

WSR 18-14-003**EXPEDITED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed June 20, 2018, 3:39 p.m.]

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-106-1920 What is the maximum amount of step three services I may receive a month?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In WAC 388-106-1920 (1)(a), the department incorrectly used three thousand three hundred and forty-five dollars instead of three thousand three hundred and forty-eight dollars (6 months x \$558).

Reasons Supporting Proposal: The proposed amendment is needed for housekeeping purposes only.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Debbie Johnson, P.O. Box 45600, Olympia, WA 98504-5600, 360-725-2531.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed amendment corrects a typographical error without changing the effect of the rule.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504, phone 360-664-6097, fax 360-664-6185, email DSHSRPAURulesCoordinator@dshs.wa.gov, AND RECEIVED BY 5:00 p.m., September 4, 2018.

June 19, 2018
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-08-033, filed 3/27/18, effective 4/27/18)

WAC 388-106-1920 What is the maximum amount of step three services I may receive a month? (1) Unless the department authorizes additional funds through an exception to rule under WAC 388-440-0001, the maximum amount of step three services you and your caregiver may receive in MAC and TSOA:

(a) From January 1, 2018 through June 30, 2018 is an average of five hundred and fifty-eight dollars per month not to exceed three thousand three hundred and ~~((forty-five))~~ forty-eight dollars in a six month period.

(b) Beginning July 1, 2018 is an average of five hundred and seventy-three dollars per month not to exceed three thousand four hundred and thirty-eight dollars in a six month period.

(2) If you are a care receiver who does not have an available unpaid caregiver, you are receiving TSOA personal assistance services, and the department has not authorized additional funds through an exception to rule under WAC 388-440-0001, the maximum amount of step three services you may receive:

(a) From January 1, 2018 through June 30, 2018 is five hundred and fifty-eight dollars per month.

(b) Beginning July 1, 2018 is five hundred and seventy-three dollars per month.

WSR 18-14-010**EXPEDITED RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Filed June 22, 2018, 10:26 a.m.]

Title of Rule and Other Identifying Information: WAC 220-450-030 Live wildlife—Taking from the wild, importation, possession, transfer, and holding in captivity.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amendment is needed to include previously omitted language for WAC 220-450-030.

Reasons Supporting Proposal: During a previous rule change, a portion of WAC 220-450-030 was inadvertently omitted.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, and 77.12.240.

Statute Being Implemented: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, and 77.12.240.

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

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Eric Gardner, 600 Capitol Way North, Olympia, WA 98501, 360-902-2515; and Enforcement: Steve Bear, 600 Capitol Way North, Olympia, WA 98501, 360-902-2373.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Based on the rationale of RCW 34.053 [34.05.353] (1)(c), the department believes that an expedited rule-making process is appropriate because the content of the proposed rule is explicitly and specifically dictated by statute.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Scott Bird, Washington Department of Fish and Wildlife, 600 Capitol Way North, phone 360-902-2403, fax 360-902-2155, email rules.coordinator@dfw.wa.gov, AND RECEIVED BY September 4, 2018.

June 22, 2018
 Scott Bird
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-450-030 Live wildlife—Taking from the wild, importation, possession, transfer, and holding in captivity. (1) It is unlawful to take live wildlife, wild birds, or game fish from the wild without a permit issued by the director except as otherwise provided by department rule. This subsection does not apply to starlings, house sparrows, Eurasian collared doves, and rock doves taken by falconers, or rock doves and Eurasian collared doves taken by bird dog trainers.

(2) Notwithstanding the provisions of WAC 220-430-010(1), 220-450-050, and subsections (3) and (4) of this section, and except as provided under subsection (7), (8), (9), or (10) of this section, it is unlawful to import into the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of or the gametes and/or embryos of the following species in the family *Cervidae*.

