Region 5	WF, WM, <u>WA</u>	Hunters w/ Disabilities	Aug. 1, (( <del>2022</del> ) <u>2023</u> - Mar. 31, (( <del>2023</del> ) <u>2024</u>	Antlerless	Designated Areas in Region 5	5 <sup>HC</sup>
Peninsula	WF	Hunters w/ Disabilities	Nov. (( <del>5-16</del> ) <u>4-15</u>	Antlerless	GMUs 602, 607, 612, 615	3
Peninsula	WM	Hunters w/ Disabilities	Oct. (( <del>1-7</del> ) <u>7-13</u>	Antlerless	GMUs 602, 607, 612, 615	1
Peninsula	WA	Hunters w/ Disabilities	Sept. (( <del>10-22</del> ) <u>9-21</u>	Antlerless	GMUs 602, 607, 612, 615	1

<b>Master Hunter - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned by the hunt coordinator for each hunt. For those hunts requiring the purchase of a master hunter second tag, one elk may be killed in the unit under the authorization of the special permit.</b>							
Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. (( <del>20-31</del> ) <u>19-31</u>	Antlerless	Elk Area 1015	5

**Master Hunter - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned by the hunt coordinator for each hunt. For those hunts requiring the purchase of a master hunter second tag, one elk may be killed in the unit under the authorization of the special permit.**

Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Region 1	EF, EA, EM/ 2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2022)) 2023 - Mar. 31, ((2023)) 2024	Antlerless	Region 1	20 <sup>HC</sup>
Region 2	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2022)) 2023 - Mar. 31, ((2023)) 2024	Antlerless	Designated Areas in Region 2	10 <sup>HC</sup>
Region 3	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2022)) 2023 - Mar. 31, ((2023)) 2024	Antlerless	Designated Areas in Region 3	20 <sup>HC</sup>
Rattlesnake Hills	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2022)) 2023 - Mar. 31, ((2023)) 2024	Antlerless	Designated Areas in GMU 372	20 <sup>HC</sup>
Region 4 North	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, ((2022)) 2023 - Mar. 31, ((2023)) 2024	Antlerless	Designated Areas in Whatcom and Skagit counties	13 <sup>HC</sup>
Region 4 South	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, ((2022)) 2023 - Mar. 31, ((2023)) 2024	Antlerless	Designated Areas in King and Snohomish counties	10 <sup>HC</sup>
Pumice Plains	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Oct. 9-15	Antlerless	Elk Area 5063	2
Pumice Plains	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Oct. 17-23	Antlerless	Elk Area 5063	3
Region 5	Any ((western)) elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2022)) 2023 - Mar. 31, ((2023)) 2024	Antlerless	Designated Areas in Region 5	((20)) 30 <sup>HC</sup>
Long Beach	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, ((2022)) 2023 - Mar. 31, ((2023)) 2024	Antlerless	GMU 684	5
Region 6	WF, WA, WM/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, ((2022)) 2023 - Mar. 31, ((2023)) 2024	Antlerless	Designated Areas in Region 6	((30)) 20 <sup>HC</sup>
Region 5 Northwest—Hoof Disease	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 1, ((2022)) 2023 - Feb. 28, ((2023)) 2024	Antlerless	GMUs 501, 503, 504, 505, 506, 520, 524 (except CLOSED in Elk Area 5066), 530, 550	15**
Region 5 Southeast—Hoof Disease	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 1, ((2022)) 2023 - Feb. 28, ((2023)) 2024	Antlerless	GMUs 554, 560, 564, 568, 572, 574, 578 (except CLOSED in Elk Area 5062), 388, 382	10**
Region 6 Willapa Hills—Hoof Disease	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 1, ((2022)) 2023 - Feb. 28, ((2023)) 2024	Antlerless	GMUs 658, 660, 663, 672, 673, 681	15**

\* Must use only archery, muzzleloader, or legal shotgun (10 or 12 gauge; slugs only).

\*\* Hunters are expected to target elk displaying clinical signs of elk hoof disease such as limping, lameness, or hoof abnormalities.

HC This is a damage hunt administered by a WDFW designated hunt coordinator. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year, depending on elk damage activity for that year.

<b>Hunter Education Instructor Incentive Permits</b>				
<ul style="list-style-type: none"> <li>- Special elk permits will be allocated through a random drawing to those hunter education instructors who qualify.</li> <li>- Permit hunters must use archery equipment during archery seasons, muzzleloader equipment or archery equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Hunter orange and/or hunter pink is required during modern firearm seasons.</li> <li>- Except for online class incentive permits and chief instructor incentive permits, qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing.</li> <li>- Permittees may purchase a second license for use with the permit hunt only.</li> <li>- Qualified hunter education instructors may only receive one incentive permit each year.</li> </ul>				
Area	Dates	Restrictions	GMUs	Permits
Region 3	All general season and permit seasons established for GMUs included with the permit. Not eligible for seasons and permits for auction hunts; raffle hunts; and hunts for master hunters, youth hunters, hunters with disabilities, or hunters 65 years and older, unless the hunter education instructor legally qualifies for such hunts.	Any bull	GMUs ((336-368)) 334, 336-371	1
Region 4		Any elk	GMUs 454, 460	1
Region 5		Any elk	382, 388 and all 500 series GMUs EXCEPT GMU 522	1
Region 6		Any elk	GMUs 618, 638-648, 654, 658, 663, 672, 699	1

<b>Elk Hoof Disease Incentive Permits</b>				
<ul style="list-style-type: none"> <li>- Special elk permits will be allocated through a random drawing of hunters who qualify.</li> <li>- Permit hunters must use archery equipment during archery seasons, muzzleloader equipment or archery equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Hunter orange and/or hunter pink is required during modern firearm seasons.</li> <li>- Qualified hunters may only receive one incentive permit each year.</li> </ul>				
Area	Dates	Restrictions	GMUs	Permits
Mount St. Helens	Sept. 1 - Dec. 31	Any Bull	GMUs 505, 520, 550, 554, 556, 560, 564, 568, 572, 574, 578, 382, 388	5
South Rainier		Any Bull	GMUs 503, 510, 513, 516	2
Willapa Hills		Any Bull	GMUs 501, 504, 506, 530, 658, 660, 663, 672, 673, 681, 684	5
North Rainier		Any Bull	GMUs 652, 653, 654	2
Olympic		Any Bull	GMUs 601, 602, 603, 607, 612, 615, 618, 624, 633, 638, 642, 648, 651, excludes Elk Area 6064	5

[Statutory Authority: RCW 77.04.012, 77.04.055, and 77.12.047. WSR 22-15-096 (Order 22-71), § 220-415-060, filed 7/19/22, effective 8/19/22. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 21-14-022 (Order 21-61), § 220-415-060, filed 6/28/21, effective 7/29/21; WSR 20-12-080 (Order 20-76), § 220-415-060, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.020. WSR 19-20-078 (Order 19-245), § 220-415-060, filed 9/27/19, effective 10/28/19. Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 19-10-011 (Order 19-79), § 220-415-060, filed 4/19/19, effective 5/20/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-415-060, filed 5/11/18, effective 6/11/18. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090. WSR 17-10-076 (Order 17-10), amended and recodified as § 220-415-060, filed 5/3/17, effective 6/3/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 16-12-087, § 232-28-360, filed 5/31/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-059 (Order 15-98), § 232-28-360, filed 4/30/15, effective 5/31/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-28-360, filed 4/25/14, effective 5/26/14; WSR 13-11-078 (Order 13-94), § 232-28-360, filed 5/16/13, effective 6/16/13. Statutory Au-

thority: RCW 77.12.047. WSR 12-11-005 (Order 12-70), § 232-28-360, filed 5/2/12, effective 6/2/12.]

**OTS-4310.1**

AMENDATORY SECTION (Amending WSR 22-15-096, filed 7/19/22, effective 8/19/22)

**WAC 220-415-070 ((2022)) 2023 Moose seasons, permit quotas, and areas.** (1) It is unlawful to fail to comply with the provisions of this section. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

(2) **Moose Permit Hunts**

(a) **Who May Apply:**

(i) **Any antlered bull moose category:** An individual may only harvest one moose under the "any antlered bull moose" or "any moose" category during his or her lifetime. Applications will not be accepted from hunters having previously harvested a moose in the "any moose" or "any antlered bull moose" category.

(ii) **Antlerless only, youth antlerless, over-65 antlerless, disabled-antlerless, hunter-education antlerless, auction moose, raffle moose:** Anyone may apply.

(b) **Bag Limit:** One moose except where otherwise permitted by department rule, even if permits are drawn for more than one moose hunt category.

(c) **Weapon Restrictions:** Permit holders may use any legal weapon.

(d) **Submitting moose teeth:** Successful moose hunters must submit an incisor tooth from the lower jaw, either in person at a WDFW office, or via the postage-paid envelope supplied, no later than sixty days after harvest.

(e) **Any antlered bull moose seasons:** Open only to the taking of moose with visible antlers (bull calves illegal).

Hunt Name	Permit Season	GMU or boundary	Permits
<b>Any antlered bull moose</b>			
Kettle Range-East Okanogan 101, 105, 204	Oct. 1 - Nov. 30	GMUs 101, 105, 204	10
Douglas A - Early	Oct. 1-31	GMU 108	4
Douglas A - Late	Nov. 1-30	GMU 108	4
Aladdin A - Early	Oct. 1-31	GMU 111	3
Aladdin A - Late	Nov. 1-30	GMU 111	3
Selkirk 113	Oct. 1 - Nov. 30	GMU 113	15
49 Degrees North A - Early	Oct. 1-31	GMU 117 (except Parker Lake)	12
49 Degrees North A - Late	Nov. 1-30	GMU 117 (except Parker Lake)	12
Huckleberry A - Early	Oct. 1-31	GMU 121	10
Huckleberry A - Late	Nov. 1-30	GMU 121	10
Spokane West A	Oct. 1 - Nov. 30	GMU 124 w of Hwy 395	2
Mt Spokane South A	Oct. 1 - Nov. 30	Moose Area 1 (within 124)	8

Hunt Name	Permit Season	GMU or boundary	Permits
Mt Spokane North A	Oct. 1 - Nov. 30	Moose Area 2 (within 124)	8
Hangman	Oct. 1 - Nov. 30	GMU 127, 130, 139	4
<b>Antlerless only -</b>			
Douglas 108 B	Oct. 1 - Nov. 30	GMU 108	2
Aladdin 111 B	Oct. 1 - Nov. 30	GMU 111	2
49 Degrees North B	Oct. 1 - Nov. 30	GMU 117 (except Parker Lake)	2
Huckleberry B	Oct. 1 - Nov. 30	GMU 121	8
Spokane West B	Oct. 1 - Nov. 30	GMU 124 w of Hwy 395	2
Mt Spokane South B	Oct. 1 - Nov. 30	Moose Area 1 (within 124)	2
Mt Spokane North B	Oct. 1 - Nov. 30	Moose Area 2 (within 124)	2
Mica Peak	Oct. 1 - Nov. 30	GMU 127	2
Cheney B	Oct. 1 - Nov. 30	GMU 130, 139	2
<b>Youth Only - Antlerless</b>			
Mt Spokane South Y	Oct. 1 - Nov. 30	Moose Area 1 (within 124)	1
<b>65 Year and over - Antlerless</b>			
49 Degrees North V	Oct. 1 - Nov. 30	GMU 117 (except Parker Lake)	1
Huckleberry V	Oct. 1 - Nov. 30	GMU 121	2
<b>Disabled hunter - Antlerless</b>			
49 Degrees North D	Oct. 1 - Nov. 30	GMU 117 (except Parker Lake)	1
Mt Spokane North D	Oct. 1 - Nov. 30	Moose Area 2 (within 124)	1

Note: Moose Area 3 (Parker Lake) is closed to all moose hunters, except those with a Parker Lake special permit.

(3) **Moose Areas:**

(a) **Moose Area 1:** South Spokane Moose Area:

That portion of GMU 124 beginning at intersection of Blanchard Rd and Idaho-Washington state line: W on Blanchard Rd to Blanchard Creek Rd; SW on Blanchard Creek Rd to Tallman Rd; W on Tallman Rd to Elk Chattaroy Rd; SW on Elk Chattaroy Rd to Hwy 2; S on Hwy 2 to Hwy 395, S on Hwy 395 to Spokane River, E on Spokane River to Idaho-Washington state line, N on Idaho-Washington state line to Blanchard Rd and the point of beginning.

(b) **Moose Area 2:** North Spokane Moose Area:

That portion of GMU 124 beginning at intersection of Blanchard Rd and Idaho-Washington state line: W on Blanchard Rd to Blanchard Creek Rd; SW on Blanchard Creek Rd to Tallman Rd; W on Tallman Rd to Elk Chattaroy Rd; SW on Elk Chattaroy Rd to Hwy 2; S on Hwy 2 to Hwy 395, N on Hwy 395 to Deer Park-Milan Rd, E on Deer Park-Milan Rd to Hwy 2, N on Hwy 2 to Idaho-Washington state line, S on Idaho-Washington state line to Blanchard Rd and the point of beginning.

(c) **Moose Area 3:** Parker Lake (GMU 117, Pend Oreille County): All lands south of Ruby Creek Rd (USFS Road 2489), north of Tacoma Creek Rd (USFS Road 2389), and west of Bonneville Power Administration power lines.

[Statutory Authority: RCW 77.04.012, 77.04.055, and 77.12.047. WSR 22-15-096 (Order 22-71), § 220-415-070, filed 7/19/22, effective 8/19/22. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 21-14-022 (Order 21-61), § 220-415-070, filed 6/28/21, effective 7/29/21; WSR 20-12-080 (Order 20-76), § 220-415-070, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 19-10-011 (Order 19-79), § 220-415-070, filed 4/19/19, effective 5/20/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-415-070, filed 5/11/18, effective 6/11/18. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090. WSR 17-10-076 (Order 17-10), amended and recodified as § 220-415-070, filed 5/3/17, effective 6/3/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-048 (Order 15-101), § 232-28-273, filed 4/29/15, effective 5/30/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-28-273, filed 4/25/14, effective 5/26/14; WSR 13-11-078 (Order 13-94), § 232-28-273, filed 5/16/13, effective 6/16/13. Statutory Authority: RCW 77.12.047. WSR 12-11-005 (Order 12-70), § 232-28-273, filed 5/2/12, effective 6/2/12; WSR 11-11-013 (Order 11-86), § 232-28-273, filed 5/6/11, effective 6/6/11. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530. WSR 10-10-061 (Order 10-94), § 232-28-273, filed 4/30/10, effective 5/31/10. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240. WSR 09-09-083 (Order 09-53), § 232-28-273, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210. WSR 08-09-090 (Order 08-78), § 232-28-273, filed 4/18/08, effective 5/19/08; WSR 07-11-017 (Order 07-62), § 232-28-273, filed 5/3/07, effective 6/3/07. Statutory Authority: RCW 77.12.047. WSR 06-11-032 (Order 06-92), § 232-28-273, filed 5/8/06, effective 6/8/06; WSR 05-11-022 (Order 05-89), § 232-28-273, filed 5/10/05, effective 6/10/05. Statutory Authority: RCW 77.12.047 and 77.12.020. WSR 04-11-036 (Order 04-98), § 232-28-273, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047. WSR 03-13-047 (Order 03-129), § 232-28-273, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. WSR 02-11-069 (Order 02-98), § 232-28-273, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. WSR 01-10-048 (Order 01-69), § 232-28-273, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. WSR 00-11-137 (Order 00-50), § 232-28-273, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. WSR 99-10-102 (Order 99-40), § 232-28-273, filed 5/5/99, effective 6/5/99; WSR 98-10-005 (Order 98-58), § 232-28-273, filed 4/22/98, effective 5/23/98.]

**OTS-4311.2**

AMENDATORY SECTION (Amending WSR 22-15-096, filed 7/19/22, effective 8/19/22)

**WAC 220-415-120 ((2022)) 2023 Bighorn sheep seasons, permit quotas, and areas.** (1) It is unlawful to fail to comply with the provisions of this section. A violation of species, sex, size, number, area, season, or eligibility requirements is punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty.

**(2) Bighorn Sheep Permit Hunts**

(a) **Who May Apply:** Anyone may apply, EXCEPT those who previously harvested a bighorn sheep in Washington state. An individual may only harvest one bighorn ram during his or her lifetime. However, this restriction is waived for hunters who have previously harvested a bighorn sheep under a ewe-only, juvenile ram, raffle, or auction permit, as well as for applications for a ewe-only, juvenile ram, raffle, or auction permit.

(b) **Bag Limit:** One (1) bighorn sheep except where otherwise permitted by department rule, even if permits are drawn for more than one bighorn sheep hunt category.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
<b>Any ram</b>				
((Selah Butte	Oct. 1-31	Sheep Unit 4	Any Legal Weapon	2
Umtanum	Oct. 1-31	Sheep Unit 5	Any Legal Weapon	2))
Cleman Mountain	Oct. 1-31	Sheep Unit 7	Any Legal Weapon	((3)) 4
Lincoln Cliffs	Sept. 15 - Oct. 10	Sheep Unit 12	Any Legal Weapon	2
Quilomene	Oct. 1-31	Sheep Unit 13	Any Legal Weapon	3
Swakane	Sept. 15 - Oct. 10	Sheep Unit 14	Any Legal Weapon	2
Manson	Nov. 9-30	Sheep Unit 16	Any Legal Weapon	2
Chelan Butte A	Sept. 15 - Oct. 10	Sheep Unit 18	Any Legal Weapon	2
Chelan Butte B	Oct. 11 - Nov. 15	Sheep Unit 18	Any Legal Weapon	2
((Wenaha	Sept. 15 - Oct. 10	GMU 169	Any Legal Weapon	1))
Mountain View - Black Butte	Sept. 15 - Oct. 10	GMU 172, portions of GMU 181, GMU 186	Any Legal Weapon	1
<b>Adult ewe</b>				
Cleman Mountain A	Oct. 10-31	Sheep Unit 7	Adult ewe only Any Legal Weapon	10
Cleman Mountain B	Nov. ((7-27)) 6-26	Sheep Unit 7	Adult ewe only Any Legal Weapon	8
Lincoln Cliffs Whitestone Unit	Oct. 1-10	Sheep Unit ((12 west of Mount View Rd)) 20 Whitestone	Adult ewe only Any Legal Weapon	1
Chelan Butte	Sept. 15 - Oct. 10	Sheep Unit 18	Adult ewe only Any Legal Weapon	4
<b>((Juvenile ram<sup>a</sup>))</b>				
<b>Youth</b>				
Cleman Mountain	Nov. ((7-27)) 6-26	Sheep Unit 7	Adult ewe only Any Legal Weapon	2
<b>Hunters with Disabilities</b>				
Chelan Butte A	Oct. 11-31	Sheep Unit 18	Adult ewe only Any Legal Weapon	3

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Chelan Butte B	Oct. 11-31	Sheep Unit 18	Juvenile ram only <sup>a</sup> Any Legal Weapon	2

See subsection (3) of this section Bighorn Sheep Units for detailed legal descriptions of these hunt area boundaries.

<sup>a</sup> A juvenile ram is defined as a male bighorn sheep having at least one "unbroomed" horn that does not extend past an imaginary line beginning at the point on the animal's forehead where the front of the horn base adjoins the skull, and continuing downwards and in a posterior direction through the posterior edge of the eye. All reference points are based on viewing the ram directly from a 90 degree angle from which the head is facing. A "broomed" horn is defined as a sheep horn that has been broken, splintered, frayed or rubbed in the wild, thus shortening its length and disrupting its natural taper.

(3) **Bighorn Sheep Units:**

(a) **Sheep Unit 2 Vulcan Mountain:** Permit Area: Ferry County north of the Kettle River near Curlew.

(b) **Sheep Unit 4 Selah Butte:** Permit Area: That part of GMU 340 east of the Yakima River.

(c) **Sheep Unit 4A Selah Butte North:** Permit Area: That part of GMU 340 east of the Yakima River and north of Lmuma Creek.

(d) **Sheep Unit 4B Mount Baldy:** Permit Area: That part of GMU 340 east of the Yakima River, south of Lmuma Creek and north of Burbank Creek.

(e) **Sheep Unit 4C Selah Butte South:** Permit Area: That part of GMU 340 east of the Yakima River and south of Burbank Creek.

(f) **Sheep Unit 5 Umtanum:** Permit Area: Those portions of GMU 340 west of the Yakima River and GMU 342 north of Wenas Creek.

(g) **Sheep Unit 5A Umtanum North:** Permit Area: Beginning at the Powerline Crossing the Yakima River in Section 11 of T17N, R18E; then south down the Yakima River to Roza Creek; then west up Roza Creek to the powerline; then north along the powerline to the point of beginning.

(h) **Sheep Unit 5B Umtanum South:** Permit Area: Beginning where Roza Creek enters the Yakima River, then down the Yakima River to the powerline crossing in Section 17 of T14N, R19E; then north on the powerline to Roza Creek; then east down Roza Creek to the point of beginning.

(i) **Sheep Unit 7 Cleman Mountain:** Permit Area: GMU 346 and that part of GMU 342 south of Wenas Creek.

(j) **Sheep Unit 10 Mt. Hull:** Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

(k) **Sheep Unit 12 Lincoln Cliffs:** Permit Area: That part of Lincoln County north of Highway 2.

(l) **Sheep Unit 13 Quilomene:** Permit Area: GMUs 329, 330, and that part of 251 east of Squilchuck Creek and south of Colockum Creek.

(m) **Sheep Unit 14 Swakane:** Permit Area: GMU 250.

(n) **Sheep Unit 15 Tieton:** Permit Area: GMU 360.

(o) **Sheep Unit 16 Manson:** Permit Area: Beginning at the mouth of Granite Falls Creek on the south shore of Lake Chelan, E across Lake

Chelan to Willow Point; NW along the shoreline of Lake Chelan to the mouth of Stink Creek; E along Stink Creek to the intersection with Green's Landing Road; along Green's Landing Road to Manson Boulevard; E on Manson Boulevard to Lower Joe Creek Road; NE on Lower Joe Creek Road to Grade Creek Road; NE on Grade Creek Road to US Forest Service Road 8210; NE on US Forest Service Road 8210 to intersection with US Forest Service Road 8020; W on US Forest Service Road 8020 to Fox Peak; NW along Sawtooth Ridge (Chelan-Okanogan County Line) to the Lake Chelan National Recreation Area boundary; S along the Lake Chelan National Recreation Area boundary to shore line of Lake Chelan; W across Lake Chelan to the mouth of Riddle Creek on the South Shore; SE along South Shore of Lake Chelan to the point of beginning.

(p) **Sheep Unit 18 Chelan Butte:** Permit Area: Beginning at the intersection of State Hwy 971 and US Hwy 97A, S to the W shoreline of the Columbia River, N along the W shoreline of the Columbia River for 21 miles to the mouth of Antoine Creek, W up Antoine Creek to where it crosses Apple Acres Rd, W on Apple Acres Rd to the intersection with Washington Creek Rd (US Forest Service Rd 8135), N on Washington Creek Rd to its end and then follow Washington Creek, W on Washington Creek to where it crosses US Forest Service Rd 8010, S on US Forest Service Rd 8010 (transitions into Purttteman Creek Rd) to Purttteman Gulch, S into Purttteman Gulch to the N shoreline of Lake Chelan, S along the shoreline to the S shoreline of Lake Chelan to the mouth of First Creek, S up First Creek to the intersection of State Hwy 971 (Navarre Coulee Rd), S on State Hwy 971 to the point of beginning.

(q) **Sheep Unit 19 Sinlahekin:** Beginning at the eastern boundary of the Pasayten Wilderness border and the US-Canadian border; E on the US-Canadian border to the border station on Similkameen Rd (Co. Rd 4568); SE on the Similkameen Rd (Co. Rd 4568) to the Loomis-Oroville Rd (Co. Rd 9425); E on the Loomis-Oroville Rd (Co. Rd 9425) to US Hwy 97 in Oroville; S on US Hwy 97 to 12th Ave; W on 12th Ave (it curves S and changes to Old Highway 97); S on Old Highway 97 to US Hwy 97; S on US Hwy 97 to the South Pine Creek Rd (Co. Rd 9410); W on the South Pine Creek Rd (Co. Rd 9410) to Fish Lake Rd (Co. Rd 4290); W on Fish Lake Rd (Co. Rd 4290) to South Fish Lake Rd (Co. Rd 4282), along the south shore of Fish Lake; SW on South Fish Lake Rd (Co. Rd 4282), to the Sinlahekin Rd (Co. Rd 4015); SW on the Sinlahekin Rd (Co. Rd 4015), along the north shore of Conconully Lake, to the Salmon Creek North Fork Rd (Co. Rd 2361), at the town of Conconully; N on US Forest Service Rd 38 (Salmon Creek North Fork Rd, Co. Rd 2361) to US Forest Service Rd 3820; N on US Forest Service Rd 3820 over Lone Frank Pass, to US Forest Service Rd 39; N on US Forest Service Rd 39 to the US Forest Service Rd 300 at Long Swamp trailhead; W on the US Forest Service Rd 300 to US Forest Service Trail 342; N on US Forest Service Trail 342 to US Forest Service Trail 343; E on US Forest Service Trail 343 to US Forest Service Trail 341; E on US Forest Service Trail 341 to US Forest Service Trail 375; E on US Forest Service Trail 375 to the eastern boundary of the Pasayten Wilderness Area; N on the Pasayten Wilderness Area boundary to the US-Canadian border and the point of beginning.

(r) **Sheep Unit 20 Whitestone ((Unit)):** Starting at the intersection of Mount View Rd and US Highway 2; W on US Highway 2 to the Lincoln County Line; N on the Lincoln County Line to the Lincoln County Line in the Columbia River; E up the Columbia River to Halverson Canyon; S and W up Halverson Canyon to Mount View Rd; S on Mount View Rd to US Highway 2 and the point of the beginning.

(s) **Sheep Unit 21 Lincoln ((Unit))**: Starting at the intersection of Mount View Rd and US Highway 2; E on US Highway 2 to the Lincoln County Line; N on the Lincoln County Line to the Lincoln County Line in the Spokane River; W down the Spokane River to the Columbia River; W down the Columbia River to Halverson Canyon; S and W up Halverson Canyon to Mount View Rd; S on Mount View Rd to US Highway 2 and the point of the beginning.

(t) **Mountain View - Black Butte**: GMUs 172, 186; portions of GMU 181 (south of the line made by starting at Montgomery Ridge Road and Highway 129 to the Sherry Grade Road to the Couse Creek Road to the Snake River).

[Statutory Authority: RCW 77.04.012, 77.04.055, and 77.12.047. WSR 22-15-096 (Order 22-71), § 220-415-120, filed 7/19/22, effective 8/19/22. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 21-14-022 (Order 21-61), § 220-415-120, filed 6/28/21, effective 7/29/21; WSR 20-12-080 (Order 20-76), § 220-415-120, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 19-10-011 (Order 19-79), § 220-415-120, filed 4/19/19, effective 5/20/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-415-120, filed 5/11/18, effective 6/11/18. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090. WSR 17-10-076 (Order 17-10), amended and recodified as § 220-415-120, filed 5/3/17, effective 6/3/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 16-12-087, § 232-28-622, filed 5/31/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-048 (Order 15-101), § 232-28-622, filed 4/29/15, effective 5/30/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-28-622, filed 4/25/14, effective 5/26/14; WSR 13-11-078 (Order 13-94), § 232-28-622, filed 5/16/13, effective 6/16/13.]

## OTS-4312.2

AMENDATORY SECTION (Amending WSR 22-15-096, filed 7/19/22, effective 8/19/22)

**WAC 220-415-130 ((2022)) 2023 Mountain goat seasons, permit quotas, and areas.** (1) Hunters must comply with the provisions of this section. A violation of species, sex, size, number, area, season, or eligibility requirements is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

(2) **Mountain Goat Permit Hunts**

(a) **Who May Apply:**

(i) **Mountain goat special permit category:** Anyone may apply, except those who harvested a mountain goat in Washington state after

1998. An individual may only harvest one mountain goat during his or her lifetime. However, these restrictions are waived for hunters who have previously harvested a mountain goat under an auction, raffle, or conflict reduction permit, as well as for applications for an auction, raffle, or conflict reduction permit.

(ii) **Conflict reduction special permit category:** Anyone may apply.

(b) **Bag Limit:**

(i) **Mountain goat special permit category:** One (1) adult goat of either sex with horns 4 inches or longer, except where otherwise permitted by department rule even if permits are drawn for more than one mountain goat hunt category.

(ii) **Conflict reduction special permit category:** Two (2) goats of either sex. No minimum horn length or age requirements.

(c) It is unlawful for a person who kills a mountain goat in Washington to fail, within 10 days after acquisition, to personally present the horns attached to the head for inspection at a department office or location designated by a departmental representative. After inspection, the head/horns of a mountain goat lawfully killed in Washington may be kept for personal use. A violation of this subsection is punishable under RCW 77.15.280 (1)(b).

(d) Applicants drawn for a permit may only purchase their license after successfully completing the WDFW mountain goat gender identification training (online or at a participating WDFW office). However, this requirement is waived for applicants drawn for a permit in the conflict reduction special permit category.

Goat Hunt Area Name (Number)	Permit Season	Special Restrictions	Permits
<b>Mountain goat special permits</b>			
((North Lake Chelan (2-1)	Sept. 1 - Nov. 30	Any Legal Weapon	1
South Lake Chelan (2-3)	Sept. 1 - Nov. 30	Any Legal Weapon	1))
Naches Pass (3-6)	Sept. 1 - Nov. 30	Any Legal Weapon	1
Bumping River (3-7)	Sept. 1 - Nov. 30	Any Legal Weapon	1
((Boulder River North (4-8a)	Sept. 1 - Nov. 30	Any Legal Weapon	1))
Chowder Ridge (4-3)	Sept. 1 - Nov. 30	Any Legal Weapon	1
Lincoln Peak (4-4)	Sept. 1 - Nov. 30	Any Legal Weapon	2
Avalanche Gorge (4-7)	Sept. 1 - Nov. 30	Any Legal Weapon	3
Goat Rocks West (5-4)	((Sept.)) Oct. 1 - Nov. 30	Any Legal Weapon	1
Goat Rocks East (5-5)	((Sept.)) Oct. 1 - Nov. 30	Any Legal Weapon	1
Mt. Margaret Backcountry (5-6)	Oct. 1 - Nov. 30	Any Legal Weapon	((1)) 2
Mt. St. Helens South (5-7)	Oct. 1 - Nov. 30	Any Legal Weapon	((1)) 2

(3) **Mountain Goat Hunt Area Descriptions.** The following areas are defined as mountain goat hunt areas:

**Chelan North 2-1:** Beginning at the mouth of Fish Creek on Lake Chelan (Moore Point); then NE up Fish Creek and USFS Trail 1259 to the Sawtooth crest near Deephole Spring; then SE along the Sawtooth crest, which separates Chelan and Okanogan counties, to Horsethief Basin and the headwaters of Safety Harbor Creek; then S along Safety Harbor Creek to Lake Chelan, then NW along the north shore of Lake Chelan to the mouth of Fish Creek at Moore Point and the point of beginning.

**Methow 2-2:** Begin at Twisp, W along Twisp River Rd (County Rd 4440) to Roads End; W up Twisp Pass Trail 432 to Twisp Pass and Okanogan County line; N on Okanogan County line through Washington Pass to Harts Pass; SE down Harts Pass (Rd 5400) to Lost River; along Lost River-Mazama Rd to Mazama; SW to State Hwy 20; SE on State Hwy 20 to Twisp and point of beginning.

**South Lake Chelan 2-3:** GMU 246

**Naches Pass 3-6:** Beginning at Chinook Pass; then N along the Pacific Crest Trail to Naches Pass; then E to USFS Road 19 and continuing to State Highway 410; then W along State Highway 410 to Chinook Pass and point of beginning.

**Bumping River 3-7:** Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and SR 410 at Chinook Pass; NE on SR 410 to US Forest Service Rd 1800 (Bumping Lake Rd); SW on the US Forest Service Rd 1800 (Bumping Lake Rd) to US Forest Service Trail 973 (Richmond Mine Rd); SE on US Forest Service Trail 973 (Richmond Mine Rd) to the north fork of Rattlesnake Creek; SE down the north fork of Rattlesnake Creek to US Forest Service Rd 1502 (McDaniel Lake Rd); SE on US Forest Service Rd 1502 (McDaniel Lake Rd) to US Forest Service Rd 1500; S on US Forest Service Rd 1500 to US Hwy 12; W on US Hwy 12 to US Forest Service Trail 2000 (Pacific Crest Trail) at White Pass; N on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 410 at Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

**Blazed Ridge 3-10:** Beginning at the mouth of Cabin Creek on the Yakima River; then W along Cabin Creek to the headwaters near Snowshoe Butte; then S along the Cascade Crest separating the Green and Yakima River drainage to Pyramid Peak; then SE along the North Fork, Little Naches, and Naches River to the Yakima River; then N along the Yakima River to the mouth of Cabin Creek and point of beginning.

**Chowder Ridge 4-3:** Beginning at the confluence of Wells Creek with the North Fork Nooksack River; then up Wells Creek to the confluence with Bar Creek; then up Bar Creek to the Mazama Glacier; then SW on Mazama Glacier to the summit of Mount Baker; then NW between Roosevelt Glacier and Coleman Glacier to the headwaters of Kulshan Creek; then down Kulshan Creek to the confluence with Grouse Creek; then down Grouse Creek to the confluence with Glacier Creek; then down Glacier Creek to the confluence with the North Fork Nooksack River; then up the North Fork Nooksack River to Wells Creek and the point of beginning.

**Lincoln Peak 4-4:** Beginning at the confluence of Glacier Creek and the North Fork Nooksack River; then up Glacier Creek to the confluence with Grouse Creek; then up Grouse Creek to the confluence with Kulshan Creek; then up Kulshan Creek to headwaters; then SE between Coleman and Roosevelt glaciers to the summit of Mount Baker; then SW on Easton Glacier to Baker Pass; then W on the Bell Pass Trail (USFS Trail 603.3) to the intersection with Ridley Creek Trail (Trail No. 696); then W on Ridley Creek Trail to Ridley Creek; then down Ridley Creek to the Middle Fork Nooksack River; then down the Middle Fork Nooksack River to the confluence with Clearwater Creek, then up Clearwater Creek to the confluence with Rocky Creek, then up Rocky Creek to the Washington DNR boundary; then along the National Forest-Washington DNR boundary to Hedrick Creek; then down Hedrick Creek to the North Fork

Nooksack River; then up the North Fork Nooksack River to Glacier Creek and the point of beginning.

**Avalanche Gorge 4-7:** Beginning on Baker Lake Road and Park Creek; then up Park Creek to headwaters and beginning of Park Glacier; then NW and SW on Park Glacier to Mount Baker summit; then N on the Mazama Glacier to Bar Creek, then down Bar Creek to the confluence with Wells Creek; then SE up Wells Creek to its headwaters; then E about 1 mile to an unnamed peak (indicated elevation 5,831 ft, just W of Ptarmigan Ridge Trail (Trail No. 682.1) (See referenced 1:24k USGS quad map - Shuksan Arm)); then NE to the headwaters of the first tributary of Swift Creek encountered; then SE down said unnamed tributary to the confluence with Swift Creek; then down Swift Creek to the Baker Lake Road (USFS Road 394); then SW along the Baker Lake Road to Park Creek and point of beginning. (Refer to 1:24k USGS quad map - Shuksan Arm).

**Boulder River North 4-8a:** That area within the Boulder River Wilderness of the Mount Baker Snoqualmie National Forest, beginning at the Boulder River trailhead on USFS Rd 2010 (to Boulder Falls), then E along the USFS Boulder River Wilderness boundary to Squire Creek, then southward along the Squire Creek to Squire Creek Pass, then SW up Squire Creek Pass to the headwaters of Copper Creek, then SE down Copper Creek to the unnamed tributary to Copper Creek which heads W up to Windy Pass, then W up said tributary to its headwaters in Windy Pass, then W across Windy Pass to the headwaters of Windy Creek, then W down Windy Creek to the USFS Boulder River Wilderness boundary, then N along the USFS Boulder River Wilderness boundary to the Boulder River trailhead on USFS Rd 2010 and the point of the beginning.

**Goat Rocks West 5-4:** Beginning at US Hwy 12 at the US Forest Service Trail 2000 (Pacific Crest National Scenic Trail); S on the Pacific Crest National Scenic Trail to Lewis County line at Cispus Pass; S and W on the Lewis County line to Johnson Creek Rd (US Forest Service Rd 21); N on Johnson Creek Rd to US Hwy 12; E on US Hwy 12 to the Pacific Crest National Scenic Trail and the point of the beginning.

**Goat Rocks East 5-5:** GMU 364

**Mt. Margaret Backcountry 5-6:** Beginning at the junction of USFS 99 Rd and USFS 26 Rd; S on USFS 99 Rd to junction of USFS 99 Rd and USFS Trail 227 at Independence Pass trailhead; N on USFS Trail 227 to junction of USFS Trail 227 and USFS Trail 1; W on USFS Trail 1 to junction of USFS Trail 1 and USFS Trail 230; NW on USFS Trail 230 to junction of USFS Trail 230 and USFS Trail 211; NE to Minnie Peak; W to the USFS property boundary in the SE 1/4 of Section 20, T10N, R5E; N along the USFS property boundary to the Green River; E up the Green River to USFS Rd 2612; E on USFS 2612 to the junction of USFS Rd 2612 and USFS Rd 26; S on USFS Rd 26 to the junction of USFS Rd 26 and USFS Rd 99 and point of beginning.

**Mt. St. Helens South 5-7:** Beginning at the junction of USFS Trail 234 and USFS Rd 83; W on USFS Rd 83 to the junction of USFS Rd 83 and USFS Rd 81; NW on USFS Rd 81 to the junction of USFS Rd 81 and USFS Rd 8123; N on USFS Rd 8123 to USFS Trail 238 at Blue Lake; N on USFS Trail 238 to USFS Trail 216; N on USFS Trail 216 to the South Fork Toutle River; Up the South Fork Toutle River to Mt. St. Helens crater's edge; E along Mt. St. Helens crater to Ape Canyon Creek; Down Ape Canyon Creek to USFS Trail 216; E on USFS Trail 216 to USFS Trail 234; SE on USFS Trail 234 to USFS Rd 83 and point of beginning.

**East Olympic Mountains 6-1:** GMUs 621, 636, and 638.

[Statutory Authority: RCW 77.04.012, 77.04.055, and 77.12.047. WSR 22-15-096 (Order 22-71), § 220-415-130, filed 7/19/22, effective 8/19/22. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 21-14-022 (Order 21-61), § 220-415-130, filed 6/28/21, effective 7/29/21; WSR 20-12-080 (Order 20-76), § 220-415-130, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 19-10-011 (Order 19-79), § 220-415-130, filed 4/19/19, effective 5/20/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-415-130, filed 5/11/18, effective 6/11/18. 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 re-codified as § 220-415-130, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-048 (Order 15-101), § 232-28-623, filed 4/29/15, effective 5/30/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-28-623, filed 4/25/14, effective 5/26/14; WSR 13-11-078 (Order 13-94), § 232-28-623, filed 5/16/13, effective 6/16/13.]

**OTS-4314.1**

AMENDATORY SECTION (Amending WSR 22-15-096, filed 7/19/22, effective 8/19/22)

**WAC 220-416-060 ((2022-2023)) 2023-2024 Migratory gamebird seasons and regulations.** All migratory waterfowl, coot, snipe, mourning dove and band-tailed pigeon are closed to harvest unless season dates are specified in this section. Hunters must comply with the bag, possession, and season limits described in this section. Failure to do so constitutes a violation of RCW 77.15.245, 77.15.400, or 77.15.430, depending on the species hunted and the circumstances of the violation.

**DUCKS**

**Statewide:** Oct. ((15-23, 2022)) 14-22, 2023, and Oct. ((26, 2022 - Jan. 29, 2023)) 25, 2023 - Jan. 28, 2024; except scaup season closed Oct. ((15 - Nov. 4, 2022)) 14 - Nov. 3, 2023.

Special youth hunting days open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. ((24, 2022)) 23, 2023, and Feb. ((4, 2023)) 3, 2024, in Western Washington (West Zone); ((Oct. 1, 2022)) Sept. 30, 2023, and Feb. ((4, 2023)) 3, 2024, in Eastern Washington (East Zone).

Special veterans and active military personnel hunting day open only to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have

served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. (~~4, 2023~~) 3, 2024, in Western Washington (West Zone) and Eastern Washington (East Zone). Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

Daily Bag Limit: 7 ducks, to include not more than 2 hen mallard, 1 pintail, 2 scaup, 2 canvasback, and 2 redhead statewide; and to include not more than 2 scoter, 2 long-tailed duck, and 2 goldeneye in Western Washington.

Possession Limit for Regular Season: 21 ducks, to include not more than 6 hen mallard, 3 pintail, 6 scaup, 6 canvasback, and 6 redhead statewide; and to include not more than 6 scoter, 6 long-tailed duck, and 6 goldeneye in Western Washington.

Possession Limit for Youth, Veterans and Active Military Personnel Hunting Days: Same as Daily Bag Limit.

Harlequin Duck: Season closed statewide.

**AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SEA DUCKS**

Hunters must possess a special (~~(2022-2023)~~) 2023-2024 hunting authorization and harvest record card for sea ducks when hunting scoter, long-tailed duck, and goldeneye in Western Washington. A hunter who has not previously possessed a sea duck harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a sea duck into possession, hunters must record in ink the information required within the designated spaces provided on the harvest record card.

**COOT (Mudhen)**

Same areas and dates (including youth, veterans and active military personnel hunting days) as the duck season.

Daily Bag Limit: 25 coots.

Possession Limit: 75 coots.

Possession Limit for Youth, Veterans and Active Military Personnel Hunting Days: Same as Daily Bag Limit.

**SNIPE**

Same areas and dates (except youth, veterans and active military personnel hunting days) as the duck season.

Daily Bag Limit: 8 snipe.

Possession Limit: 24 snipe.

**GEESE (except Brant)**

Special youth hunting days open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. (~~(24, 2022)~~) 23, 2023, and Feb. (~~(4, 2023)~~) 3, 2024, in Western Washington (West Zone); (~~(Oct. 1, 2022)~~) Sept. 30, 2023, and Feb. (~~(4, 2023)~~) 3, 2024, in Eastern Washington (East Zone).

Special veterans and active military personnel hunting day open only to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have

served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. (~~4, 2023~~) 3, 2024, in Western Washington (West Zone) and Eastern Washington (East Zone). Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

Daily Bag Limit for September dates: 4 Canada geese and 10 white-fronted geese.

Daily Bag Limit for February date: 4 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue phase), except in Goose Management Area 2 Coast and Inland where the bag limit for Canada geese is reduced to 3 and dusky Canada geese remain closed to harvest.

Possession Limit for Youth, Veterans and Active Military Personnel Hunting Days: Same as Daily Bag Limit.

### **Western Washington Goose Seasons**

Goose Management Area 1: Skagit and Whatcom counties, and that portion of Snohomish County west of Interstate 5.

September Canada Goose Season

Sept. (~~3-8, 2022~~) 2-7, 2023.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. (~~15 - Nov. 27, and Dec. 10, 2022 - Jan. 29, 2023~~) 14 - Nov. 26, and Dec. 9, 2023 - Jan. 28, 2024, for Canada and white-fronted geese (except brant).

Oct. (~~15 - Nov. 27, and Dec. 10, 2022 - Jan. 29, 2023~~) 14 - Nov. 26, and Dec. 9, 2023 - Jan. 28, 2024, and Feb. (~~11-21, 2023~~) 10-20, 2024, for snow, Ross', and blue geese (collectively referred to as white geese). During Feb. (~~11-21, 2023~~) 10-20, 2024, in Skagit, Whatcom and Snohomish counties, specified WDFW lands including Fir Island Farm Game Reserve, Island Unit, Johnson DeBay's Slough Swan Reserve and Hunt Unit, Leque Island Unit, Samish Unit, Samish River Unit, South Padilla Bay Unit, and Skagit Headquarters Unit of the Skagit Wildlife Area, and all units of the Whatcom Wildlife Area are closed to goose hunting in Goose Management Area 1.

Daily Bag Limit: 4 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue phase). During Feb. (~~11-21, 2023~~) 10-20, 2024: 20 white geese.

Possession Limit: 12 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue phase). During Feb. (~~11-21, 2023~~) 10-20, 2024: 60 white geese.

#### **AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SNOW GEESE**

Hunters must possess a special (~~2022-2023~~) 2023-2024 migratory bird hunting authorization and harvest record card for snow geese when hunting snow, Ross', and blue geese in Goose Management Area 1. A hunter who has not previously possessed a snow goose harvest report

card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a snow, Ross', or blue goose into possession, hunters must record in ink the information required within the designated spaces provided on the harvest record card.

**SKAGIT COUNTY AND WHATCOM COUNTY SPECIAL RESTRICTIONS**

It is unlawful to discharge a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or to discharge a firearm for the purpose of hunting snow geese within 100 feet of any paved public road in other areas of Skagit County or Whatcom County.

While hunting snow geese, if a hunter is convicted of (a) trespass; (b) shooting from, across, or along the maintained part of any public highway; (c) discharging a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or discharging a firearm within 100 feet of any paved public road for the purpose of hunting snow geese in other areas of Skagit County or Whatcom County; or (d) exceeding the daily bag limit for geese, authorization will be invalidated for the remainder of the current snow goose season and an authorization will not be issued for the subsequent snow goose season.

**Goose Management Area 2 - Coast:** Pacific County and the portion of Grays Harbor County west of highway 101.

September Canada Goose Season

Sept. (~~(3-11, 2022)~~) 2-10, 2023.

Daily Bag Limit: 5 Canada geese, except 15 Canada geese in Pacific County.

Possession Limit: 15 Canada geese, except 45 Canada geese in Pacific County.

Regular Season

Open in all areas from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, 7 days per week during Oct. (~~(15-30, 2022)~~) 14-29, 2023; Saturdays, Sundays, and Wednesdays only, Nov. ((2- Dec. 4, 2022, and Dec. 21, 2022 - Jan. 22, 2023, and Feb. 11-22, 2023)) 1 - Dec. 3, 2023, and Dec. 20, 2023 - Jan. 21, 2024, and Feb. 10-21, 2024. During Feb. (~~(11-22, 2023)~~) 10-21, 2024, U.S. Fish and Wildlife Service National Wildlife Refuges (NWRs) and WDFW Wildlife Areas are closed to goose hunting in Goose Management Area 2 - Coast.

Bag Limits for Goose Management Area 2 - Coast:

Daily Bag Limit: 3 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: 9 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

Dusky Canada geese: SEASON CLOSED.

**Goose Management Area 2 - Inland:** Clark, Cowlitz, Wahkiakum counties and the portion of Grays Harbor County east of highway 101.

September Canada Goose Season

Sept. (~~3-11, 2022~~) 2-10, 2023.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Open in all areas except Ridgefield NWR from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, 7 days per week during Oct. (~~15-30, 2022~~) 14-29, 2023; Saturdays, Sundays, and Wednesdays only, Nov. (~~23, 2022 - Jan. 15, 2023, and Feb. 11 - Mar. 8, 2023~~) 22, 2023 - Jan. 14, 2024, and Feb. 10 - Mar. 6, 2024. During Feb. (~~11 - Mar. 8, 2023~~) 10 - Mar. 6, 2024, U.S. Fish and Wildlife Service National Wildlife Refuges (NWRs) and WDFW Wildlife Areas are closed to goose hunting in Goose Management Area 2 - Inland. Ridgefield NWR open from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, Tuesdays, Thursdays, and Saturdays only, Oct. (~~15-30, 2022, and Nov. 23, 2022 - Jan. 14, 2023~~) 14-29, 2023, and Nov. 22, 2023 - Jan. 13, 2024.

Bag Limits for Goose Management Area 2 - Inland:

Daily Bag Limit: 3 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: 9 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

Dusky Canada geese: SEASON CLOSED.

**Special Provisions for Goose Management Area 2 Coast and Inland Regular Season only:**

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

Hunters must possess a valid special (~~2022-2023~~) 2023-2024 migratory bird hunting authorization and harvest record card for geese when hunting all goose species in Goose Management Area 2 Coast and Inland. New hunters and those who did not maintain a valid (~~2021-2022~~) 2022-2023 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time. Immediately after taking a goose into possession, hunters must record in ink the information required within the designated spaces provided on the harvest record card.

It is unlawful for hunters in Goose Management Area 2 Coast and Inland to fail to comply with the directions of authorized department personnel related to the collection of goose subspecies information pursuant to RCW 77.12.071. A person who prevents department personnel from collecting samples of tissue or other bodily parts is subject to prosecution under RCW 77.15.360 Unlawful interfering in department operations—Penalty. If a hunter takes a dusky Canada goose or does not comply

with requirements listed above regarding WDFW collection of subspecies information, authorization will be invalidated by the department and the hunter will not be able to hunt geese in Goose Management Area 2 Coast and Inland for the remainder of the season. It is unlawful to fail to comply with all provisions listed above for Goose Management Area 2 Coast and Inland. Taking one dusky Canada goose is punishable as an infraction under RCW 77.15.160 (5)(b). Other violations of Area 2 goose hunting rules are punishable as an infraction under RCW 77.15.160 (2)(e) or as a misdemeanor or gross misdemeanor under RCW 77.15.400 unlawful hunting of wild birds, depending on the circumstances of the violation.

### Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1 and 2.

September Canada Goose Season

Sept. (~~(3-8, 2022)~~) 2-7, 2023.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. (~~(15-27, 2022, and Nov. 5, 2022 - Jan. 29, 2023)~~) 14-26, 2023, and Nov. 4, 2023 - Jan. 28, 2024.

Daily Bag Limit: 4 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: 12 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

### Eastern Washington Goose Seasons

September Canada Goose Season (Eastern Washington)

Sept. (~~(3-4, 2022)~~) 2-3, 2023.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 10 Canada geese.

### Goose Management Area 4

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Saturdays, Sundays, and Wednesdays only during Oct. (~~(15, 2022 - Jan. 22, 2023)~~) 14, 2023 - Jan. 21, 2024; additionally, to accommodate opportunity during recognized holiday periods, the (~~(2022-2023)~~) 2023-2024 season will include: Nov. (~~(11, 24, and 25, 2022; Dec. 26, 27, 29, and 30, 2022, and Jan. 16, 2023)~~) 10, 23, and 24, 2023; Dec. 25, 26, 28, and 29, 2023, and Jan. 1 and 15, 2024; and every day Jan. (~~(23-29, 2023)~~) 22-28, 2024, for Canada geese and white-fronted geese.

Saturdays, Sundays, and Wednesdays only during (~~(Nov. 5, 2022 - Jan. 22, 2023)~~) Oct. 14-22, 2023, and Nov. 10, 2023 - Jan. 21, 2024; additionally, to accommodate opportunity during recognized holiday periods, the 2022-2023 season will include: Nov. (~~(11, 24, and 25, 2022; Dec. 26, 27, 29, and 30, 2022, and Jan. 16, 2023)~~) 10, 23, and 24,

2023; Dec. 25, 26, 28, and 29, 2023, and Jan. 1 and 15, 2024; and every day Jan. ((23-29, 2023)) 22-28, 2024, and Feb. ((11-Mar. 1, 2023)) 17 - Mar. 3, 2024, for snow, Ross', and blue phase geese (collectively referred to as white geese).

### Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Oct. ((15-31, 2022)) 14-30, 2023, and every day from Nov. ((5, 2022-  
-Jan. 29, 2023)) 4, 2022 - Jan. 28, 2024.

Bag Limits for all Eastern Washington Goose Management Areas during regular seasons:

Daily Bag Limit: 4 Canada geese, 10 white-fronted geese, and 10 white geese (snow, Ross', blue). During Feb. ((11-Mar. 1, 2023)) 17 - Mar. 3, 2024, in GMA4: 20 white geese.

Possession Limit: 12 Canada geese, 30 white-fronted geese, and 30 white geese (snow, Ross', blue). During Feb. ((11-Mar. 1, 2023)) 17 - Mar. 3, 2024, in GMA4: 60 white geese.

### BRANT

Will remain closed in Skagit County, including during the youth, veteran, and active military date, and may only open under the following conditions on specified dates.

If the ((2022-2023)) 2023-2024 brant population in Skagit County is below 3,000 (as determined by aerial survey), the brant season in Skagit County will remain closed.

If the ((2022-2023)) 2023-2024 brant population in Skagit County is 3,000-6,000 (as determined by aerial survey), the brant season in Skagit County will be open on the following dates: Jan. ((21, 25, and 28, 2023)) 20, 24, and 27, 2024, and during the Feb. ((4, 2023)) 3, 2024, youth, veterans, and active military date.

If the 2022-2023 brant population in Skagit County is greater than 6,000 (as determined by aerial survey), the brant season in Skagit County will be open on the following dates: Jan. ((14, 15, 18, 21, 22, 25, 28, and 29, 2023)) 13, 14, 17, 20, 21, 24, 27, and 28, 2024, and during the Feb. ((4, 2023)) 3, 2024, youth, veterans, and active military date.

Open in Clallam and Whatcom counties only on the following dates: Jan. ((21, 25, and 28, 2023)) 20, 24, and 27, 2024.

Open in Pacific County only on the following dates: Jan. ((7, 8, 10, 12, 14, 15, 17, 19, 21, 22, 24, 26, 28, and 29, 2023)) 6, 7, 9, 11, 13, 14, 16, 18, 20, 21, 23, 25, 27, and 28, 2024, but may be adjusted pending the most recent 3-year running average results of the Pacific flyway winter brant survey.

Special youth, open to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting), veterans and active military personnel hunting day, open to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released

under Honorable conditions: Feb. (~~(4, 2023)~~) 3, 2024. Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

**AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BRANT**

Hunters must possess a special (~~(2022-2023)~~) 2023-2024 migratory bird hunting authorization and harvest record card for brant when hunting brant. A hunter who has not previously possessed a brant harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a brant into possession, hunters must record in ink the information required within the designated spaces provided on the harvest record card.

Bag Limits for Clallam, Skagit, Pacific and Whatcom counties:

Daily Bag Limit: 2 brant.

Possession Limit: 6 brant.

Special youth, veterans and active military personnel hunting day.

Daily Bag and Possession Limit: 2 brant.

**SWANS**

Season closed statewide.

**MOURNING DOVE**

Sept. 1 - Oct. 30, (~~(2022)~~) 2023, statewide.

Daily Bag Limit: 15 mourning doves.

Possession Limit: 45 mourning doves.

**BAND-TAILED PIGEON**

Sept. (~~(17-25, 2022)~~) 16-24, 2023, statewide.

Daily Bag Limit: 2 band-tailed pigeons.

Possession Limit: 6 band-tailed pigeons.

**AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BAND-TAILED PIGEONS**

Hunters must possess a special (~~(2022-2023)~~) 2023-2024 migratory bird hunting authorization and harvest record card for band-tailed pigeons when hunting band-tailed pigeons. A hunter who has not previously possessed a band-tailed pigeon harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required within the designated spaces provided on the harvest record card.

**FALCONRY SEASONS**

**DUCKS, COOTS, SNIPE, GEESE, AND MOURNING DOVES (EXCEPT BRANT) (Falconry)**

Same season dates for each species in each area as listed above.

Daily Bag Limit: 3, straight or mixed bag, including ducks, coots, snipe, geese, and mourning doves during established seasons.

Possession Limit: 3 times the daily bag limit.

**DUCKS, COOTS, CANADA GEESE, WHITE-FRONTED GEESE, WHITE GEESE AND BRANT**

**(Extended Falconry)**

Sept. (~~(24, 2022)~~) 23, 2023, and Feb. (~~(4, 2023)~~) 3, 2024, in Western Washington (West Zone).

(~~(Oct. 1, 2022)~~) Sept. 30, 2023, and Feb. (~~(4, 2023)~~) 3, 2024, in Eastern Washington (East Zone).

Daily Bag Limit: 3, straight or mixed bag, including allowable species specified under youth, veterans and active military personnel dates.

Possession Limit: Same as the Daily Bag Limit.

**MOURNING DOVE (Extended Falconry)**

Oct. 31 - Dec. 16, (~~(2022)~~) 2023.

Daily Bag Limit: 3, straight or mixed bag, including ducks, coots, snipe, and geese during established seasons.

Possession Limit: 3 times the daily bag limit.

**HIP REQUIREMENTS:**

All hunters of migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon) age 16 and over are required to complete a harvest information program (HIP) survey at a license dealer and possess a Washington migratory bird permit as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey and possess a Washington migratory bird permit (free for youth) as evidence of compliance with this requirement when hunting migratory game birds.

[Statutory Authority: RCW 77.04.012, 77.04.055, and 77.12.047. WSR 22-15-096 (Order 22-71), § 220-416-060, filed 7/19/22, effective 8/19/22. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 21-14-022 (Order 21-61), § 220-416-060, filed 6/28/21, effective 7/29/21; WSR 20-12-080 (Order 20-76), § 220-416-060, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 19-10-011 (Order 19-79), § 220-416-060, filed 4/19/19, effective 5/20/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-416-060, filed 5/11/18, effective 6/11/18. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090. WSR 17-10-076 (Order 17-10), amended and recodified as § 220-416-060, filed 5/3/17, effective 6/3/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 16-12-087, § 232-28-436, filed 5/31/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.32.070. WSR 15-18-032 (Order 15-275), § 232-28-436, filed 8/25/15, effective 9/25/15; WSR 14-17-081 (Order 14-213), § 232-28-436, filed 8/18/14, effective 9/18/14. Statutory Authority: RCW 77.12.047, 77.12.240, 77.32.070. WSR 13-17-083 (Order 13-186), § 232-28-436, filed 8/19/13, effective 9/19/13. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.32.070, and C.F.R. Title 50, Part 20; Migratory Bird Treaty Act. WSR 12-18-001 (Order 12-191), § 232-28-436, filed 8/22/12, effective 9/22/12.]

**WSR 23-11-124**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed May 23, 2023, 8:37 a.m., effective June 23, 2023]

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

Purpose: The purpose of the adopted rules is to update the rules regarding timelines, procedures, and content for new apprenticeship program applications as detailed in chapter 296-05 WAC. The Washington state legislature passed E2SSB 5600 during the 2022 legislative session, which adds a sustainability assessment requirement to all new apprenticeship program applications. The Washington state apprenticeship and training council (WSATC) now must also consider living wage, presence of a career ladder, and other nonwage benefits for graduating apprentices when considering a new program for approval. To ensure transparency in the approval process, these items need to be included and defined in the rule.

E2SSB 5600 also requires WSATC to establish economic or industry sector-based platforms, which is a new aspect in the apprenticeship system. The bill highlights the industry sectors for which the platforms may be established and that each must consist of an equal number of employer and employee representatives and outlines the tasks that the platforms must complete. Rule making is required to define how platform members will be selected and the detailed make-up of the platforms (including minimum/maximum number of members, qualifications of platform members, electing a chair and secretary) and further clarify the role of the platforms.

Citation of Rules Affected by this Order: New WAC 296-05-219; and amending WAC 296-05-003 and 296-05-011.

Statutory Authority for Adoption: RCW 49.04.010.

Adopted under notice filed as WSR 23-06-060 on February 28, 2023.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-05-219 was updated to specify that the WSATC, WSATC chair, "or designee" is responsible for certain actions related to establishing economic and industry sector-based platforms and appointing platform representatives. Adding "or designee" makes it clear that the WSATC or WSATC chair may not be the individual(s) actually establishing platforms or appointing representatives.

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 1, Amended 2, 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: May 23, 2023.

Joel Sacks  
Director

## OTS-4351.4

AMENDATORY SECTION (Amending WSR 20-13-060, filed 6/15/20, effective 7/16/20)

**WAC 296-05-003 Definitions.** The following definitions apply to this chapter:

**(1) Adjudicative proceeding:** A proceeding before the WSATC in which an opportunity for a hearing before the WSATC is authorized by chapter 49.04 RCW or these rules before or after the entry of an order by the WSATC.

**(2) Apprentice:** A worker at least (~~sixteen~~) 16 years of age employed to learn an apprenticeable occupation and registered with a sponsor in an approved apprenticeship program under chapter 49.04 RCW and these rules. Building and construction trade occupations require an apprentice to be at least (~~seventeen~~) 17 years of age to register with a sponsor in an approved apprenticeship.

**(3) Apprenticeable occupation:** A specified occupation which must:

(a) Involve skills customarily learned in a practical way through a structured, systematic program of on-the-job supervised learning;

(b) Be clearly identified and commonly recognized throughout an industry;

(c) Involve the progressive attainment of manual, mechanical, or technical skills and knowledge which, in accordance with the industry standard for the occupation, would require the completion of at least (~~two thousand~~) 2,000 hours of on-the-job learning to attain;

(d) Require a minimum of (~~one hundred forty-four~~) 144 hours of related instruction per program year to supplement on-the-job work experience;

(e) Involve sufficient skill to establish career sustaining employment;

(f) Not be part of an occupation previously recognized by the registering agency as apprenticeable.

**(4) Apprenticeship agreement:** A written agreement between an apprentice and either the apprentice's program sponsor, or an apprenticeship committee acting as agent for the program sponsor(s), which contains the terms and conditions of the employment, training and education of the apprentice.

**(5) Apprenticeship cohort:** The group of individual apprentices registered to a specific program during a one year time frame, not including those whose agreements have been canceled during the initial probationary period.

**(6) Apprenticeship committee:** A quasi-public entity approved by the WSATC to administer and perform apprenticeship and training services.

**(7) Apprenticeship program:** A plan for administering an apprenticeship agreement containing all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices. Apprenticeship programs must include apprenticeship agreements.