<u>Common Name</u>	<u>Scientific Name</u>
<u>Roosevelt and Rocky Mountain elk</u>	<u><i>Cervus elaphus</i></u>
<u>Mule deer and Black-tailed deer</u>	<u><i>Odocoileus hemionus</i></u>
<u>White-tailed deer</u>	<u><i>Odocoileus virginianus</i></u>
<u>Moose</u>	<u><i>Alces alces</i></u>
<u>Caribou</u>	<u><i>Rangifer tarandus caribou</i></u>

(3) It is unlawful to import into the state or to hold live wildlife taken, held, possessed, or transported contrary to federal or state law, local ordinance, or department rule. It is unlawful to import live wild animals, wild birds, or game fish without first presenting to the department the health certificate required by the Washington department of agriculture under WAC 16-54-180. However, raptors used for falconry or propagation may be imported if the importer has health certificates for the raptors. Importers must produce proof of lawful importation for inspection if asked to do so by a department employee.

(4) It is unlawful to possess or hold in captivity live wild animals, wild birds, or game fish unless lawfully acquired. Any person possessing or holding wild animals, wild birds, or game fish in captivity must provide proof of lawful acquisition and possession for inspection if asked to do so by a department employee. The proof must identify the wild animals', wild birds', or game fish's:

- (a) Species;
- (b) Age and sex;
- (c) Origin;
- (d) Receiving party's name;
- (e) Source's name and address;
- (f) Invoice/statement date; and
- (g) Documentation of prior transfers.

(5) Live wild animals, wild birds, or game fish held in captivity, or their progeny or parts thereof, may not be sold or otherwise used commercially except as provided by department rule.

(6) It is unlawful to release wildlife from captivity except as provided in WAC 220-450-010. It is unlawful to release fish into any state waters, including private, natural, or man-made ponds, without first obtaining a fish planting permit. However, if a person catches game fish and keeps the fish alive on stringers, in live wells, or in other containers while fishing, he or she may release the fish back into the same waters that he or she caught the game fish in.

(7) **Scientific research or display:** The director may issue written authorization for a person to import into the state, hold, possess and propagate live specimens of wildlife listed in subsection (2) of this section, for scientific research or for display by zoos or aquariums who are accredited institutional members of the Association of Zoos and Aquariums (AZA), provided that the person:

- (a) Confines the specimens to a secure facility;
- (b) Does not transfer specimens to any other location within the state without the director's written authorization, and the specimens are transferred to other AZA-accredited facilities and transported by AZA-accredited institutional members or their authorized agents;
- (c) Does not sell or otherwise dispose of specimens within the state, unless the director gives written approval to sell or dispose of the specimens;
- (d) Keeps records on the specimens and make reports as the director requires; and
- (e) Complies with the requirements in this section.

(8) **Retention or disposal of existing specimens lawfully in captivity prior to June 20, 1992:** A person who holds live Roosevelt and Rocky Mountain elk, mule deer and black-tailed deer, white-tailed deer, and moose may retain the

specimens of the wildlife the person lawfully possessed prior to June 20, 1992, and the lawful progeny of that wildlife, provided the person complies with the requirements of this section, and:

(a) Reports to the director, in writing, the species, number, and location of the specimens as required;

(b) Confines the specimens to a secure facility at the location reported, and the facility meets the requirements listed in WAC 220-450-040;

(c) Does not propagate live specimens except at AZA-accredited facilities with the director's written permission or as otherwise authorized in writing by the director;

(d) Does not release live specimens, except with the director's written permission;

(e) Does not sell or transfer live specimens, except:

(i) Live specimens in lawful possession prior to June 20, 1992, and their lawful progeny may be permanently removed from Washington state or transported directly to slaughter in accordance with applicable law;

(ii) Federally listed endangered or threatened species may be transferred to AZA-accredited facilities in compliance with federal law;

(iii) Live specimens may be moved to the new primary residence of the possessor with the director's written approval, provided all other requirements of this section are satisfied and the total number of locations where animals are held is not increased; and

(iv) AZA-accredited facilities may sell and/or transfer live specimens within the state with the written permission of the director.

(f) Live specimens must be neutered, physically separated by sex, and/or rendered infertile by means of contraception, except at AZA-accredited facilities with the director's written permission.

(9) Retention or disposal of existing specimens lawfully in captivity prior to February 13, 1993: A person holding live specimens of wildlife newly listed in subsection (2) of this section by operation of this rule (Caribou (*Rangifer tarandus caribou*)), may retain the specimens of such wildlife the person lawfully possessed prior to February 13, 1993, provided:

(a) The person reports to the director in writing by March 31, 1993, and reports annually thereafter, or as otherwise required by the director, the species, number, and location of such specimens; and

(b) The person complies with subsection (8)(b) through (f) of this section and the other requirements of this section.