**(8) Apprenticeship section:** The division of the department of labor and industries administering registered apprenticeships for state and federal purposes.

**(9) Cancellation:** The termination of registration or cancellation of approval for an apprenticeship program at the request of the supervisor or sponsor, or the termination of registration or approval of an

apprenticeship agreement at the request of the apprentice, supervisor, or sponsor.

(10) Career ladder: Opportunities for apprenticeship graduates to progress to higher levels of pay and responsibility with an employer.

(11) Certificate of completion: A record of the successful completion of a term of apprenticeship issued by the department on behalf of the WSATC. To be eligible for a certificate of completion, an apprentice must have been registered with the department and an active participant of a committee's program for at least six months and have successfully completed their apprenticeship.

(12) Certification: Written approval from the WSATC that:

(a) A set of apprenticeship standards established by an apprenticeship program sponsor substantially complies with standards established by the WSATC; and

(b) An individual is eligible for probationary employment as a registered apprentice as part of an apprenticeship program.

(13) C.F.R.: Code of Federal Regulations.

(14) Competent instructor: An instructor providing related/supplemental instruction who has demonstrated satisfactory performance in the occupation for a minimum of three years beyond the customary learning period for that occupation and who:

(a) Meets the requirements of the state board for community and technical colleges for a vocational-technical instructor; or

(b) Is recognized within an industry as having expertise in a specific occupation and is a subject matter expert; and

(c) Has training in teaching techniques and adult learning styles. The training may be acquired before, or within one year after, the competent instructor begins to provide related/supplemental instruction.

(15) Competitor: An apprenticeship program providing training in the same or similar occupation as one already existing in a certain geographic area. To determine whether a program provides training in the same or similar occupation, the WSATC may consider:

(a) Approved apprenticeship standards;

(b) Collective bargaining agreements;

(c) Dictionaries of occupational titles;

(d) Experts from organized labor, licensed contractors, and contractors' associations;

(e) Recognized labor and management industry practice;

(f) Scope of work descriptions issued by the department.

(16) Completion rate: The percentage of an apprenticeship cohort receiving a certificate of completion within one year of the projected completion date.

(17) Department: Department of labor and industries.

(18) Employer: Any person or organization with a valid Washington state unified business identifier (UBI) number employing an apprentice.

(19) Federal purposes: Any federal contract, grant, agreement, or arrangement dealing with apprenticeship. Includes any federal financial or other assistance, benefit, contribution, privilege, allowance, exemption, preference, or right pertaining to apprenticeship. See e.g., 29 C.F.R. Part 29.2.

(20) File: To send to:

Supervisor of Apprenticeship and Training  
Department of Labor and Industries  
Apprenticeship Section

Post Office Box 44530  
Olympia, Washington 98504-4530

Or deliver to and receipt at:  
Department of Labor and Industries  
7273 Linderson Way S.E.  
Tumwater, Washington 98501

Filing is complete upon deposit in the United States mail, properly addressed, postage prepaid, or personal service.

**(21) First full training cycle:** A full training cycle begins with the registration of the first apprentice and continues for one calendar year regardless of completion, cancellation and/or suspension of the apprentice.

**(22) Individual agreement:** A written agreement between an apprentice and/or trainee and either the apprentice's employer or an apprenticeship committee acting as agent for the employer.

**(23) Industry-wide standards:** The current, acceptable practices, including technological advancements, being used in the different occupations.

**(24) Journey level:** An individual having sufficient skills and knowledge of an occupation to be recognized by a state or federal registration agency and/or an industry as being fully qualified to perform the occupation. An individual can be fully qualified either through formal apprenticeship training or practical on-the-job work experience equal to or greater than the term of apprenticeship.

**(25) Living wage:** The minimum income needed to meet necessities such as food, housing, transportation, health care, and child services in a given area.

**(26) On-the-job training program:** A program that is set up in the same manner as an apprenticeship program with any exceptions authorized by the WSATC and as further described in WAC 296-05-013.

**(27) Other nonwage benefits:** Benefits such as health care, dental insurance, vision care, life insurance, paid vacation leave, sick leave, fitness, child care, a retirement plan, and other benefits an employer provides for the employee.

**(28) Probationary period:** A period of time during which the apprentice has not yet reached full status or is subject to corrective action.

(a) Initial probationary period: A period of time in relation to the full apprenticeship term, with full credit given for such period toward completion of apprenticeship, which cannot exceed (~~twenty~~) 20 percent of the apprenticeship term, or one year from the date of registration, whichever is shorter. Apprentices within the initial probationary period may not file apprenticeship complaints with the program sponsor. Apprentices transferring from another program are not subject to additional initial probationary periods.

(b) Disciplinary probationary period: A period of time after the initial probationary period during which the apprentice's progress is not satisfactory. The program sponsor may withhold periodic wage advancements, suspend or cancel the apprenticeship agreement, or take further disciplinary action. Apprentices subject to a disciplinary probationary period may file complaints with the program sponsor.

**(29) Program sustainability:**

(a) An assessment of future sustainability of a program will contain the following elements:

(i) A description of program funding:

(A) A description of program funding source and mechanisms, such as grants, trust, apprentice fees, employer fees, public funds, or other;

(B) If a program is relying on public funds to start up, a description of how the program will be funded after public start up funds expire.

(ii) A description of how program funding will be used to maintain the operational and administrative capacity of the program over time including, but not limited to, how the program will meet administrative, staffing, books and materials, rent, equipment, and insurance needs.

(iii) A description of how resources will be used to maintain capacity to deliver related/supplemental instruction over time.

(iv) For group programs as defined in WAC 296-05-009 (1)(a), a description of the structure and mechanisms the program will have in place to ensure it remains adequately funded, in compliance with its financial and legal requirements, and in a manner that promotes the best interests of the apprentice. A program must detail how its contracts, memoranda of understandings, collective bargaining agreements, or other legally binding agreements will be used to ensure program sustainability.

(b) Platforms may develop and request additional sustainability criteria specific to their sector and industries, and can recommend these criteria to the WSATC for consideration in approving programs.

**(30) Provisional registration:** Initial one-year approval of a registered program meeting the required standards for registration. After one year, the provisional registration may be made permanent or continued as provisional through the first full training cycle, or rescinded following a compliance review.

**(31) RCW:** Revised Code of Washington.

**(32) Registration:** Both apprenticeship agreements and apprenticeship program standards are registered.

(a) Apprenticeship agreement registration: The acceptance and recording of an agreement by the apprenticeship section of the department of labor and industries as evidence of the apprentice's participation in a particular registered apprenticeship program.

(b) Apprenticeship program registration: The approval and recording of the program standards by the WSATC and the apprenticeship section as meeting the basic standards and requirements for such approval.

**(33) Registration agency:** The apprenticeship section of the department of labor and industries responsible for registering apprenticeship programs and apprentices, providing technical assistance, and conducting reviews for compliance with chapter 49.04 RCW and these rules.

**(34) Related/supplemental instruction (RSI):** An organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical and technical subjects related to the apprentice's occupation. It may be provided in any form approved in advance by the WSATC. Apprentices must receive not less than (~~one hundred forty-four~~) 144 hours of RSI per program year.

**(35) Secretary:** The individual appointed by the director of the department according to RCW 49.04.030.

**(36) Sponsor:** Any person, firm, association, committee, or organization operating as an apprenticeship and training program and in whose name the program is registered.

(37) **Standards:** A written agreement containing specific provisions for operation and administration of the apprenticeship program and all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices, as further defined in WAC 296-05-015.

(38) **Supervision:** The necessary education, assistance, and control provided by a journey-level employee to an apprentice. Apprentices must be supervised by a journey-level worker on the same job site at least ((seventy-five)) 75 percent of each working day, unless otherwise approved by the WSATC.

(39) **Supervisor:** The individual appointed by the director of the department who acts as the secretary of the WSATC. When these rules create a duty of the supervisor or secretary of the WSATC, the supervisor may designate department of labor and industries' employees to assist in the performance of those duties subject to the supervisor's oversight and direction.

(40) **Trainee:** An individual enrolled in an on-the-job training program, but who is not registered with a sponsor in an approved apprenticeship program under chapter 49.04 RCW and these rules.

(41) **Training agent:** Employer of registered apprentices approved by the program sponsor to furnish on-the-job training. The training agent shall use only registered apprentices to perform work processes in accordance with approved program standards.

(42) **Training agreement:** A written agreement between a training agent and a program sponsor containing the provisions of the apprenticeship program applicable to the training agent and the duties of the training agent in providing on-the-job training.

(43) **Transfer:** A shift of apprenticeship registration from one sponsor to another with a written agreement between the apprentice and the affected apprenticeship committees or program sponsors.

(44) **WAC:** Washington Administrative Code.

(45) **WSATC:** Washington state apprenticeship and training council.

[Statutory Authority: Chapter 49.04 RCW. WSR 20-13-060, § 296-05-003, filed 6/15/20, effective 7/16/20. Statutory Authority: RCW 49.04.010 and 19.285.040. WSR 18-17-149, § 296-05-003, filed 8/21/18, effective 10/10/18. Statutory Authority: Chapter 49.04 RCW, RCW 19.285.040, and 29 C.F.R., Part 29. WSR 14-23-065, § 296-05-003, filed 11/18/14, effective 12/19/14. Statutory Authority: Chapter 49.04 RCW and RCW 19.285.040. WSR 11-11-002, § 296-05-003, filed 5/4/11, effective 7/25/11. Statutory Authority: RCW 49.04.010, 2001 c 204, and chapter 49.04 RCW. WSR 01-22-055, § 296-05-003, filed 10/31/01, effective 1/17/02.]

AMENDATORY SECTION (Amending WSR 20-13-060, filed 6/15/20, effective 7/16/20)

**WAC 296-05-011 Apprenticeship and training programs—Approval, registration, and objections.** (1) The WSATC approves and registers apprenticeship and training programs. At the regular quarterly meeting, the proposed committee and/or standards will be considered by the WSATC. The WSATC will approve provided the sponsor accepts changes recommended by the WSATC, or disapprove.

At the regular quarterly meeting, the WSATC will allow changes to correct clerical errors. The addition of standard language will be allowed if authorized representatives of the sponsor are present and authorized to accept changes. At the regular quarterly meeting, the WSATC will not accept changes to the format, language, or provisions of the submitted program standards which are not reasonably consistent with previously approved program standards.

(a) Approval: The WSATC may approve an apprenticeship program when:

(i) If applicable, an apprenticeship and training committee is organized consistent with WAC 296-05-009;

(ii) Standards are proposed by the committee consistent with WAC 296-05-015;

(iii) Standards are presented to the WSATC consistent with WAC 296-05-008;

(iv) An assessment for program sustainability is included with the application;

(v) Consideration is given as to whether graduating apprentices earn a living wage, or gain access to a progressive career ladder, or earn other nonwage benefits.

(b) The WSATC approves the following types of apprenticeship and training programs:

(i) Group joint: Sponsored by both a group of employers and a labor organization with an equal number of representatives from workers and management on the apprenticeship and training committee.

(ii) Individual joint: Sponsored by an individual employer and a labor organization with an equal number of representatives from workers and management on the apprenticeship and training committee.

(iii) Group nonjoint: A program sponsored only by an employer association and administered only by the employer association.

(iv) Individual nonjoint: A program sponsored and administered by an individual employer with no labor organization.

(v) Group waiver: A program sponsored by an employer association and a labor organization but one group waives participation in administering the program.

(vi) Individual waiver: A program sponsored by an individual person or plant and a labor organization, but one party waives participation in administering the program.

(vii) Plant: A program sponsored by the owner of a plant or plants at a particular location or locations. Plant programs are administered in accordance with chapter 49.04 RCW and these rules.

(c) Registration: If a program is approved, it is registered with the WSATC. An initial registration is provisional and lasts one year.

(i) If a program is not approved, the department will inform the sponsor in writing and explain the reasons for denying approval.

(ii) If a program is not initially approved, the WSATC may ask a sponsor to modify the program. The program may be approved with modifications.

(d) Waiver: A party may seek to waive labor union participation in administering a program when apprentices will be union members.

(i) If a program includes labor union participation, the program sponsor must obtain a written statement, known as a "no objection" statement, from the union in support of the program.

(ii) When a labor union chooses not to participate in administering the program, the employer or employers' association must furnish copies of the registration application and the proposed program standards to the union serving as the collective bargaining agent of the

employees to be trained. Before taking a final action on the application, the supervisor must give the union (~~(forty-five)~~) 45 calendar days to respond before final action is taken on the registration.

(iii) If the union fails to comment within (~~(forty-five)~~) 45 days, it will have waived its right to participate in the program and the supervisor will grant the waiver.

(e) Nonjoint and waiver committees - Additional requirements.

(i) The WSATC shall only recognize nonjoint and waiver standards for a specific occupation or directly related occupations.

(ii) When multiple related occupations are approved on a single standard, each occupation shall be considered as an individual standard.

(iii) Unrelated occupations shall be submitted under separate standards.

(f) Related/supplemental instruction: The WSATC may approve apprentice related/supplemental instruction for apprenticeable occupations based on recommendations from the state board for community and technical colleges. Program sponsors may allow credit for previously completed related/supplemental instruction under WAC 296-05-015(11).

(g) The WSATC will consider economic and industry sector-based platform recommendations on proposed standards and/or occupational objectives.

(2) Objections: If a competitor objects to the proposed standards, proposed amendments to existing standards, or initial committee, the competitor must:

(a) Provide timely and specific objections in writing to the apprenticeship supervisor (~~(twenty)~~) 20 calendar days prior to the next regular quarterly WSATC meeting on a form provided by the department; if the next regular quarterly WSATC meeting is rescheduled, the objections must still be received 20 days prior to the original scheduled date of the regular quarterly WSATC meeting.

(b) Upon receipt of a competitor's objections, the apprenticeship supervisor notifies the program sponsor within two business days and forwards the matter to the WSATC.

(c) The WSATC may adjudicate the matter itself or refer the matter to the office of administrative hearings for initial adjudication:

(i) If the WSATC decides to adjudicate all or part of the objections to the apprenticeship program standards, a hearing on the objections shall take place at the regular quarterly WSATC meeting or at a special WSATC meeting convened for purposes of hearing the objections. The department shall notify the competitor making the objections and the program sponsor that the objection is on the agenda for consideration and shall give its recommendation (~~(ten)~~) 10 calendar days prior to the original scheduled date of the regular quarterly WSATC meeting.

(ii) If the WSATC decides to refer all or part of the objections to the office of administrative hearings, the WSATC shall identify the specific matters on which the WSATC is requesting the office of administrative hearings provide findings and conclusions for the initial order.

(d) The department may attempt to facilitate a resolution to any objections during the process identified in this section.

(3) Reciprocity: The WSATC may recognize out-of-state apprenticeship programs when:

(a) The program complies with federal requirements; or

(b) The program is recognized by a recognized state apprenticeship agency; and

(c) The program sponsor agrees to comply with Washington wage and hour laws; and

(d) The program sponsor presents reasonably consistent standards of apprenticeship and asks for recognition from the WSATC.

The WSATC may revoke reciprocity agreements at any time.

[Statutory Authority: Chapter 49.04 RCW. WSR 20-13-060, § 296-05-011, filed 6/15/20, effective 7/16/20. Statutory Authority: RCW 49.04.010 and 19.285.040. WSR 18-17-149, § 296-05-011, filed 8/21/18, effective 10/10/18. Statutory Authority: RCW 49.04.010, 2001 c 204, and chapter 49.04 RCW. WSR 01-22-055, § 296-05-011, filed 10/31/01, effective 1/17/02.]

#### NEW SECTION

##### **WAC 296-05-219 Economic and industry sector-based platforms.**

The WSATC establishes economic and industry sector-based platforms in accordance with chapter 49.04 RCW.

(1) The WSATC or designee shall establish economic and industry sector-based platforms and assign prospective and existing programs to the platforms. The WSATC or designee will consider the number of platforms and program assignments based on industry or sector needs and department resources. The department shall assign an industry liaison to support each platform.

(2) Economic and industry sector-based platforms will be comprised in the following manner:

(a) The WSATC chair or designee will appoint platform representatives with input from the industry.

(b) Consist of at least four and not more than 12 voluntary representatives with an equal number of employer and employee representatives; the WSATC or designee may adjust the number of representatives based on availability.

(c) Economic and industry sector-based platforms must elect a chair and secretary and meet as necessary to comply with reporting and recommendation requirements under RCW 49.04.240.

(d) Rural employer and/or employee representative participation on the economic and industry sector-based platforms is encouraged.

(3) Economic and industry sector-based platform members must be qualified by education and/or experience, or be known to represent the interests of employers/employees within the applicable industry sector.

(4) Economic and industry sector-based platforms must:

(a) Promote collaboration within their sector to expand apprenticeship opportunities;

(b) Collaborate with relevant community and technical college's centers of excellence; the centers shall be invited to serve in an advisory capacity to the platforms;

(c) Review related/supplemental instruction and on-the-job training standards for apprenticeship programs active within their industry sector as needed; and

(d) Review new apprenticeship program applications within their industry sector and forward approval, disapproval, or change recommendations to the department.

(5) Economic and industry sector-based platforms must report on the following items at least annually to the WSATC:

- (a) Outreach and collaboration activities to expand apprenticeship opportunities within the economic or sector-based platform;
  - (b) Participation in approved apprenticeship programs;
  - (c) Progress in developing new apprenticeship programs; and
  - (d) Any review of required related/supplemental instruction and on-the-job training standards for apprenticeship programs.
- (6) Industry platforms will establish their own meeting frequency based on workload and need. Records of meetings must be kept and forwarded to the WSATC.
- (7) Industry platforms will provide consultations and recommendations as follows:
- (a) Economic and industry sector-based platforms may suggest adjustments to a sponsor on proposed standards and new occupational objectives prior to a proposal being submitted. Sponsors are encouraged to consult with their economic and industry sector-based platforms prior to submitting proposals.
  - (b) Industry platforms shall provide recommendations on all new proposed standards and occupational objectives within their sector being considered by the WSATC. Recommendations shall be based on the final proposals forwarded by the department no later than 30 days prior to the next WSATC meeting. Industry platform recommendations must be provided 15 days prior to the meeting.

[]

**WSR 23-11-125**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed May 23, 2023, 8:38 a.m., effective June 23, 2023]

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

Purpose: 2SHB 1988 and ESSB 5714 allow for tax deferrals on investment projects in clean technology manufacturing, clean alternative fuels production, and renewable energy storage, as well as solar canopies when the project meets certain labor standards and is certified by the department of labor and industries (L&I), supporting Washington's clean energy economy and transitioning to a clean, affordable, and reliable energy future.

The purpose of this rule making is to update chapter 296-140 WAC, Clean energy labor standards certification:

- Reorganize and add terms to the definition section;
- Identify which definitions apply to different sections of the chapter;
- Provide clarity on each type of qualifying clean energy project identified under the rules; and
- Expand language regarding good faith efforts to align with federal and Washington state department of transportation's good faith efforts standards.

Citation of Rules Affected by this Order: New WAC 296-140-005, 296-140-006, 296-140-007, 296-140-008 and 296-140-009; and amending WAC 296-140-001, 296-140-002, and 296-140-004.

Statutory Authority for Adoption: RCW 82.08.962, 82.12.962, 89.82.070, and 89.90.060.

Adopted under notice filed as WSR 23-06-061 on February 28, 2023.

A final cost-benefit analysis is available by contacting Christina Summers, L&I, Clean Energy Program, P.O. Box 44274, Olympia, WA 98504-4274, phone 360-902-5772, email Christina.summers@lni.wa.gov.

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 5, Amended 3, 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: May 23, 2023.