(10) The provisions of this section do not prohibit the importation, possession, propagation, sale, transfer, or release of live specimens of federally listed threatened or endangered species, their gametes or embryos, where in compliance with federal law.

(11) Escaped wildlife:

(a) Escaped wildlife is considered a public nuisance. The department or any peace officer may seize, capture, or destroy wildlife that have escaped the possessor's control. The former possessor is responsible for costs incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(b) Possessors must report escaped wildlife to the department immediately.

(c) Possessors must report the recapture or death of escaped wildlife to the department immediately.

(12) Testing specimens:

(a) If the director issues a permit to allow any member of the Genus *Cervus*, identified in subsection (2) of this section, then prior to the animal's entry into Washington state, the person must submit records of genetic tests conducted by a professionally recognized laboratory to identify red deer genetic influence. Red deer genetic influence is genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington. Upon examination by department biologists, animals deemed to exhibit behavioral (vocalization), morphological (size, rump patch, color), or biochemical indications of such influence (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or others to be developed) may not be imported.

(b) A person currently holding any member of the genus *Cervus elaphus* identified in subsection (2) of this section must immediately submit to the director records of genetic tests conducted by a professionally recognized laboratory to identify red deer genetic influence, as defined in (a) of this subsection, for each individual cervid. Genetic testing will be at the possessor's expense. Any animals identified as red deer or having nonindigenous genetic influence must be destroyed, removed from the state, or neutered immediately.

(c) The director may require wildlife listed in subsection (2) of this section that are lawfully held in captivity to be tested for brucellosis (*Brucella abortus*), tuberculosis (*Mycobacterium bovis* and *Mycobacterium tuberculosis*), meningeal worm (*Paralophostrongylus tenuis*), and muscle worm (*Elaphostrongylus cervis*) in accordance with the procedures specified in department of agriculture WAC 16-54-180. The director may also require testing for other diseases or parasites determined to pose a risk to wildlife. Results of those tests must be filed with the director as required.

(13) Reporting:

(a) A person holding wildlife listed in subsection (2) of this section in captivity must submit a completed report no later than March 30, 1993, and then no later than January 31 of each year, or as otherwise required by the director, on a form provided by the department.

(b) Persons possessing wildlife listed in subsection (2) of this section must notify the director within 10 days of any change of such persons' address and/or location of the holding facility.

(14) Inspection: All holding facilities for captive wildlife located in the state are subject to inspection, conducted at a reasonable time, for compliance with the provisions of this section.

(15) Notification and disposition of diseased animals:

(a) Any person who has reason to believe that wildlife being held pursuant to this rule have contracted or been exposed to a dangerous or communicable disease or parasite must notify the department immediately.

(b) Upon reason to believe that wildlife held pursuant to this rule have contracted or been exposed to a dangerous or contagious disease or parasite, the director may order inspec-

tion of such animals by a licensed, accredited veterinarian, certified fish pathologist, or inspection agent. Inspection will be at the possessor's expense.

(c) The director will determine when destruction of wildlife or quarantine, disinfection, or sterilization of facilities is required at any facility holding wildlife pursuant to this rule. If the director determines that destruction of wildlife or quarantine, disinfection, or sterilization of facilities is required, he or she will issue a written order to the possessor describing the procedure to be followed and the time period for carrying out such actions. The destruction of wildlife or quarantine, disinfection, or sterilization of facilities will be at the possessor's expense.

(16) Quarantine area:

(a) Facilities holding wildlife listed in subsection (2) of this section must have an approved quarantine facility within its exterior boundary or submit an action plan to the director that guarantees access to an approved quarantine facility within the state of Washington.

(i) An approved quarantine facility is one that meets criteria set by the Washington department of agriculture in chapter 16-54 WAC.

(ii) The quarantine area must meet the tests of isolation, separate feed and water, escape security, and allowances for the humane holding and care of its occupants for extended periods of time.