Joel Sacks  
Director

**OTS-3903.6**

AMENDATORY SECTION (Amending WSR 21-21-043, filed 10/13/21, effective 11/13/21)

**WAC 296-140-001 Definitions.** (1) (~~"Category 1 clean energy project" means a project to:~~

~~(a) Develop a facility capable of generating not less than 1000 watts AC of electricity using any of the following principal sources of power: Fuel cells; wind; biomass energy; geothermal resource; tidal or wave energy; or technology that converts otherwise lost energy from exhaust;~~

~~(b) Develop solar energy systems capable of generating not less than 500 kilowatts AC of electricity.~~

~~(2) "Category 2 clean energy project" means a project to develop solar energy systems capable of generating more than 100 kilowatts AC, but no more than 500 kilowatts AC of electricity.~~

~~(3)) The following definitions apply to the entire chapter:~~

~~(a) "Community workforce agreement (CWA)" means a prehire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project and is an agreement described in 29 U.S.C. Sec. 158(f). To establish the terms and conditions for employment on a single construction project, the CWA must be a single agreement covering all labor organizations representing the building and construction employees involved in the project and covers all contractors and subcontractors working on the project.~~

~~((4)) (b) "Department" means the department of labor and industries.~~

~~((5)) (c) "Good faith efforts" means the efforts by the project developer or its designated principle contractor that maximize the likelihood that the project will be built in compliance with the standards for certification, but are unable to meet these standards based on availability of qualified businesses or workers. The totality of the circumstances and factors will be reviewed to determine good faith. Good faith efforts are not necessary when the standard requirements have been met.~~

~~((6)) (d) "Labor hours" means the total hours of laborers, workers, or mechanics receiving an hourly wage who are directly employed by the contractor and all subcontractors working upon the project. Labor hours does not include hours worked by foremen, superintendents, or owners except where the hours worked are counted in satisfying the required apprentice to journey supervision ratio as required by apprenticeship standards.~~

~~((7)) (e) "Local resident" means Washington laborers, workers, or mechanics receiving an hourly wage who live within 50 miles of the project being constructed unless the project is being constructed in a rural county, then it is defined as Washington workers who live within 200 miles of the project.~~

~~((8) "Machinery and equipment" means fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, or technology that converts otherwise lost energy from exhaust. "Machinery and equipment" does not include:~~

~~(a) Hand-powered tools;~~

~~(b) Property with a useful life of less than one year;~~

~~(c) Repair parts required to restore machinery and equipment to normal working order;~~

~~(d) Replacement parts that do not increase productivity, improve efficiency, or extend the useful life of machinery and equipment;~~

~~(e) Buildings; or~~

~~(f) Building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building.~~

~~(9))~~ (f) "Minority-owned business" means a business certified with the office of minority and women's business enterprises (OMWBE) as a minority business enterprise (MBE) or a minority women business enterprise (MWBE) under chapter 326-20 WAC.

~~((10))~~ (g) "Person" has the same meaning as in RCW 82.04.030.

(h) "Project labor agreement (PLA)" means a prehire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project and is an agreement described in 29 U.S.C. Sec. 158(f). To establish the terms and conditions for employment on a single construction project, the PLA must be a single agreement covering all labor organizations representing the building and construction employees involved in the project and covers all contractors and subcontractors working on the project.

~~((11))~~ (i) "Registered apprentice" means an apprentice registered in an apprenticeship program approved by the Washington state apprenticeship and training council according to chapters 49.04 RCW and 296-05 WAC.

~~((12))~~ (j) "Rural county" has the same definition as RCW 82.14.370(5).

~~((13))~~ (k) "Women-owned business" means a business certified with the office of minority and women's business enterprises (OMWBE) as a women business enterprise (WBE) or a minority women business enterprise (MWBE) under chapter 326-20 WAC.

~~((14))~~ (l) "Veteran-owned business" means a business certified by the Washington state department of veteran affairs under RCW 43.60A.190 (~~or a business considered a veteran-owned business under 38 C.F.R. Part 74~~).

(2) The following definitions apply to WAC 296-140-002 through 296-140-004:

(a) "Category 1 clean energy project" means a project under RCW 82.08.962 and 82.12.962 to:

(i) Develop a facility capable of generating not less than 1,000 watts AC of electricity using any of the following principal sources of power: Fuel cells, wind, biomass energy, geothermal resource, tidal or wave energy, or technology that converts otherwise lost energy from exhaust;

(ii) Develop solar energy systems capable of generating not less than 500 kilowatts AC of electricity.

(b) "Category 2 clean energy project" means a project under RCW 82.08.962 and 82.12.962 to develop solar energy systems capable of generating more than 100 kilowatts AC, but no more than 500 kilowatts AC of electricity.

(c) "Machinery and equipment" means fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, or technology that converts otherwise lost energy from exhaust. "Machinery and equipment" does not include:

(i) Hand-powered tools;

(ii) Property with a useful life of less than one year;

(iii) Repair parts required to restore machinery and equipment to normal working order;

(iv) Replacement parts that do not increase productivity, improve efficiency, or extend the useful life of machinery and equipment;

(v) Buildings; or

(vi) Building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building.

(3) The following definitions apply to WAC 296-140-005 and 296-140-006:

(a) "Eligible investment project" means an investment project of at least \$2,000,000 in either qualified buildings or qualified machinery and equipment, or both, for any of the following new, renovated, or expanded:

(i) Manufacturing operations;

(ii) Facilities to produce clean fuels, subject to the limitations in RCW 82.89.010 (8)(d), renewable hydrogen, green electrolytic hydrogen, or green hydrogen carriers; or

(iii) Storage facilities.

(b) "Green electrolytic hydrogen" means hydrogen produced through electrolysis and does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(c) "Green hydrogen carrier" means a chemical compound, created using electricity or renewable resources as energy input and without use of fossil fuel as a feedstock, from renewable hydrogen or green electrolytic hydrogen for the purposes of transportation, storage, and dispensing of hydrogen.

(d)(i) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(A) Construction of the eligible investment project, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(B) Construction of the eligible investment project, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.89.020;

(C) Tenant improvements for the eligible investment project, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.89.020.

(ii) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(iii) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(e) "Investment project" means an investment in either qualified buildings or qualified machinery and equipment, or both, including labor and services rendered in the planning, installation, and construction of the project.

(f) "Manufacturing" has the same meaning as "to manufacture" in RCW 82.04.120.

(g) "Manufacturing operation" means manufacturing tangible personal property exclusively incorporated as an ingredient or component of or used in the generation of:

(i) Passenger cars, light duty trucks, medium duty passenger vehicles, buses, commercial vehicles as defined in RCW 46.04.140, or mo-

torcycles that emit no exhaust gas from the onboard source of power, other than water vapor;

(ii) Charging and fueling infrastructure for electric, hydrogen, or other vehicle types that emits no exhaust gas from the onboard source of power, other than water vapor;

(iii) Renewable and green electrolytic hydrogen, including preparing renewable and green electrolytic hydrogen for distribution or converting it to a green hydrogen carrier;

(iv) Clean fuel with associated greenhouse gas emissions not exceeding 80 percent of the 2017 levels established under RCW 70A.535.020 or its successor statute under chapter 70A.535 RCW;

(v) Electricity from renewable resources; or

(vi) Storage facilities.

(h) "Operationally complete" means the eligible investment project is capable of being used for its intended purpose as described in the application.

(i) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity, used for manufacturing, including plant offices and warehouses or other buildings for the storage of raw materials or finished goods if the facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing. If a qualified building is used partly for manufacturing and partly for other purposes, the applicable tax deferral must be determined by apportionment of the costs of construction under rules adopted by the department.

(j) "Qualified machinery and equipment" means all new industrial fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control, monitor, or operate the machinery.

(k) "Recipient" means a person receiving a tax deferral under chapter 82.89 RCW.

(l) "Renewable resource" has the same meaning as in RCW 82.08.816.

(m) "Storage facility" means a facility that:

(i) Accepts electricity as an energy source and uses a chemical, thermal, mechanical, or other process to store energy for subsequent delivery or consumption in the form of electricity; or

(ii) Stores renewable hydrogen, green electrolytic hydrogen, or green hydrogen carrier for subsequent delivery or consumption.

(4) The following definitions apply to WAC 296-140-007 and 296-140-008:

(a) "Eligible area" means a qualifying commercial center.

(b) "Eligible investment project" means an investment project that is located, as of the date the application required by RCW 82.90.030, is received by the department, in an eligible area.

(c) (i) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(A) Construction of the eligible investment project, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(B) Construction of the eligible investment project, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.90.080; or

(C) Tenant improvements for the eligible investment project, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.90.080.

(ii) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(iii) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(d) "Investment project" means an investment in a qualified solar canopy including labor and services rendered in the planning, installation, and construction of the project.

(e) "Operationally complete" means the solar canopy has received its final electrical inspection and is connected to the electrical grid.

(f) "Qualified solar canopy" means construction of a new solar canopy that has an area of at least 50,000 square feet.

(g) "Qualifying commercial center" means a property currently used for retail, industrial, office, or other commercial purposes, containing a parking area or other area dedicated for both vehicle use and placement of a solar canopy.

(h) "Recipient" means a person receiving a tax deferral under chapter 82.90 RCW.

(i) "Solar canopy" means an elevated structure, or multiple structures, containing a solar energy system, as defined in RCW 82.16.110, with a nameplate capacity of at least one megawatt of alternating current.

"Solar canopy" includes the solar energy system, power lines, and any equipment required to connect the solar canopy to the electrical grid.

[Statutory Authority: RCW 82.08.962 and 82.12.962. WSR 21-21-043, § 296-140-001, filed 10/13/21, effective 11/13/21.]

AMENDATORY SECTION (Amending WSR 21-21-043, filed 10/13/21, effective 11/13/21)

**WAC 296-140-002 Labor standard certification for Category 1 clean energy projects under RCW 82.08.962 and 82.12.962.** (1) To qualify for department certification for the 50 percent retail sales and use tax remittance for machinery and equipment installed and the labor and services rendered in respect to installing the machinery and equipment, a Category 1 clean energy project must meet the following minimum requirements:

(a) Standard for procurement from and contracts with women, minority, or veteran-owned businesses.

(i) Consult with OMWBE and DVA to develop a plan to meet the standards or good faith efforts. The plan will identify the necessary and reasonable steps which, by their scope, intensity, and appropriateness, could reasonably be expected to meet the women, minority, and veteran-owned businesses procurement and contract standards, even if

they were not fully successful and identify the documentation for the specific good faith efforts in the plan;

(ii) Have ~~((21))~~ 5.5 percent of the contract ~~((s))~~ dollars awarded to ~~((women-owned businesses,))~~ minority-owned businesses, ~~((or))~~ 9.5 percent of the contract dollars awarded to women-owned businesses, and five percent of the contract dollars awarded to veteran-owned businesses; or

~~((iii))~~ (iii) Demonstrate good faith efforts included in the plan required by (a) (i) of this subsection. In developing the plan with OMWBE and DVA, the following are good faith efforts which include, but are not limited to:

(A) Soliciting through all reasonable and available means as identified in the plan including, but not limited to: Proactive outreach to firms that are women, minority, and veteran-owned businesses; advertising in local community publications and publications appropriate to identified firms; ~~((B))~~ participating in ~~((community job fairs,))~~ conferences~~((,))~~ and trade shows; ~~((C))~~ and identification of interested women, minority, and veteran-owned businesses that have the capability to perform the work of the contract~~((D))~~.

(B) Providing reasonable time for women, minority, and veteran-owned businesses to fully and meaningfully respond to bid solicitations, that includes providing adequate information about the plans, specifications, and requirements of the contract along with timely responses to subcontractor inquiries and proposals~~((E))~~.

(C) Negotiating in good faith with interested women, minority, and veteran-owned businesses. The fact that there may be some additional costs involved in finding and using women, minority, and veteran-owned businesses is not in itself sufficient reason for a failure to meet the standard, as long as such costs are reasonable. The project developer or its designated principle contractor are not, however, required to accept higher quotes from women, minority, and veteran-owned businesses if the price difference is excessive or unreasonable.

(D) Selecting portions of the work to be performed by women, minority, and veteran-owned businesses in order to increase the likelihood that the standard will be achieved. This includes apportioning contract work items into economically feasible units to facilitate women, minority, and veteran-owned businesses' participation even when the project developer or its designated principle contractor might otherwise prefer to perform these work items with its own forces, and where possible, establishing flexible time frames for performance to encourage participation~~((F))~~.

~~((F))~~ Adequately researching interested subcontractors and their capabilities before rejecting their proposals; and

~~((G))~~ Not relying on price alone in the selection of subcontractors and considering reasonable quotes from women, minority, and veteran-owned businesses, even if other quotes are less expensive).

(E) Not rejecting women, minority, and veteran-owned businesses as being unqualified without sound reasons based on a thorough investigation of their capabilities. The project developer or its designated principle contractor standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the standard.

(F) Making efforts to assist interested women, minority, and veteran-owned businesses in obtaining necessary equipment, supplies, materials, or related assistance or services.

(G) Effectively using the services of OMWBE and DVA; women, minority, and veteran community organizations; women, minority, and veteran contractors' groups; and other appropriate organizations to provide assistance in the recruitment and placement of women, minority, and veteran-owned businesses.

(H) Mere pro forma efforts are not good faith efforts to meet the women, minority, and veteran business standards.

(I) Other efforts identified by OMWBE or DVA included in the plan required by (a) (i) of this subsection.

(b) Standard for procurement from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations.

(i) Awards contracts to businesses that have no findings of violation of federal or state wage and hour laws and regulations in a final and binding order by an administrative agency or court of competent jurisdiction in ((the 24)) a 60 month period prior to the bid date; or

(ii) Good faith efforts which include, but are not limited to:

(A) Efforts to hire contractors with a history of compliance with wage and hour laws.

(B) Adequately researching interested subcontractors and their wage and hour history before rejecting their proposals.

(C) If the only qualified contractor is one that does not meet the standard, requiring remedial measures that allow for ongoing review of compliance with wage and hour laws.

(c) Standard for apprenticeship utilization.

(i) Have a minimum of 15 percent of the project's labor hours performed by registered apprentices; or

(ii) Good faith efforts which include, but are not limited to:

(A) The project developer or its designated principle contractor or subcontractors participate in state-approved apprenticeship programs but no apprentices were available or not enough apprentices were available during the project. It is expected that contractors participate in apprenticeship programs for occupations where they have employees being trained;

(B) If apprentices are not available for dispatch at the beginning of the project, it is expected that the contractor check back with the program periodically to see if apprentices are available;

(C) The following situations do not meet the requirements for good faith efforts:

(I) Falling short of the requirement due to subcontractors not using apprentices;

(II) Not using a state-approved apprenticeship program while you are trying to get your own program approved by the Washington state apprenticeship and training council;

(III) Not using a state-approved apprenticeship program due to cost;

(IV) Not using a state-approved apprenticeship program because you are an out-of-state contractor;

(V) Not replacing an apprentice that quit or was fired; or not using enough apprentices because certain work is too dangerous or the apprentices do not have the appropriate skills.

(d) Standard for preferred entry for workers living in the area where the project is being constructed:

- (i) Have a minimum of 35 percent of total labor work hours performed by local residents except for projects located in rural counties, which may have a minimum of 20 percent of total labor hours by local residents; or
- (ii) Good faith efforts which include, but are not limited to:
- (A) Listing the job with the local Washington WorkSource office in advance of the start of the project or contract;
- (B) Participating in community job fairs, conferences, and trade shows;
- (C) Requesting the dispatch of local workers through union halls;
- ~~((C))~~ (D) Informing community partners/organizations of opportunities in advance of the start of the project or contract;
- ~~((D))~~ (E) Developing an employment hiring plan prior to the start of the project detailing how the local hiring requirements will be met; and
- ~~((E))~~ (F) Designating a jobs coordinator to be responsible for the local hire requirements with the experience and qualifications necessary to identify and recruit local workers, and provide referrals as appropriate to comply with local hire requirements.
- (2) To qualify for department certification for the 75 percent retail sales and use tax remittance for machinery and equipment installed and the labor and services rendered in respect to installing the machinery and equipment, a Category 1 clean energy project must meet the following minimum requirements:
- (a) Meet the standards for certification for the 50 percent tax remittance under WAC 296-140-002(1); and
- (b) Pay all workers performing labor hours on the project wages not less than prevailing wages as determined by the department under chapter 39.12 RCW.
- (3) To qualify for department certification for the 100 percent retail sales and use remittance for machinery and equipment installed and the labor and services rendered in respect to installing the machinery and equipment, a Category 1 clean energy project must have a signed PLA or CWA for the project prior to construction starting on the project. Separately meeting the standards for certification for the 50 percent and 75 percent tax remittance under subsections (1) and (2) of this section are not required.
- (4) The inability to meet any of the standards based on conflicts with state or federal law may constitute good faith.

[Statutory Authority: RCW 82.08.962 and 82.12.962. WSR 21-21-043, § 296-140-002, filed 10/13/21, effective 11/13/21.]

AMENDATORY SECTION (Amending WSR 21-21-043, filed 10/13/21, effective 11/13/21)

**WAC 296-140-004 Application, records and documentation, and certification for Category 1 and Category 2 clean energy projects under RCW 82.08.962 and 82.12.962.** (1) For Category 1 and Category 2 clean energy projects under RCW 82.08.962 and 82.12.962, businesses applying for department certification must complete an application in a form required by the department prior to the start of the project.

(2) Businesses must maintain records and documentation open to review to verify compliance with the labor standards or the good faith efforts. Records and documentation include, but are not limited to:

(a) Standard for procurement from and contract((s)) dollars with women, minority, or veteran-owned businesses:

(i) A list of all businesses that have had contracts on the project, including information about their certifications for the women-owned businesses, minority-owned businesses, or veteran-owned businesses that have been contracted with on the project, including:

(A) A description of the work of the contract;

(B) The dollar amount of the contract and the total dollar amount paid to the contractor;

(ii) Written confirmation from each women-owned business, minority-owned business, or veteran-owned business that it is participating in the contract;

(iii) A copy of the plan to meet the standards or good faith efforts developed in consultation with OMWBE and DVA;

(iv) A copy of OMWBE's or DVA's review to determine compliance with the good faith efforts in the plan if the standard was not met;

(v) Documentation and evidence to support good faith efforts as necessary as requested by OMWBE, DVA, or the department; and

~~((iv))~~ (vi) Other records and documentation requested by the department, OMWBE, or DVA.

(b) Standard for procurement from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations.

(i) A list of all the businesses contracted with, including the unified business identifier number, the federal employer identification number, other identifying information requested by the department, and information obtained concerning their federal and state wage and hour laws and regulations compliance history;

(ii) A copy of documents related to the contract invitation or bid such as the contract solicitation, bid request, or request for proposal; a copy of the responding bids, proposals, or offer; and a copy of any final contracts and amendments;

(iii) A description of the process used to determine prospective contractors' compliance with federal and state wage and hour laws and regulations;

(iv) Documentation and evidence to support good faith efforts as necessary; and

(v) Other records and documentation requested by the department.

(c) Standard for apprenticeship utilization.

(i) The name, occupational title, and registration number for each registered apprentice;

(ii) The number of apprentices and labor hours worked, categorized by occupational title and employer;

(iii) The number of journey level workers and labor hours worked, categorized by occupational title and employer;

(iv) Copies of weekly or monthly reporting forms and payroll records used to capture the required information;

(v) A statement affirming the hours reported meeting the definition of "labor hours" as defined by WAC 296-140-001;

(vi) Documentation and evidence to support good faith efforts as necessary; and

(vii) Other records and documentation requested by the department.

(d) Standard for preferred entry by local workers.

(i) The total number of workers performing labor hours on the project;

(ii) The total number of workers performing labor hours hired who meet the definition of a local worker under WAC 296-140-001 for the job category selected;

(iii) Employment records that contain the address of individuals hired to work on the project;

(iv) Documentation and evidence to support good faith efforts as necessary; and

(v) Other records and documentation requested by the department.

(e) Standard for payment of prevailing wages.

(i) Documentation showing all workers performing labor hours on the project were paid not less than chapter 39.12 RCW prevailing rates of wage; and

(ii) Payroll records. For projects that are also public works, labor and industries public work reporting online system for the project will eliminate the need to maintain documents and is acceptable as the system of record.

(f) Records and documents for a standard PLA or CWA. A signed copy of the PLA or CWA for the project.

(3) The department may require periodic reporting of compliance in a form and method prescribed by the department. Where a project seeking certification under this rule is also a public works project, public works reporting requirements may satisfy reporting requirements.

(4) For Category 1 clean energy projects seeking certification for the 50 and 75 percent tax remittance and Category 2 clean energy projects seeking certification for the 50 percent tax remittance, businesses must submit notice of project completion in a form required by the department. After receiving the notice of competition, the department will determine if the certification standards are met based on a review of the documentation as requested by the department. If the standards were met, the department will issue the certification to the applicant.

(5) For Category 1 clean energy projects seeking certification for the 100 percent tax remittance, the department will issue certification upon the receipt of the required application for certification and a signed copy of the PLA or CWA for the project. In the event there are separate PLAs or CWAs for different phases of construction, all PLAs and CWAs for the project must be submitted to the department before the start of each phase and the department will not certify the project until the PLAs or CWAs for the construction and installation of the energy producing equipment have all been signed.

[Statutory Authority: RCW 82.08.962 and 82.12.962. WSR 21-21-043, § 296-140-004, filed 10/13/21, effective 11/13/21.]

#### NEW SECTION

**WAC 296-140-005 Labor standard certification for projects in clean technology manufacturing, clean alternative fuels production, and renewable energy storage under chapter 82.89 RCW.** (1) To qualify for department certification for the 50 percent reduction in the amount of deferred state sales and use tax to be repaid for under RCW 82.89.060, the eligible investment projects must meet the following minimum requirements:

(a) Standard for procurement from and contracts with women, minority, or veteran-owned businesses.