(b) If quarantine becomes necessary, the possessor of any wildlife requiring quarantine must provide an on-site quarantine facility or make arrangements at the possessor's expense to transport his or her wildlife to an approved quarantine facility.

(17) Seizure:

(a) The department may seize any unlawfully possessed wildlife.

(b) The cost of any seizure or holding of wildlife may be charged to the possessor of the wildlife.

(18) Violation of this section is a misdemeanor punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

**WSR 18-14-050
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed June 28, 2018, 2:04 p.m.]

Title of Rule and Other Identifying Information: WAC 220-410-010 Game management units (GMUs) boundary descriptions—Region one and 220-415-040 Elk area descriptions.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amendment is needed to update road names in the boundary descriptions for GMU 175, GMU 181, and Elk Area 1075.

Reasons Supporting Proposal: County officials have recently changed Back Road to Parsons Road and the boundary descriptions for GMUs 175 and 181 in WAC 220-410-010 and Elk Area 1075 in WAC 220-415-040 need to be

updated to reflect that change. We are also proposing any reference to Back Rd be changed to Parsons Rd (Back Rd) because although the road signs have been changed, all maps referencing this area identify the road in question as Back Rd.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240.

Statute Being Implemented: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, and 77.12.240.

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Eric Gardner, 600 Capitol Way North, Olympia, WA 98501, 360-902-2515; and Enforcement: Steve Bear, 600 Capitol Way North, Olympia, WA 98501, 360-902-2373.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Based on the rational of RCW 34.05.353 (1)(c), the department believes that an expedited rule-making process is appropriate because the proposed amendment only changes the language associated with road names used to describe unit boundaries and does not reflect an actual change in the boundaries.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Scott Bird, Washington Department of Fish and Wildlife, 600 Capitol Way North, phone 360-902-2403, fax 360-902-2155, email rules.coordinator@dfw.wa.gov, AND RECEIVED BY September 4, 2018.

June 28, 2018

Scott Bird

Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-410-010 Game management units (GMUs) boundary descriptions—Region one.

GMU 101-SHERMAN (Ferry and Okanogan counties): Beginning at the Kettle River and the US-Canadian border near the Ferry Customs Office, north of the town of Toroda; E on the US-Canadian border to the Kettle River, east of the town of Laurier; S down the Kettle River (Ferry-Stevens county line) to the mouth of the Kettle River on Lake Roosevelt; S down the western shore of Lake Roosevelt to the

northeastern corner of the Colville Indian reservation; W on the northern Colville Indian reservation boundary to State Route (SR) 21; N on SR 21 to SR 20 at the town of Republic; NW on SR 20 to Toroda Creek Rd at the town of Wauconda; NE on the Toroda Creek Rd to Toroda Creek at the town of Toroda; E along Toroda Creek to its mouth on the Kettle River; N up the Kettle River to the US-Canadian border near the Ferry Customs Office north of the town of Toroda and point of beginning.

GMU 105-KELLYHILL (Stevens County):

Beginning at the Kettle River (Ferry-Stevens county line) and the US-Canadian border east of the town of Laurier; E on the US-Canadian border to Lake Roosevelt (Columbia River); SW along the eastern shore of Lake Roosevelt to the US Hwy (US) 395 bridge; W on US 395 over the bridge to the western shore of Lake Roosevelt; N on the western shore of Lake Roosevelt to the mouth of the Kettle River; N up the Kettle River (Ferry-Stevens county line) to the US-Canadian border east of the town of Laurier and the point of beginning.

GMU 108-DOUGLAS (Stevens County):

Beginning at the junction of US Hwy (US) 395 and State Route (SR) 20 in the town of Colville; NW on US 395 (SR 20) to the bridge over Lake Roosevelt; N up the southeastern shore of Lake Roosevelt and Columbia River to the SR 25 bridge over the Columbia River at the town of Northport; S on SR 25 to Colville-Aladdin-Northport Rd in the town of Northport; SW on the Colville-Aladdin-Northport Rd to SR 20, E of the town of Colville; W on SR 20 to US 395 at the town of Colville and point of beginning.

GMU 111-ALADDIN (Stevens and Pend Oreille counties):

Beginning at the junction of the Colville-Aladdin-Northport Rd and State Route (SR) 20 on the east side of Colville; N on Aladdin Rd to SR 25 at the town of Northport; N on SR 25 to the bridge over the Columbia River; NE along the southeastern shoreline of the Columbia River to the US-Canadian border; E along the US-Canadian border to the Pend Oreille River; S along the western shoreline of the Pend Oreille River to Tiger East Rd, which is due east of the town of Tiger; W on the Tiger East Rd to SR 20 at the town of Tiger; W and S on SR 20 to the junction with the Aladdin Rd, E of the town of Colville and point of beginning.

GMU 113-SELKIRK (Pend Oreille County):

Beginning on the western shore of the Pend Oreille River at the US-Canadian border; E on the US-Canadian border to the Washington-Idaho state line; S on the Washington-Idaho state line to the southwestern shore of the Pend Oreille River at the town of Newport; NW along the southwestern shore of the Pend Oreille River to the US-Canadian border and the point of beginning.

GMU 117-49 DEGREES NORTH (Stevens and Pend Oreille counties):

Beginning at junction of State Route (SR) 20 and US Hwy (US) 395 at the town of Colville; E on SR 20 to Tiger East Rd at the town of Tiger; E on Tiger East Rd to western shore of the Pend Oreille River; S along the southwestern shore of the Pend Oreille River to the Washington-Idaho state line; S

along the Washington-Idaho state line to US 2 in the town of Newport; SW and S on US 2 to the Deer Park-Milan Rd; W on the Deer Park-Milan Rd to US 395 at the town of Deer Park; NW on US 395 to its junction with SR 20 at the town of Colville and the point of the beginning.

GMU 121-HUCKLEBERRY (Stevens County):

Beginning at the US Hwy (US) 395 bridge over Lake Roosevelt (Columbia River) NW of the town of Kettle Falls; SE on US 395 through Colville and Chewelah to State Route (SR) 292 at Loon Lake; W on SR 292 to SR 231 at the town of Springdale; S on SR 231 to the first tributary of Chamokane Creek intersecting SR 231 south of the northeast corner of the Spokane Indian reservation; SW on the said tributary to Chamokane Creek, the northern boundary of the Spokane Indian reservation; W along the northern border of the Spokane Indian Reservation border to eastern boundary of the Colville Indian reservation on the Ferry-Stevens county line on Lake Roosevelt; N along the Colville Indian reservation boundary to its northern corner on Lake Roosevelt; W along Colville Indian reservation boundary to the western shore of Lake Roosevelt; N along western shore of Lake Roosevelt to the US 395 bridge over Lake Roosevelt northwest of the town of Kettle Falls and the point of beginning.

GMU 124-MOUNT SPOKANE (Spokane, Stevens and Pend Oreille counties):

Beginning at the junction of State Route (SR) 231 and SR 292 at the town of Springdale; E on SR 292 to US Hwy (US) 395 at Loon Lake; SE on US 395 to the Deer Park-Milan Rd; E on the Deer Park-Milan Rd to US 2; N and NE on US 2 to the Washington-Idaho state line at the town of Newport; S on the Washington-Idaho state line to the Spokane River; W and NW down the north shore of Spokane River to Chamokane Creek (Spokane Indian reservation boundary); N along the Chamokane Creek to the last Chamokane Creek tributary before the northeastern corner of the Spokane Indian reservation; NE up said tributary to SR 231; N on SR 231 to SR 292 at the town of Springdale and the point of beginning.

GMU 127-MICA PEAK (Spokane County):

Beginning at the mouth of Latah Creek (Hangman Creek) on the Spokane River; E up the south shore of the Spokane River to the Maple Street Bridge; N across the Maple Street Bridge to the north shore of the Spokane River; E on the north shore of the Spokane River to the Washington-Idaho state line; S on the Washington-Idaho state line to State Route (SR) 274 at the town of Willard; SW on SR 274 to SR 27 at the town of Tekoa; NW on SR 27 to Fairbanks Rd; W on Fairbanks Rd to Spring Valley Rd; NW on Spring Valley Rd to Dunn Rd; SW on Dunn Rd to Merritt Rd; W on Merritt Rd to US Hwy (US) 195; N on US 195 to Interstate Hwy (I)-90; E on I-90 to Latah Creek; N down Latah Creek to the Spokane River and the point of the beginning.