(i) Consult with OMWBE and DVA to develop a plan to meet the standards or good faith efforts before the initiation of construction of the investment project. The plan will identify the necessary and reasonable steps which, by their scope, intensity, and appropriateness, could reasonably be expected to meet the women, minority, and veteran-owned businesses procurement and contract standards, even if they were not fully successful and identify the documentation for the specific good faith efforts in the plan; and

(ii) Have 5.5 percent of contract dollars awarded to minority-owned businesses, and 9.5 percent of contract dollars awarded to women-owned businesses, and five percent of contract dollars awarded to veteran-owned businesses; or

(iii) Demonstrate good faith efforts included in the plan required by (a) (i) of this subsection. In developing the plan with OMWBE and DVA, the following are good faith efforts which include, but are not limited to:

(A) Soliciting through all reasonable and available means as identified in the plan including, but not limited to, proactive outreach to firms that are women, minority, and veteran-owned businesses; advertising in local community publications and publications appropriate to identified firms and with the office of minority and women's business enterprises; participating in conferences and trade shows; and identification of interested women, minority, and veteran-owned businesses that have the capability to perform the work of the contract;

(B) Providing reasonable time for women, minority, and veteran-owned businesses to fully and meaningfully respond to bid solicitations, that includes providing adequate information about the plans, specifications, and requirements of the contract along with timely responses to subcontractor inquiries and proposals;

(C) Negotiating in good faith with interested women, minority, and veteran-owned businesses. The fact that there may be some additional costs involved in finding and using women, minority, and veteran-owned businesses is not in itself sufficient reason for a failure to meet the standard, as long as such costs are reasonable. The project developer or its designated principle contractor are not, however, required to accept higher quotes from women, minority, and veteran-owned businesses if the price difference is excessive or unreasonable;

(D) Selecting portions of the work to be performed by women, minority, and veteran-owned businesses in order to increase the likelihood that the standard will be achieved. This includes apportioning contract work items into economically feasible units to facilitate women, minority, and veteran-owned businesses' participation even when the project developer or its designated principle contractor might otherwise prefer to perform these work items with its own forces, and where possible, establishing flexible time frames for performance to encourage participation;

(E) Not rejecting women, minority, and veteran-owned businesses as being unqualified without sound reasons based on a thorough investigation of their capabilities. The project developer or its designated principle contractor standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs nonunion employee status) are

not legitimate causes for the rejection or nonsolicitation of bids in the contractor's efforts to meet the standard;

(F) Making efforts to assist interested women, minority, and veteran-owned businesses in obtaining necessary equipment, supplies, materials, or related assistance or services;

(G) Effectively using the services of OMWBE and DVA; women, minority, and veteran community organizations; women, minority, and veteran contractors' groups; and other appropriate organizations to provide assistance in the recruitment and placement of women, minority, and veteran-owned businesses;

(H) Mere pro forma efforts are not good faith efforts to meet the women, minority, and veteran business standards;

(I) Other efforts identified by OMWBE or DVA included in the plan required by (a)(i) of this subsection.

(b) Standard for procurement from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations.

(i) Awards contracts to businesses that have no findings of violation of federal or state wage and hour laws and regulations in a final and binding order by an administrative agency or court of competent jurisdiction in the 60-month period prior to the bid date; or

(ii) Good faith efforts which include, but are not limited to:

(A) Efforts to hire contractors with a history of compliance with wage and hour laws;

(B) Adequately researching interested subcontractors and their wage and hour history before rejecting their proposals; and

(C) If the only qualified contractor is one that does not meet the standard, requiring remedial measures that allow for ongoing review of compliance with wage and hour laws.

(c) Standard for apprenticeship utilization.

(i) Have a minimum of 15 percent of the project's labor hours performed by registered apprentices; or

(ii) Good faith efforts which include, but are not limited to:

(A) The project developer or its designated principle contractor or subcontractors participate in state-approved apprenticeship programs but no apprentices were available or not enough apprentices were available during the project. It is expected that contractors participate in apprenticeship programs for occupations where they have employees being trained;

(B) If apprentices are not available for dispatch at the beginning of the project, it is expected that the contractor check back with the program periodically to see if apprentices are available;

(C) The following situations do not meet the requirements for good faith efforts:

(I) Falling short of the requirement due to subcontractors not using apprentices;

(II) Not using a state-approved apprenticeship program while you are trying to get your own program approved by the Washington state apprenticeship and training council;

(III) Not using a state-approved apprenticeship program due to cost;

(IV) Not using a state-approved apprenticeship program because you are an out-of-state contractor;

(V) Not replacing an apprentice that quit or was fired; or

(VI) Not using enough apprentices because certain work is too dangerous or the apprentices do not have the appropriate skills.

(d) Standard for preferred entry for workers living in the area where the project is being constructed:

(i) Have a minimum of 35 percent of total labor work hours performed by local residents except for projects located in rural counties, which may have a minimum of 20 percent of total labor hours by local residents; or

(ii) Good faith efforts which include, but are not limited to:

(A) Listing the job with the local Washington WorkSource office in advance of the start of the project or contract;

(B) Participating in community job fairs, conferences, and trade shows;

(C) Requesting the dispatch of local workers through union halls;

(D) Informing community partners/organizations of opportunities in advance of the start of the project or contract;

(E) Developing an employment hiring plan prior to the start of the project detailing how the local hiring requirements will be met; and

(F) Designating a jobs coordinator to be responsible for the local hire requirements with the experience and qualifications necessary to identify and recruit local workers, and provide referrals as appropriate to comply with local hire requirements.

(2) To qualify for department certification for the 75 percent reduction in the amount of deferred state sales and use tax to be repaid under RCW 82.89.060, the eligible investment projects must meet the following minimum requirements:

(a) Meet the standards for certification for the 50 percent reduction in the amount of deferred state sales and use tax to be repaid under RCW 82.89.060, under subsection (1) of this section; and

(b) Pay all workers performing labor hours on the project wages not less than prevailing wages as determined by the department under chapter 39.12 RCW.

(3) To qualify for department certification for the 100 percent reduction in the amount of deferred state sales and use tax to be repaid under RCW 82.89.060, the eligible investment projects must have a signed PLA or CWA for the project prior to the initiation of construction of the investment project on the project. Separately meeting the standards for certification for the 50 percent and 75 percent certification under subsections (1) and (2) of this section are not required.

(4) The inability to meet any of the standards based on conflicts with state or federal law may constitute good faith.

[]

#### NEW SECTION

**WAC 296-140-006 Application, records and documentation, and certification for projects in clean technology manufacturing, clean alternative fuels production, and renewable energy storage under chapter 82.89 RCW.** (1) Recipients applying for department certification under chapter 82.89 RCW, must complete an application in a form required by the department prior to the initiation of construction of the investment project.

(2) Businesses must maintain records and documentation open to review to verify compliance with the labor standards or the good faith efforts. Records and documentation include, but are not limited to:

(a) Standard for procurement from and contracts with women, minority, or veteran-owned businesses:

(i) A list of all businesses that have had contracts on the project, including information about their certifications for the women-owned businesses, minority-owned businesses, or veteran-owned businesses that have been contracted with on the project, including:

(A) A description of the work of the contract;

(B) The dollar amount of the contract and the total dollar amount paid to the contractor;

(ii) Written confirmation from each women-owned business, minority-owned business, or veteran-owned business that it is participating in the contract;

(iii) A copy of the plan to meet the standards or good faith efforts developed in consultation with OMWBE and DVA;

(iv) A copy of OMWBE's or DVA's review to determine compliance with the good faith efforts in the plan if the standard was not met;

(v) Documentation and evidence to support good faith efforts as necessary as requested by OMWBE, DVA, or the department; and

(vi) Other records and documentation requested by the department.

(b) Standard for procurement from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations.

(i) A list of all the businesses contracted with, including the unified business identifier number, the federal employer identification number, other identifying information requested by the department, and information obtained concerning their federal and state wage and hour laws and regulations compliance history;

(ii) A copy of documents related to the contract invitation or bid such as the contract solicitation, bid request, or request for proposal; a copy of the responding bids, proposals, or offer; and a copy of any final contracts and amendments;

(iii) A description of the process used to determine prospective contractors' compliance with federal and state wage and hour laws and regulations;

(iv) Documentation and evidence to support good faith efforts as necessary; and

(v) Other records and documentation requested by the department.

(c) Standard for apprenticeship utilization.

(i) The name, occupational title, and registration number for each registered apprentice;

(ii) The number of apprentices and labor hours worked, categorized by occupational title and employer;

(iii) The number of journey level workers and labor hours worked, categorized by occupational title and employer;

(iv) Copies of weekly or monthly reporting forms and payroll records used to capture the required information;

(v) A statement affirming the hours reported meeting the definition of "labor hours" as defined by WAC 296-140-001;

(vi) Documentation and evidence to support good faith efforts as necessary; and

(vii) Other records and documentation requested by the department.

(d) Standard for preferred entry by local workers.

(i) The total number of workers performing labor hours on the project;

(ii) The total number of workers performing labor hours hired who meet the definition of a local worker under WAC 296-140-001 for the job category selected;

(iii) Employment records that contain the address of individuals hired to work on the project;

(iv) Documentation and evidence to support good faith efforts as necessary; and

(v) Other records and documentation requested by the department.

(e) Standard for payment of prevailing wages.

(i) Documentation showing all workers performing labor hours on the project were paid not less than chapter 39.12 RCW prevailing rates of wage; and

(ii) Payroll records. For projects that are also public works, labor and industries public work reporting online system for the project will eliminate the need to maintain documents and is acceptable as the system of record.

(f) Records and documents for a standard PLA or CWA. A signed copy of the PLA or CWA for the project.

(3) The department may require periodic reporting of compliance in a form and method prescribed by the department. Where a project seeking certification under this rule is also a public works project, public works reporting requirements may satisfy reporting requirements.

(4) For eligible investment projects seeking certification for the 50 and 75 percent reduction in the amount of deferred state sales and use tax to be repaid under RCW 82.89.060, recipients must submit notice of the project is operationally complete in a form required by the department. After receiving the notice project is operationally complete, the department will determine if the certification standards are met based on a review of the documentation as requested by the department. If the standards were met, the department will issue the certification to the applicant.

(5) For eligible investment projects seeking certification for the 100 percent reduction in the amount of deferred state sales and use tax to be repaid under RCW 82.89.060, the department will issue certification upon the receipt of the required application for certification and a signed copy of the PLA or CWA for the project. In the event there are separate PLAs or CWAs for different phases of construction, all PLAs and CWAs for the project must be submitted to the department before the start of each phase and the department will not certify the project until the PLAs or CWAs for all phases have all been signed.

[ ]

#### NEW SECTION

**WAC 296-140-007 Labor standard certification for solar canopies placed on large-scale commercial parking lots and other similar areas under chapter 82.90 RCW.** (1) To qualify for department certification for the 50 percent reduction in the amount of deferred state sales and use tax to be repaid under RCW 82.90.060, the eligible investment projects must meet the following minimum requirements:

(a) Standard for procurement from and contracts with women, minority, or veteran-owned businesses.

(i) Consult with OMWBE and DVA to develop a plan to meet the standards or good faith efforts. The plan will identify the necessary and reasonable steps which, by their scope, intensity, and appropriateness, could reasonably be expected to meet the women, minority, and veteran-owned businesses procurement and contract standards, even if they were not fully successful and identify the documentation for the specific good faith efforts in the plan; and

(ii) Have 5.5 percent of contract dollars awarded to minority-owned businesses, 9.6 percent of the contract dollars awarded to women-owned businesses, and five percent of contract dollars awarded to veteran-owned businesses; or

(iii) Demonstrate good faith efforts included in the plan required by (a)(i) of this subsection. In developing the plan with OMWBE and DVA, the following are good faith efforts which include, but are not limited to:

(A) Soliciting through all reasonable and available means as identified in the plan including, but not limited to, proactive outreach to firms that are women, minority, and veteran-owned businesses; advertising in local community publications and publications appropriate to identified firms and with the office of minority and women's business enterprises; participating in community job fairs, conferences, and trade shows; and identification of interested women, minority, and veteran-owned businesses that have the capability to perform the work of the contract;

(B) Providing reasonable time for women, minority, and veteran-owned businesses to fully and meaningfully respond to bid solicitations, that includes providing adequate information about the plans, specifications, and requirements of the contract along with timely responses to subcontractor inquiries and proposals;

(C) Negotiating in good faith with interested women, minority, and veteran-owned businesses. The fact that there may be some additional costs involved in finding and using women, minority, and veteran-owned businesses is not in itself sufficient reason for a failure to meet the standard, as long as such costs are reasonable. The project developer or its designated principle contractor are not, however, required to accept higher quotes from women, minority, and veteran-owned businesses if the price difference is excessive or unreasonable;

(D) Selecting portions of the work to be performed by women, minority, and veteran-owned businesses in order to increase the likelihood that the standard will be achieved. This includes apportioning contract work items into economically feasible units to facilitate women, minority, and veteran-owned businesses' participation even when the project developer or its designated principle contractor might otherwise prefer to perform these work items with its own forces, and where possible, establishing flexible time frames for performance to encourage participation;

(E) Not rejecting women, minority, and veteran-owned businesses as being unqualified without sound reasons based on a thorough investigation of their capabilities. The project developer or its designated principle contractor standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs nonunion employee status) are not legitimate causes for the rejection or nonsolicitation of bids in the contractor's efforts to meet the standard;

(F) Making efforts to assist interested women, minority, and veteran-owned businesses in obtaining necessary equipment, supplies, materials, or related assistance or services;

(G) Effectively using the services of OMWBE and DVA; women, minority, and veteran community organizations; women, minority, and veteran contractors' groups; and other appropriate organizations to provide assistance in the recruitment and placement of women, minority, and veteran-owned businesses;

(H) Mere pro forma efforts are not good faith efforts to meet the women, minority, and veteran business standards;

(I) Other efforts identified by OMWBE or DVA included in the plan required by (a) (i) of this subsection.

(b) Standard for procurement from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations.

(i) Awards contracts to businesses that have no findings of violation of federal or state wage and hour laws and regulations in a final and binding order by an administrative agency or court of competent jurisdiction in the 60-month period prior to the bid date; or

(ii) Good faith efforts which include, but are not limited to:

(A) Efforts to hire contractors with a history of compliance with wage and hour laws;

(B) Adequately researching interested subcontractors and their wage and hour history before rejecting their proposals; and

(C) If the only qualified contractor is one that does not meet the standard, requiring remedial measures that allow for ongoing review of compliance with wage and hour laws.

(c) Standard for apprenticeship utilization.

(i) Have a minimum of 15 percent of the project's labor hours performed by registered apprentices; or

(ii) Good faith efforts which include, but are not limited to:

(A) The project developer or its designated principle contractor or subcontractors participate in state-approved apprenticeship programs but no apprentices were available or not enough apprentices were available during the project. It is expected that contractors participate in apprenticeship programs for occupations where they have employees being trained;

(B) If apprentices are not available for dispatch at the beginning of the project, it is expected that the contractor check back with the program periodically to see if apprentices are available;

(C) The following situations do not meet the requirements for good faith efforts:

(I) Falling short of the requirement due to subcontractors not using apprentices;

(II) Not using a state-approved apprenticeship program while you are trying to get your own program approved by the Washington state apprenticeship and training council;

(III) Not using a state-approved apprenticeship program due to cost;

(IV) Not using a state-approved apprenticeship program because you are an out-of-state contractor;

(V) Not replacing an apprentice that quit or was fired; or

(VI) Not using enough apprentices because certain work is too dangerous or the apprentices do not have the appropriate skills.

(d) Standard for preferred entry for workers living in the area where the project is being constructed:

- (i) Have a minimum of 35 percent of total labor work hours performed by local residents except for projects located in rural counties, which may have a minimum of 20 percent of total labor hours by local residents; or
- (ii) Good faith efforts which include, but are not limited to:
- (A) Listing the job with the local Washington WorkSource office in advance of the start of the project or contract;
- (B) Participating in community job fairs, conferences, and trade shows;
- (C) Requesting the dispatch of local workers through union halls;
- (D) Informing community partners/organizations of opportunities in advance of the start of the project or contract;
- (E) Developing an employment hiring plan prior to the start of the project detailing how the local hiring requirements will be met; and
- (F) Designating a jobs coordinator to be responsible for the local hire requirements with the experience and qualifications necessary to identify and recruit local workers, and provide referrals as appropriate to comply with local hire requirements.
- (2) To qualify for department certification for the 75 percent reduction in the amount of deferred state sales and use tax to be repaid under RCW 82.90.060, the eligible investment projects must meet the following minimum requirements:
- (a) Meet the standards for certification for the 50 percent reduction in the amount of deferred state sales and use tax to be repaid under RCW 82.90.060, under WAC 296-140-005(1); and
- (b) Pay all workers performing labor hours on the project wages not less than prevailing wages as determined by the department under chapter 39.12 RCW.
- (3) To qualify for department certification for the 100 percent reduction in the amount of deferred state sales and use tax to be repaid under RCW 82.90.060, the eligible investment projects must have a signed PLA or CWA for the project prior to construction starting on the project. Separately meeting the standards for certification for the 50 percent and 75 percent certification under subsections (1) and (2) of this section are not required.
- (4) The inability to meet any of the standards based on conflicts with state or federal law may constitute good faith.

[]

NEW SECTION

**WAC 296-140-008 Application, records and documentation, and certification for solar canopies placed on large-scale commercial parking lots and other similar areas under chapter 82.90 RCW.** (1) Recipients applying for department certification for solar canopies placed on large-scale commercial parking lots and other similar areas under chapter 82.90 RCW must complete an application in a form required by the department prior to the initiation of construction of the investment project.

(2) Businesses must maintain records and documentation open to review to verify compliance with the labor standards or the good faith efforts. Records and documentation include, but are not limited to:

(a) Standard for procurement from and contracts with women, minority, or veteran-owned businesses:

(i) A list of all businesses that have had contracts on the project, including information about their certifications for the women-owned businesses, minority-owned businesses, or veteran-owned businesses that have been contracted with on the project, including:

(A) A description of the work of the contract;

(B) The dollar amount of the contract and the total dollar amount paid to the contractor;

(ii) Written confirmation from each women-owned business, minority-owned business, or veteran-owned business that it is participating in the contract;

(iii) A copy of the plan to meet the standards or good faith efforts developed in consultation with OMWBE and DVA;

(iv) A copy of OMWBE's or DVA's review to determine compliance with the good faith efforts in the plan if the standard was not met;

(v) Documentation and evidence to support good faith efforts as necessary as requested by OMWBE, DVA, or the department; and

(vi) Other records and documentation requested by the department, OMWBE or DVA.

(b) Standard for procurement from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations.

(i) A list of all the businesses contracted with, including the unified business identifier number, the federal employer identification number, other identifying information requested by the department, and information obtained concerning their federal and state wage and hour laws and regulations compliance history;

(ii) A copy of documents related to the contract invitation or bid such as the contract solicitation, bid request, or request for proposal; a copy of the responding bids, proposals, or offer; and a copy of any final contracts and amendments;

(iii) A description of the process used to determine prospective contractors' compliance with federal and state wage and hour laws and regulations;

(iv) Documentation and evidence to support good faith efforts as necessary; and

(v) Other records and documentation requested by the department.

(c) Standard for apprenticeship utilization.

(i) The name, occupational title, and registration number for each registered apprentice;

(ii) The number of apprentices and labor hours worked, categorized by occupational title and employer;

(iii) The number of journey level workers and labor hours worked, categorized by occupational title and employer;

(iv) Copies of weekly or monthly reporting forms and payroll records used to capture the required information;

(v) A statement affirming the hours reported meeting the definition of "labor hours" as defined by WAC 296-140-001;

(vi) Documentation and evidence to support good faith efforts as necessary; and

(vii) Other records and documentation requested by the department.

(d) Standard for preferred entry by local workers.

(i) The total number of workers performing labor hours on the project;

(ii) The total number of workers performing labor hours hired who meet the definition of a local worker under WAC 296-140-001 for the job category selected;

(iii) Employment records that contain the address of individuals hired to work on the project;

(iv) Documentation and evidence to support good faith efforts as necessary; and

(v) Other records and documentation requested by the department.

(e) Standard for payment of prevailing wages.

(i) Documentation showing all workers performing labor hours on the project were paid not less than chapter 39.12 RCW prevailing rates of wage; and

(ii) Payroll records. For projects that are also public works, labor and industries public work reporting online system for the project will eliminate the need to maintain documents and is acceptable as the system of record.

(f) Records and documents for a standard PLA or CWA. A signed copy of the PLA or CWA for the project.