GMU 130-CHENEY (Spokane and Lincoln counties):

Beginning on the Spokane River and State Route (SR) 231; E up the north shore of the Spokane River to the Maple Street Bridge; S on the Maple Street Bridge to the south shore of the Spokane River; W on the south shore of the Spokane River to Latah Creek (Hangman Creek) in Spokane; S up Latah Creek

to Interstate Hwy (I)-90; W on I-90 to US Hwy (US) 195; S on US 195 to Rosalia exit and south to Gashous Rd in the town of Rosalia; W on Gashous Rd to Squaw Rd; NW on Squaw Rd to Blackman Rd; W on Blackman Rd to Texas Ferry Rd; S on Texas Ferry Rd to Siegel Rd; W on Siegel Rd to Belsby Rd; W on Belsby Rd to Henderson Rd; W on Henderson Rd to Mullinix Rd; N on Mullinix Rd to Reed Rd; W on Reed Rd to Spuler Rd; S on Spuler Rd to Dewey Rd; W on Dewey Rd to SR 23; NW along SR 23 to SR 231; N on SR 231 to US 2; E on US 2 to SR 231 at the town of Reardan; N along SR 231 to the Spokane River and to the point of beginning.

GMU 133-ROOSEVELT (Lincoln County):

Beginning at the east end of the Grand Coulee Dam at Lake Roosevelt; E along the Grant-Okanogan, Lincoln-Okanogan, Lincoln-Ferry county lines on Lake Roosevelt to the Spokane River; E up the Spokane River, following the Lincoln-Stevens county line, to State Route (SR) 231; S on SR 231 to US Hwy (US) 2 at the town of Reardan; W on US 2 to SR 21 at the town of Wilbur; N on SR 21 to SR 174; NW on SR 174 to SR 155 at the town of Grand Coulee; NE on SR 155 to the access road to the Grand Coulee Dam causeway (access restricted); E on the causeway access road to the east end of the Grand Coulee Dam at Lake Roosevelt and the point of the beginning.

GMU 136-HARRINGTON (Lincoln and Grant counties):

Beginning at the town of Grand Coulee at State Route (SR) 174 and Rd W NE (Grand Coulee Hill Rd); SE on SR 174 to US Hwy (US) 2 at the town of Wilbur; E on US 2 to SR 231; S on 231 to SR 23; S on SR 23 to Interstate Hwy (I)-90; SW on I-90 to Danekas Rd (Interstate Hwy Exit 231); W on Danekas Rd to Tokio Rd; W on Tokio Rd to Marcellus Rd; N on Marcellus Rd to Davis Rd; W on Davis Rd to Rd 12 NE; W on Rd 12 NE to Rd W NE; N on Rd W NE to Rd X NE at the town of Marlin; N on Rd X NE to Kiner Rd; NE, E, N, E, and N on Kiner Rd to US 2, east of the town of Almira; SW on US 2 to Main Rd; W on Main St to N 3rd St; N on 3rd St to Old Coulee Rd; N on Old Coulee Rd to Douglas Rd; W on Douglas Rd to Peterson Rd; N on Peterson Rd to 51 NE Rd; E on 51 NE Rd to Rd W NE; N on Rd W NE to Grand Coulee Hill Rd; N on Grand Coulee Hill Rd to SR 174 in the town of Grand Coulee and the point of the beginning.

GMU 139-STEPTOE (Lincoln, Whitman, and Spokane counties):

Beginning at the Washington-Idaho state line and State Route (SR) 274 at the town of Willard; W on SR 274 to SR 27 at the town of Tekoa; NW on SR 27 to Fairbanks Rd; Fairbanks Rd to Spring Valley Rd; NW on Spring Valley Rd to Dunn Rd; SW on Dunn Rd to Merritt Rd; W on Merritt Rd to the town of Rosalia; from Rosalia, W on Gashous Rd to Squaw Rd; NW on Squaw Rd to Blackman Rd; W on Blackman Rd to Texas Ferry Rd; S on Texas Ferry Rd to Siegel Rd; W on Siegel Rd to Belsby Rd; W on Belsby Rd to Henderson Rd; W on Henderson Rd to Mullinix Rd; N on Mullinix Rd to Reed Rd; W on Reed Rd to Spuler Rd; S on Spuler Rd to Dewey Rd; W on Dewey Rd to SR 23; N on SR 23 to Lamont Rd; SW on Lamont Rd to Revere Rd; S on Revere Rd to Jordan-Knott Rd; S on Jordan-Knott Rd to Rock Creek; S down Rock Creek to the Palouse River; S down the Palouse River