(3) The department may require periodic reporting of compliance in a form and method prescribed by the department. Where a project seeking certification under this rule is also a public works project, public works reporting requirements may satisfy reporting requirements.

(4) For eligible investment projects seeking certification for the 50 and 75 percent reduction in the amount of deferred state sales and use tax to be repaid under RCW 82.90.060, recipients must submit notice of the project is operationally complete in a form required by the department. After receiving the notice project is operationally complete, the department will determine if the certification standards are met based on a review of the documentation as requested by the department. If the standards were met, the department will issue the certification to the applicant.

(5) For eligible investment projects seeking certification for the 100 percent reduction in the amount of deferred state sales and use tax to be repaid under RCW 82.90.060, the department will issue certification upon the receipt of the required application for certification and a signed copy of the PLA or CWA for the project. In the event there are separate PLAs or CWAs for different phases of construction, all PLAs and CWAs for the project must be submitted to the department before the start of each phase and the department will not certify the project until the PLAs or CWAs for all phases have all been signed.

[]

#### NEW SECTION

**WAC 296-140-009 Request for reconsideration of department decision.** (1) Applicants for department certification may request reconsideration of the department's decision to deny certification. The request for reconsideration must be received by the department within 30 calendar days from the date the department's decision is communicated to the applicant.

(2) An applicant must:

- (a) Specify the department decision(s) that the applicant is disputing;
  - (b) State the basis for disputing the department's decision; and
  - (c) Include documentation to support the provider's position.
- (3) The department may request additional information or documentation. The applicant must submit the additional information within 30 calendar days of the date on the department's request.
- (4) The department will review the original decision, information supporting the original decision, the applicant's reconsideration request and supporting documentation and will notify the applicant of the status of its reconsideration decision within 90 days. This is the final department decision, and an applicant may appeal according to RCW 34.05.570(4).

[]

**WSR 23-11-126**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed May 23, 2023, 8:40 a.m., effective July 1, 2023]

Effective Date of Rule: July 1, 2023.

Purpose: This adoption updates a conversion factor provided in WAC 296-20-135 and maximum daily fees provided in WAC 296-23-220 and 296-23-230 for certain professional health care services for injured workers. Rule changes are necessary to maintain current overall fees for health care services, which are published annually in the medical aid rules and fee schedules.

These updates increase the resource based relative value scale (RBRVS) conversion factor, increase the anesthesia conversion factor, and increase the maximum daily caps to be consistent with the changes for other professional fees resulting from our RBRVS process and changes in the relative value units published by the Centers for Medicare and Medicaid Services.

Citation of Rules Affected by this Order: Amending WAC 296-20-135, 296-23-220, and 296-23-230.

Statutory Authority for Adoption: RCW 51.04.020(1) and 51.04.030.

Adopted under notice filed as WSR 23-07-118 on March 21, 2023.

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 3, 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 3, Repealed 0.

Date Adopted: May 23, 2023.

Joel Sacks  
Director

**OTS-4403.1**

AMENDATORY SECTION (Amending WSR 22-10-064, filed 5/3/22, effective 7/1/22)

**WAC 296-20-135 Conversion factors.** (1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) **Washington RBRVS** services have a conversion factor of ~~((~~\$59.46~~))~~ \$59.54. The fee schedules list the reimbursement levels for these services.

(3) **Anesthesia services** that are paid with base and time units have a conversion factor of (~~(\$3.75)~~) \$3.83 per minute, which is equivalent to (~~(\$56.25)~~) \$57.45 per 15 minutes. The base units and payment policies can be found in the fee schedules.

[Statutory Authority: RCW 51.04.020(1) and 51.04.030. WSR 22-10-064, § 296-20-135, filed 5/3/22, effective 7/1/22; WSR 21-11-084, § 296-20-135, filed 5/18/21, effective 7/1/21; WSR 20-17-116, § 296-20-135, filed 8/18/20, effective 10/1/20; WSR 18-10-082, § 296-20-135, filed 5/1/18, effective 7/1/18; WSR 17-10-060, § 296-20-135, filed 5/2/17, effective 7/1/17; WSR 16-10-084, § 296-20-135, filed 5/3/16, effective 7/1/16; WSR 15-09-120, § 296-20-135, filed 4/21/15, effective 7/1/15; WSR 14-09-094, § 296-20-135, filed 4/22/14, effective 7/1/14; WSR 13-11-020, § 296-20-135, filed 5/7/13, effective 7/1/13; WSR 12-11-107, § 296-20-135, filed 5/22/12, effective 7/1/12; WSR 11-12-019, § 296-20-135, filed 5/24/11, effective 7/1/11; WSR 10-10-107, § 296-20-135, filed 5/4/10, effective 7/1/10; WSR 08-09-121, § 296-20-135, filed 4/22/08, effective 7/1/08; WSR 07-10-082, § 296-20-135, filed 5/1/07, effective 7/1/07; WSR 06-09-071, § 296-20-135, filed 4/18/06, effective 7/1/06; WSR 05-09-062, § 296-20-135, filed 4/19/05, effective 7/1/05; WSR 04-09-100, § 296-20-135, filed 4/20/04, effective 7/1/04; WSR 03-14-043, § 296-20-135, filed 6/24/03, effective 8/1/03; WSR 02-10-129, § 296-20-135, filed 5/1/02, effective 7/1/02; WSR 01-10-026, § 296-20-135, filed 4/24/01, effective 7/1/01; WSR 00-09-077, § 296-20-135, filed 4/18/00, effective 7/1/00. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 99-10-043, § 296-20-135, filed 4/30/99, effective 7/1/99; WSR 98-09-125, § 296-20-135, filed 4/22/98, effective 7/1/98; WSR 97-10-017, § 296-20-135, filed 4/28/97, effective 7/1/97. Statutory Authority: RCW 51.04.020 and 51.04.030. WSR 96-19-060, § 296-20-135, filed 9/16/96, effective 10/17/96; WSR 96-10-086, § 296-20-135, filed 5/1/96, effective 7/1/96; WSR 95-17-001 § 296-20-135, filed 8/2/95, effective 10/1/95; WSR 95-05-072, § 296-20-135, filed 2/15/95, effective 3/18/95. Statutory Authority: RCW 51.04.020, 51.04.030 and 1993 c 159. WSR 94-02-045 and 94-03-008, § 296-20-135, filed 12/30/93 and 1/6/94, effective 3/1/94; WSR 93-16-072, § 296-20-135, filed 8/1/93, effective 9/1/93. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 91-02-063, § 296-20-135, filed 12/28/90, effective 1/28/91; WSR 88-24-011 (Order 88-28), § 296-20-135, filed 12/1/88, effective 1/1/89; WSR 87-03-004 (Order 86-45), § 296-20-135, filed 1/8/87; WSR 83-24-016 (Order 83-35), § 296-20-135, filed 11/30/83, effective 1/1/84; WSR 82-24-050 (Order 82-39), § 296-20-135, filed 11/29/82, effective 7/1/83. Statutory Authority: RCW 51.04.020(4), 51.04.030, and 51.16.120(3). WSR 81-24-041 (Order 81-28), § 296-20-135, filed 11/30/81, effective 1/1/82; WSR 80-18-033 (Order 80-24), § 296-20-135, filed 12/1/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. WSR 79-12-086 (Order 79-18), § 296-20-135, filed 11/30/79, effective 1/1/80; Order 77-27, § 296-20-135, filed 11/30/77, effective 1/1/78; Order 76-34, § 296-20-135, filed 11/24/76, effective 1/1/77; Order 75-39, § 296-20-135, filed 11/28/75, effective 1/1/76; Order 74-7, § 296-20-135, filed 1/30/74; Order 71-6, § 296-20-135, filed 6/1/71; Order 68-7, § 296-20-135, filed 11/27/68, effective 1/1/69.]

## OTS-4404.1

AMENDATORY SECTION (Amending WSR 22-10-064, filed 5/3/22, effective 7/1/22)

**WAC 296-23-220 Physical therapy rules.** Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist, a physical therapist assistant serving under the direction of a licensed physical therapist as required in RCW 18.74.180 (3)(a), or a licensed athletic trainer serving under the direction of a licensed physical therapist as required in RCW 18.250.010 (4)(a)(v). In addition, physician assistants may order physical therapy under these rules for the attending doctor. Doctors rendering physical therapy should refer to WAC 296-21-290.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or (~~(\$140.84)~~) \$143.66 whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following 12 treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial 12 treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

[Statutory Authority: RCW 51.04.020(1) and 51.04.030. WSR 22-10-064, § 296-23-220, filed 5/3/22, effective 7/1/22; WSR 21-11-084, § 296-23-220, filed 5/18/21, effective 7/1/21; WSR 20-17-116, § 296-23-220, filed 8/18/20, effective 10/1/20; WSR 18-10-082, § 296-23-220, filed 5/1/18, effective 7/1/18; WSR 17-10-060, § 296-23-220, filed 5/2/17, effective 7/1/17; WSR 16-10-084, § 296-23-220, filed 5/3/16, effective 7/1/16; WSR 15-09-120, § 296-23-220, filed 4/21/15, effective 7/1/15. Statutory Authority: RCW 51.04.020 and 51.04.030. WSR 14-23-064, § 296-23-220, filed 11/18/14, effective 1/1/15. Statutory Authority: RCW 51.04.020(1) and 51.04.030. WSR 14-09-094, § 296-23-220, filed 4/22/14, effective 7/1/14; WSR 13-11-020, § 296-23-220, filed 5/7/13, effective 7/1/13; WSR 12-11-107, § 296-23-220, filed 5/22/12, effective 7/1/12; WSR 08-09-121, § 296-23-220, filed 4/22/08, effective 7/1/08; WSR 07-10-082, § 296-23-220, filed 5/1/07, effective 7/1/07; WSR 06-09-071, § 296-23-220, filed 4/18/06, effective 7/1/06. Statutory Authority: RCW 51.04.020 and 51.04.030. WSR 05-18-030, § 296-23-220, filed 8/30/05, effective 10/1/05. Statutory Authority: RCW 51.04.020(1) and 51.04.030. WSR 05-09-062, § 296-23-220, filed 4/19/05, effective 7/1/05; WSR 04-09-100, § 296-23-220, filed 4/20/04, effective 7/1/04; WSR 03-14-043, § 296-23-220, filed 6/24/03, effective 8/1/03; WSR 02-10-129, § 296-23-220, filed 5/1/02, effective 7/1/02; WSR 01-10-026, § 296-23-220, filed 4/24/01, effective 7/1/01; WSR 00-09-077, § 296-23-220, filed 4/18/00, effective 7/1/00. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 99-10-043, § 296-23-220, filed 4/30/99, effective 7/1/99; WSR 98-09-125, § 296-23-220, filed 4/22/98, effective 7/1/98; WSR 97-10-017, § 296-23-220, filed 4/28/97, effective 7/1/97; WSR 96-10-086, § 296-23-220, filed 5/1/96, effective 7/1/96; WSR 95-05-072, § 296-23-220, filed 2/15/95, effective 3/18/95. Statutory Authority: RCW 51.04.020, 51.04.030 and 1993 c 159. WSR 94-02-045, § 296-23-220, filed 12/30/93, effective 3/1/94; WSR 93-16-072, § 296-23-220, filed 8/1/93, effective 9/1/93.]

**OTS-4405.1**

AMENDATORY SECTION (Amending WSR 22-10-064, filed 5/3/22, effective 7/1/22)

**WAC 296-23-230 Occupational therapy rules.** Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist. In addition, physician assistants may order occupational therapy under these rules for the attending doctor. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational therapy treatment must be ordered by the worker's attending doctor or by the physician assistant.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following 12 treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial 12 treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or (~~(\$140.84)~~) \$143.66 whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

[Statutory Authority: RCW 51.04.020(1) and 51.04.030. WSR 22-10-064, § 296-23-230, filed 5/3/22, effective 7/1/22; WSR 21-11-084, § 296-23-230, filed 5/18/21, effective 7/1/21; WSR 20-17-116, § 296-23-230, filed 8/18/20, effective 10/1/20; WSR 18-10-082, § 296-23-230, filed 5/1/18, effective 7/1/18; WSR 17-10-060, § 296-23-230, filed 5/2/17, effective 7/1/17; WSR 16-10-084, § 296-23-230, filed 5/3/16, effective 7/1/16; WSR 15-09-120, § 296-23-230, filed 4/21/15, effective 7/1/15; WSR 14-09-094, § 296-23-230, filed 4/22/14, effective 7/1/14; WSR 13-11-020, § 296-23-230, filed 5/7/13, effective 7/1/13; WSR 12-11-107, § 296-23-230, filed 5/22/12, effective 7/1/12; WSR 08-09-121, § 296-23-230, filed 4/22/08, effective 7/1/08; WSR 07-10-082, § 296-23-230, filed 5/1/07, effective 7/1/07; WSR 06-09-071, § 296-23-230, filed 4/18/06, effective 7/1/06. Statutory Authority: RCW 51.04.020 and 51.04.030. WSR 05-18-030, § 296-23-230, filed 8/30/05, effective 10/1/05. Statutory Authority: RCW 51.04.020(1) and 51.04.030. WSR 05-09-062, § 296-23-230, filed 4/19/05, effective 7/1/05; WSR 04-09-100, § 296-23-230, filed 4/20/04, effective 7/1/04; WSR 03-14-043, § 296-23-230, filed 6/24/03, effective 8/1/03; WSR 02-10-129, § 296-23-230, filed 5/1/02, effective 7/1/02; WSR 01-10-026, § 296-23-230, filed 4/24/01, effective 7/1/01; WSR 00-09-077, § 296-23-230, filed 4/18/00, effective 7/1/00. Statutory Authority: RCW 51.04.020(4) and 51.04.030. WSR 99-10-043, § 296-23-230, filed 4/30/99, effective 7/1/99; WSR 98-09-125, § 296-23-230, filed 4/22/98, effective 7/1/98; WSR 97-10-017, § 296-23-230, filed 4/28/97, effective 7/1/97; WSR 96-10-086, § 296-23-230, filed 5/1/96, effective 7/1/96; WSR 95-05-072, § 296-23-230, filed 2/15/95, effective 3/18/95. Statutory Authority: RCW 51.04.020, 51.04.030 and 1993 c 159. WSR 94-02-045, § 296-23-230, filed 12/30/93, effective 3/1/94; WSR 93-16-072, § 296-23-230, filed 8/1/93, effective 9/1/93.]

## WSR 23-11-129

## PERMANENT RULES

## GREEN RIVER COLLEGE

[Filed May 23, 2023, 8:52 a.m., effective June 23, 2023]

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

Purpose: Green River College is making a clerical change to update the intention of the rule. No anticipated effects on this proposal. WAC 132J-126-230 Summary suspension.

Citation of Rules Affected by this Order: Amending WAC 132J-126-230.

Statutory Authority for Adoption: RCW 34.05.353.

Adopted under notice filed as WSR 23-07-003 on March 1, 2023.

Date Adopted: May 23, 2023.

Shawn Percell  
Director of Judicial Affairs and Compliance

**OTS-4407.1**

AMENDATORY SECTION (Amending WSR 14-24-129, filed 12/3/14, effective 1/3/15)

**WAC 132J-126-230 Summary suspension.** (1) Summary suspension is a temporary exclusion from specified college premises or denial of access to all activities or privileges for which a respondent might otherwise be eligible, while an investigation and/or formal disciplinary procedures are pending.

(2) The student conduct officer may impose a summary suspension if there is probable cause to believe that the respondent:

(a) Has violated any provision of the code of conduct; and

(b) Presents an immediate danger to the health, safety, or welfare of members of the college community; or

(c) Poses an ongoing threat of disruption of, or interference with, the operations of the college.

(3) Notice. Any respondent who has been summarily suspended shall be served with oral or written notice of the summary suspension. If oral notice is given, a written notification shall be served on the respondent within two business days of the oral notice.

(4) The written notification shall be entitled "Notice of Summary Suspension" and shall include:

(a) The reasons for imposing the summary suspension, including a description of the conduct giving rise to the summary suspension and reference to the provisions of the student conduct code or the law allegedly violated;

(b) The date, time, and location when the respondent must appear before the conduct review officer for a hearing on the summary suspension; and

(c) The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that his or her privilege to enter into or remain on college premises has been withdrawn, that the respondent shall be considered trespassing

and subject to arrest for criminal trespass if the respondent enters the college campus other than to meet with the student conduct officer or conduct review officer, or to attend a disciplinary hearing.

(5) An officer designated by the president, who shall be someone other than the student conduct (~~(review)~~) officer, shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension. The hearing will be conducted as a brief adjudicative proceeding.

(a) During the summary suspension hearing, the issue before the reviewing officer is whether there is probable cause to believe that the summary suspension should be continued pending the conclusion of disciplinary proceedings and/or whether the summary suspension should be less restrictive in scope.

(b) The respondent shall be afforded an opportunity to explain why summary suspension should not be continued while disciplinary proceedings are pending or why the summary suspension should be less restrictive in scope.

(c) If the student fails to appear at the designated hearing time, the conduct review officer may order that the summary suspension remain in place pending the conclusion of the disciplinary proceedings.

(d) As soon as practicable following the hearing, the conduct review officer shall issue a written decision which shall include a brief explanation for any decision continuing and/or modifying the summary suspension and notice of any right to appeal.

(e) To the extent permissible under applicable law, the conduct review officer shall provide a copy of the decision to all persons or offices who may be bound or protected by it.

[Statutory Authority: RCW 28B.50.140(13) and P.L. 113-4. WSR 14-24-129, § 132J-126-230, filed 12/3/14, effective 1/3/15.]

WSR 23-11-137

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 23, 2023, 3:13 p.m., effective June 23, 2023]

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

Purpose: This rule making amends the Washington cranberry commission marketing order by adding the word "state" to the legal name of the commission, changing it to the Washington state cranberry commission.

Citation of Rules Affected by this Order: Amending WAC 16-565-080 and 16-565-090.

Statutory Authority for Adoption: RCW 15.65.047.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 23-07 [23-07-138] on March 22, 2023.

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 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: May 23, 2023.

Derek I. Sandison  
Director

OTS-4432.1

Chapter 16-565 WAC  
WASHINGTON STATE CRANBERRY COMMISSION

AMENDATORY SECTION (Amending WSR 22-12-077, filed 5/28/22, effective 6/28/22)

**WAC 16-565-080 Requests for public records.** (1) All requests for disclosure of public records must be submitted in writing directly to the commission's public records officer by mail to Washington State Cranberry Commission, P.O. Box 597, Grayland, Washington, 98547. The written request should include:

- (a) The name, address and telephone number or other contact information of the person requesting the records;
- (b) The calendar date on which the request is made; and

(c) Sufficient information to readily identify records being requested.

(2) Any person wishing to inspect the commission's public records may make an appointment with the public records officer to inspect the records at the commission office during regular business hours. In order to adequately protect the commission's public records, the following will apply:

(a) Public records made available for inspection may not be removed from the area the commission makes available for inspection.

(b) Inspection of any public record will be conducted in the presence of the public records officer or designee.

(c) Public records may not be marked or altered in any manner during the inspection.

(d) The commission has the discretion to designate the means and the location for the inspection of records. The viewing of those records that require specialized equipment shall be limited to the availability of that equipment located at the commission's office and the availability of authorized staff to operate that equipment.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. WSR 22-12-077, § 16-565-080, filed 5/28/22, effective 6/28/22.]

AMENDATORY SECTION (Amending WSR 22-12-077, filed 5/28/22, effective 6/28/22)

**WAC 16-565-090 Fees—Inspection and copying.** (1) No fee will be charged for the inspection of public records.

(2) Pursuant to RCW 42.56.120(2), the commission declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records: Funds were not allocated for performing a study to calculate actual costs and the commission lacks the necessary funds to perform a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential agency functions.

(3) The commission may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120. For all copying or duplicating service charges incurred, an invoice will be sent to the requestor. Reimbursement is payable within 15 days of receipt of invoice payable to the Washington state cranberry commission. The commission may require that all charges be paid in advance of release of the copies of the records.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. WSR 22-12-077, § 16-565-090, filed 5/28/22, effective 6/28/22.]

WSR 23-11-150  
PERMANENT RULES  
SOUTH PUGET SOUND  
COMMUNITY COLLEGE

[Filed May 24, 2023, 9:36 a.m., effective June 24, 2023]

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

Purpose: Sam's Law (HB [2SHB] 1751) is the new anti-hazing legislation recently adopted in Washington state in June 2022. The new law updates the definition of hazing and requires institutions of higher education to implement anti-hazing programming for employees and students. In addition to adopting this new definition of hazing, institutions of higher education are required to revise their student conduct codes to prohibit hazing both on and off campus. At the federal level, adjustments to Title IX are also required at this time.

Citation of Rules Affected by this Order: New WAC 132X-60-125; and amending WAC 132X-60-015, 132X-60-020, 132X-60-090, 132X-60-200, 132X-60-260, and 132X-60-280.

Statutory Authority for Adoption: RCW 28B.10.900 through 28B.10.904 (as amended by 2SHB 1751, Sam's Law Act); chapter 34.05 RCW; and RCW 28B.50.140(13); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

Adopted under notice filed as WSR 23-07-140 on March 22, 2023.

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 1, Amended 3, 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: May 9, 2023.

Timothy Stokes  
President

**OTS-4378.1**

AMENDATORY SECTION (Amending WSR 21-08-019, filed 3/29/21, effective 4/29/21)

**WAC 132X-60-015 Definitions.** The following definitions shall apply for purpose of this student conduct code:

(1) "**Business day**" means a weekday, excluding weekends and college holidays.

(2) "**College premises**" shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, college housing, vehicles, equipment, and other property owned, used, or controlled by the college.

(3) **"Complainant"** is an alleged victim of sexual misconduct.

(4) **"Conduct review officer"** is the vice president for student services or other college administrator designated by the president to be responsible for receiving and for reviewing or referring appeals of student disciplinary actions in accordance with the procedures of this code.

(5) **"Disciplinary action"** is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

(6) **"Disciplinary appeal"** is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess of ~~((ten))~~ 10 instructional days or an expulsion are heard by the student conduct appeals board. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings. See 132X-60-105 for a general overview of appeals process.

(7) **"Filing"** is the process by which a document is officially delivered to a college official responsible for facilitating a disciplinary review. Unless otherwise provided, filing shall be accomplished by:

(a) Hand delivery of the document to the specified college official or college official's assistant; or

(b) By sending the document by email and first class mail to the specified college official's office and college email address.

Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official.

(8) **"Respondent"** is the student against whom disciplinary action is initiated.

(9) **"Service"** is the process by which a document is officially delivered to a party. Unless otherwise provided, service upon a party shall be accomplished by:

(a) Hand delivery of the document to the party; or

(b) By sending the document by email and by certified mail or first class mail to the party's last known address.

Service is deemed complete upon hand delivery of the document or upon the date of the document is emailed and deposited in the mail.

(10) **"Sexual misconduct"** has the meaning ascribed to this term in WAC 132X-60-090.

(11) **"Student"** includes all persons taking courses at or through the college, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit courses, online courses, or otherwise. Persons who withdraw after allegedly violating the code, who are not officially enrolled for particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered "students" for purposes of this chapter.

(12) **"Student conduct officer"** is a college administrator designated by the president to be responsible for implementing and enforcing the student conduct code.

(13) "Student group" for purposes of this code, is a student organization, athletic team, or living group including, but not limited to, student clubs and organizations, members of a class or student cohort, student performance groups, and student living groups within student housing.

(14) **"The president"** is the president of the college. The president is authorized to:

- (a) Delegate any of their responsibilities as set forth in this chapter as may be reasonably necessary; and
- (b) Reassign any and all duties and responsibilities as set forth in this chapter as may be reasonably necessary.

[Statutory Authority: 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. WSR 21-08-019, § 132X-60-015, filed 3/29/21, effective 4/29/21. Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. WSR 12-03-093, § 132X-60-015, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). WSR 00-05-023, § 132X-60-015, filed 2/8/00, effective 3/10/00.]

AMENDATORY SECTION (Amending WSR 21-08-019, filed 3/29/21, effective 4/29/21)

**WAC 132X-60-020 Jurisdiction.** (1) The student conduct code shall apply to (~~student~~) conduct by students and student groups that occurs:

- (a) On college premises;
- (b) At or in connection with college sponsored activities; or
- (c) To off-campus conduct that in the judgment of the college adversely affects the college community or the pursuit of its objectives.

(2) Jurisdiction extends to, but is not limited to, locations in which students or student groups are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training internships, cooperative and distance education, online education, practicums, supervised work experiences or any other college-sanctioned social or club activities and college-sanctioned housing.

(3) Students are responsible for their conduct from notification of acceptance at the college through the actual receipt of a certificate or degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment.

(4) These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending.

(5) The student conduct officer has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct by students or student groups that occurs off campus.

[Statutory Authority: 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. WSR 21-08-019, § 132X-60-020, filed 3/29/21, effective 4/29/21. Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. WSR 12-03-093, § 132X-60-020, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). WSR 00-05-023, § 132X-60-020, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-60-020, filed 10/18/88.]

AMENDATORY SECTION (Amending WSR 21-08-019, filed 3/29/21, effective 4/29/21)

**WAC 132X-60-090 Prohibited student conduct.** The college may impose disciplinary sanctions against a student who commits, attempts to commit, aids, abets, incites, encourages, or assists another person to commit, an act(s) of misconduct, which include, but are not limited to, the following:

(1) **Academic dishonesty.** Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication.

(a) Cheating includes any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.

(b) Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. Prohibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.

(c) Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing false or deceptive information to an instructor concerning the completion of an assignment.

(d) Academic sanctions for failing to meet the college's standards for satisfactory scholarship and academic integrity may be imposed at the discretion of a faculty member, program chair, dean, or academic review panel, as set forth in the college's academic standards policy. Students should refer to each faculty course syllabus, and the college's academic standards policy, which is separate and distinct from the policies and procedures associated with the college's student conduct code, Title IX, and final course grade appeals.

(2) **Alcohol, drug, and tobacco violations.**

(a) **Alcohol.** The use, possession (where possession is illegal under federal, state, or local law), delivery, sale, or being observably under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.

(b) **Marijuana.** The use, possession (where possession is illegal under federal, state, or local law), delivery, or sale of marijuana or the psychoactive compounds found in marijuana intended for human consumption, regardless of form, or being observably under the influence of marijuana or the psychoactive compounds found in marijuana. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

(c) **Drugs.** The use, possession, delivery, sale, or being observably under the influence of any legend drug, including anabolic steroids, androgens, or human growth hormones as defined in chapter 69.41 RCW, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed practitioner.

(d) **Tobacco, electronic cigarettes and related products.** The use of tobacco, electronic cigarettes, and related products in any building owned, leased or operated by the college or in any location where such use is prohibited, including (~~twenty-five~~) 25 feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased or operated by the college. The use of tobacco, electronic cigarettes, and related products on the college campus is restricted to designated smoking areas. "Related products" include, but are not limited to, cigarettes, pipes, bidi, clove cigarettes, waterpipes, hookahs, chewing tobacco, vaporizers, and snuff.

(3) **Assault, intimidation, harassment.** Unwanted touching, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purposes of this code, "bullying" is defined as repeated or aggressive unwanted behavior, not otherwise protected by law that intentionally humiliates, harms, or intimidates the victim.

(4) **Cyber misconduct.** Cyberstalking, cyberbullying or online harassment. Use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, to harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's email communications directly or through spyware, sending threatening emails, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third parties using another's email identity, nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.

(5) **Discriminatory conduct.** Conduct which harms or adversely affects any member of the college community because of her/his race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age; religion; creed; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

(6) **Ethical violation.** The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing as an educational goal or major.

(7) **Failure to comply with directive.** Failure to comply with the directive of a college officer or employee who is acting in the legitimate performance of his or her duties, including failure to properly identify oneself to such a person when requested to do so.

(8) **Harassment.** Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program, that changes the terms or conditions of employment for a college employee, or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person's race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age; religion; creed; sexual orientation; gender identity; veteran's status; or any other legally protected classification. See "sexual misconduct" for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media, and electronic communications.

(9) **Hazing.** (~~Hazing includes, but is not limited to, any initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student.~~)

(a) Hazing is any act committed as part of:

(i) A person's recruitment, initiation, pledging, admission into, or affiliation with a student group; or

(ii) Any pastime or amusement engaged in with respect to such a student group;

(iii) That causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student.

(b) Examples of hazing include, but are not limited to:

(i) Causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm;

(ii) Humiliation by ritual act;

(iii) Striking another person with an object or body part;

(iv) Causing someone to experience excessive fatigue, or physical and/or psychological shock; or

(v) Causing someone to engage in degrading or humiliating games or activities that create a risk of serious psychological, emotional, and/or physical harm.

(c) "Hazing" does not include customary athletic events or other similar contests or competitions.

(d) Consent is not a valid defense against hazing.

(10) **Lewd conduct.** Conduct which is lewd or obscene that is not otherwise protected under the law.

(11) **Misuse of electronic resources.** Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:

(a) Unauthorized use of such resources or opening of a file, message, or other item;

(b) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;

(c) Unauthorized use or distribution of someone else's password or other identification;

(d) Use of such time or resources to interfere with someone else's work;

(e) Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;

(f) Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;

(g) Use of such time or resources in violation of applicable copyright or other law;

(h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization; or

(i) Failure to comply with the college's electronic use policy.

(12) **Obstructive or disruptive conduct.** Conduct, not otherwise protected by law, that materially or substantially interferes with, impedes, or otherwise unreasonably hinders the educational process.

(a) Instruction, research, administration, disciplinary proceeding, or other college activities, including the obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity; or

(b) Any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.

(13) **Other dishonesty.** Any other acts of dishonesty. Such acts include, but are not limited to:

(a) Forgery, alteration, submission of falsified documents or misuse of any college document, record, or instrument of identification;

(b) Tampering with an election conducted by or for college students; or

(c) Furnishing false information, or failing to furnish correct information, in response to the request or requirement of a college officer or employee.

(14) **Property violation.** Damage to, misappropriation of, unauthorized use or possession of, vandalism, or other nonaccidental damaging or destruction of college property or the property of another person. Property for purposes of this subsection includes computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college trademarks.

(15) **Retaliation.** Harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because such person reported an alleged violation of this code or college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in a college investigation or disciplinary proceeding.

(16) **Safety violations.** Nonaccidental conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of the campus community, including tampering with fire safety equipment and triggering false alarms or other emergency response systems.

(17) **Sexual misconduct.** The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence. Sexual harassment prohibited by Title IX is defined in the supplemental procedures to this code. See WAC 132X-60-210 (supplemental Title IX student conduct procedures).

(a) **Sexual harassment.** The term "sexual harassment" means unwelcome sexual- or gender-based conduct, including unwelcome sexual advances, requests for sexual favors, quid pro quo harassment, and other verbal, nonverbal, or physical conduct of a sexual or a gendered nature that is sufficiently severe, persistent, or pervasive as to:

(i) Deny or limit the ability of a student to participate in or benefit from the college's educational program;

(ii) Alter the terms or conditions of employment for a college employee(s); and/or

(iii) Create an intimidating, hostile, or offensive environment for other campus community members.

(b) **Sexual intimidation.** The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on sex including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

(c) **Sexual violence.** "Sexual violence" is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

(i) Nonconsensual sexual intercourse. Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(ii) Nonconsensual sexual contact. Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual

touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(iii) Incest. Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren, and adopted children under the age of (~~eighteen~~) 18.

(iv) Statutory rape. Consensual intercourse between a person who is (~~eighteen~~) 18 years of age or older, and a person who is under the age of (~~sixteen~~) 16.

(v) Domestic violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(vi) Dating violence, physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(I) The length of the relationship;

(II) The type of relationship; and

(III) The frequency of interaction between the persons involved in the relationship.

(vii) Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) Fear for their safety or the safety of others; or

(B) Suffer substantial emotional distress.

(d) For purposes of this code, "consent" means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact. A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual sexual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

(18) **Unauthorized access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property.

(19) **Violation of other laws or policies.** Violation of any federal, state, or local law, rule, or regulation or other college rules or policies, including college traffic and parking rules.

(20) **Weapons.** Carrying, exhibiting, displaying or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state, or local laws to civil and criminal authorities for disposition. The college reserves the right to pursue student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

[Statutory Authority: 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. WSR 21-08-019, § 132X-60-090, filed 3/29/21, effective 4/29/21. Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. WSR 12-03-093, § 132X-60-090, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). WSR 00-05-023, § 132X-60-090, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. WSR 88-21-071 (Order 88-1), § 132X-60-090, filed 10/18/88.]

#### NEW SECTION

**WAC 132X-60-125 Hazing prohibited—Sanctions.** (1) Hazing by a student or a student group is prohibited pursuant to WAC 132X-60-090(9).

(2) No student may conspire to engage in hazing or participate in hazing of another. State law provides that hazing is a criminal offense, punishable as a misdemeanor.

(3) Washington state law provides that:

(a) Any student group that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing. If the organization, association, or student living group is a corporation whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) Any person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the college.

(c) Student groups that knowingly permits hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by the college.

(d) Student groups found responsible for violating the code of student conduct, college antihazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault will be disclosed in a public report issued by the college setting forth the name of the student group, the date the investigation began, the date the investigation ended, a finding of responsibility, a description of the incident(s) giving rise to the finding, and the details of the sanction(s) imposed.

[ ]

AMENDATORY SECTION (Amending WSR 21-08-019, filed 3/29/21, effective 4/29/21)

**WAC 132X-60-200 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 South Puget Sound Community College's standard disciplinary procedures in chapter 132X-60 WAC, these supplemental procedures shall take precedence. South Puget Sound Community 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: 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. WSR 21-08-019, § 132X-60-200, filed 3/29/21, effective 4/29/21.]

AMENDATORY SECTION (Amending WSR 21-08-019, filed 3/29/21, effective 4/29/21)

**WAC 132X-60-260 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: 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. WSR 21-08-019, § 132X-60-260, filed 3/29/21, effective 4/29/21.]

AMENDATORY SECTION (Amending WSR 21-08-019, filed 3/29/21, effective 4/29/21)

**WAC 132X-60-280 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 chapter 132X-60 WAC.~~

~~(2) The president or their delegate will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether the disciplinary sanction and condition(s) imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth any new disciplinary sanction and/or condition(s).~~

~~(3) President's office shall serve the final decision on the parties simultaneously.)~~

(1) 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 sanctions and conditions imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth the new disciplinary sanctions and conditions.

(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: 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. WSR 21-08-019, § 132X-60-280, filed 3/29/21, effective 4/29/21.]

WSR 23-11-162
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed May 24, 2023, 10:33 a.m., effective June 24, 2023]

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

Purpose: To establish official pay dates for state officers and employees for calendar year 2024.

Citation of Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Adopted under notice filed as WSR 23-07-121 on March 22 [21], 2023.

Date Adopted: May 24, 2023.

Nathan Sherrard
Legal Affairs Counsel
Rules Coordinator

AMENDATORY SECTION (Amending WSR 22-15-018, filed 7/11/22, effective 8/11/22)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years ((2022 and)) 2023 and 2024:

Table with 2 columns: ((CALENDAR YEAR 2022 and)) CALENDAR YEAR 2023. Lists dates from January 10, 2022 to December 23, 2023.

<u>CALENDAR YEAR 2023</u>	<u>CALENDAR YEAR 2024</u>
<u>Tuesday, January 10, 2023</u>	<u>Wednesday, January 10, 2024</u>
<u>Wednesday, January 25, 2023</u>	<u>Thursday, January 25, 2024</u>
<u>Friday, February 10, 2023</u>	<u>Friday, February 9, 2024</u>
<u>Friday, February 24, 2023</u>	<u>Monday, February 26, 2024</u>
<u>Friday, March 10, 2023</u>	<u>Monday, March 11, 2024</u>
<u>Friday, March 24, 2023</u>	<u>Monday, March 25, 2024</u>
<u>Monday, April 10, 2023</u>	<u>Wednesday, April 10, 2024</u>
<u>Tuesday, April 25, 2023</u>	<u>Thursday, April 25, 2024</u>
<u>Wednesday, May 10, 2023</u>	<u>Friday, May 10, 2024</u>
<u>Thursday, May 25, 2023</u>	<u>Friday, May 24, 2024</u>
<u>Friday, June 9, 2023</u>	<u>Monday, June 10, 2024</u>
<u>Monday, June 26, 2023</u>	<u>Tuesday, June 25, 2024</u>
<u>Monday, July 10, 2023</u>	<u>Wednesday, July 10, 2024</u>
<u>Tuesday, July 25, 2023</u>	<u>Thursday, July 25, 2024</u>
<u>Thursday, August 10, 2023</u>	<u>Friday, August 9, 2024</u>
<u>Friday, August 25, 2023</u>	<u>Monday, August 26, 2024</u>
<u>Monday, September 11, 2023</u>	<u>Tuesday, September 10, 2024</u>
<u>Monday, September 25, 2023</u>	<u>Wednesday, September 25, 2024</u>
<u>Tuesday, October 10, 2023</u>	<u>Thursday, October 10, 2024</u>
<u>Wednesday, October 25, 2023</u>	<u>Friday, October 25, 2024</u>
<u>Thursday, November 9, 2023</u>	<u>Friday, November 8, 2024</u>
<u>Wednesday, November 22, 2023</u>	<u>Monday, November 25, 2024</u>
<u>Monday, December 11, 2023</u>	<u>Tuesday, December 10, 2024</u>
<u>Friday, December 22, 2023</u>	<u>Tuesday, December 24, 2024</u>

[Statutory Authority: RCW 42.16.010 (1) and 42.16.017. WSR 22-15-018, § 82-50-021, filed 7/11/22, effective 8/11/22; WSR 21-16-019, § 82-50-021, filed 7/23/21, effective 8/23/21; WSR 20-10-059, § 82-50-021, filed 4/30/20, effective 5/31/20; WSR 19-12-008, § 82-50-021, filed 5/23/19, effective 6/23/19; WSR 18-10-052, § 82-50-021, filed 4/26/18, effective 5/27/18; WSR 17-13-073, § 82-50-021, filed 6/16/17, effective 7/17/17; WSR 16-12-057, § 82-50-021, filed 5/26/16, effective 6/26/16; WSR 15-10-025, § 82-50-021, filed 4/27/15, effective 5/28/15; WSR 14-12-007, § 82-50-021, filed 5/22/14, effective 6/22/14; WSR 13-08-078, § 82-50-021, filed 4/2/13, effective 5/3/13; WSR 12-09-016, § 82-50-021, filed 4/5/12, effective 5/6/12; WSR 11-10-019, § 82-50-021, filed 4/26/11, effective 5/27/11; WSR 10-10-011, § 82-50-021, filed 4/22/10, effective 5/23/10; WSR 09-11-008, § 82-50-021, filed 5/7/09, effective 6/7/09; WSR 08-09-038, § 82-50-021, filed 4/9/08, effective 5/10/08; WSR 07-11-015, § 82-50-021, filed 5/3/07, effective 6/3/07; WSR 06-11-053, § 82-50-021, filed 5/11/06, effective 6/11/06; WSR 05-11-038, § 82-50-021, filed 5/11/05, effective 6/11/05; WSR 04-15-006, § 82-50-021, filed 7/7/04, effective 8/7/04; WSR 03-11-073, § 82-50-021, filed 5/20/03, effective 6/20/03; WSR 02-13-087, § 82-50-021, filed 6/18/02, effective 7/19/02; WSR 01-12-007, § 82-50-021, filed 5/24/01, effective 6/24/01; WSR 00-09-088, § 82-50-021, filed 4/18/00, effective 5/19/00; WSR 99-12-081, § 82-50-021, filed 5/28/99, effective 6/28/99; WSR 98-14-079, § 82-50-021, filed 6/30/98, effective 6/30/98; WSR 97-13-064, § 82-50-021, filed 6/17/97, effective 7/18/97; WSR 96-15-039, § 82-50-021, filed 7/11/96, effective 8/11/96; WSR 95-15-031, § 82-50-021, filed 7/11/95, effective 8/11/95; WSR 94-13-097, § 82-50-021, filed 6/15/94, effective 7/16/94; WSR 93-24-041, § 82-50-021, filed 11/23/93, effective 12/24/93; WSR 92-20-038, §

82-50-021, filed 9/29/92, effective 10/30/92; WSR 91-20-061 (Order 91-73), § 82-50-021, filed 9/24/91, effective 10/25/91; WSR 90-17-017 (Order 90-72), § 82-50-021, filed 8/7/90, effective 9/7/90; WSR 89-17-090 (Order 89-70), § 82-50-021, filed 8/22/89, effective 9/22/89; WSR 89-03-063 (Order 89-67), § 82-50-021, filed 1/18/89; WSR 88-16-027 (Order 88-66), § 82-50-021, filed 7/27/88; WSR 87-16-060 (Order 87-65), § 82-50-021, filed 7/30/87; WSR 86-17-001 (Order 86-63), § 82-50-021, filed 8/8/86; WSR 85-16-014 (Order 85-62), § 82-50-021, filed 7/26/85; WSR 84-14-046 (Order 84-61), § 82-50-021, filed 6/29/84; WSR 83-17-118 (Order 83-59), § 82-50-021, filed 8/24/83.]