to SR 26; E along SR 26 to US Hwy (US) 195 at the town of Colfax; S on US 195 to SR 270; E on SR 270 to Washington-Idaho state line; N on the Washington-Idaho state line to SR 274 at the town of Willard and the point of the beginning.

GMU 142-ALMOTA (Whitman County):

Beginning at US Hwy (US) 195 and State Route (SR) 26 at the town of Colfax; SE on US 195 to SR 270; E on SR 270, through the town of Pullman to the Washington-Idaho state line near Moscow, Idaho; S along the Washington-Idaho state line to the Snake River (Asotin-Whitman county line), north of the town of Clarkston; W along the Snake River (Asotin-Whitman, Garfield-Whitman, and Columbia-Whitman county line) to the mouth of the Palouse River (Franklin-Whitman county line); N and E up the Palouse River (Franklin-Whitman and Whitman-Adams county lines) to SR 26, west of the town of Gordon; E on SR 26 (Washtucna-Lacrosse Hwy) to US 195 at the town of Colfax and the point of beginning.

GMU 145-MAYVIEW (Garfield and Asotin counties):

Beginning at the State Route (SR) 127 bridge crossing the Snake River (Whitman-Garfield county line) at Central Ferry; E along the Snake River (Whitman-Asotin and Whitman-Garfield county lines) to the mouth of Alpowa Creek; S up Alpowa Creek to the US Hwy (US) 12 bridge; W on US 12 to SR 127; N on SR 127 (Central Ferry Hwy) to the bridge crossing the Snake River (Garfield-Whitman county line) at Central Ferry and the point of beginning.

GMU 149-PRESCOTT (Walla Walla, Columbia, and Garfield counties):

Beginning on the Columbia River at the mouth of the Snake River (Benton-Franklin-Walla Walla county line); NE and E along the Snake River (Franklin-Walla Walla, Whitman-Columbia, and Whitman-Garfield county lines) to State Route (SR) 127 bridge at Central Ferry; S on SR 127 (Central Ferry Hwy) to US Hwy (US) 12 at Dodge Junction; SW on US 12, through the towns of Dayton and Waitsburg, to SR 125 at the town of Walla Walla; S on SR 125 to the Washington-Oregon state line; W on the Washington-Oregon state line to the Columbia River (Benton-Walla Walla county line); N along the Columbia River (Benton-Walla Walla county line) to the mouth of the Snake River and the point of beginning.

GMU 154-BLUE CREEK (Walla Walla and Columbia counties):

Beginning on US Hwy (US) 12 at the town of Waitsburg; NE on US 12 to Lower Hogeeye Rd at Long Station; E on Lower Hogeeye Rd to Bowman Hill Rd; SW on Bowman Hill Rd to the Payne Hollow Rd; S on the Payne Hollow Rd to Jasper Mountain Rd; S on Jasper Mountain Rd to Mt. Pleasant Rd; S on Mt. Pleasant Rd to Dent Rd; S on Dent Rd to the Lewis Peak Rd; S on the Lewis Peak Rd to Lewis Peak Trail; SE on Lewis Peak Trail to US Forest Service (USFS) Trail 3211 (Mill Creek Watershed Intake Trail); SW on USFS Trail 3211 to the Washington-Oregon state line; W on the Washington-Oregon state line to State Route (SR) 125; N on SR 125 to US 12; NE on US 12 to the town of Waitsburg and the point of beginning.

GMU 157-MILL CREEK WATERSHED (Walla Walla and Columbia counties):

Beginning at US Forest Service (USFS) Trail 3211 (Mill Creek Watershed Intake Trail) at the Washington-Oregon state line; NE and E on USFS Trail 3211 to USFS Rd 64; S on the USFS Rd 64 to the Washington-Oregon state line; W on the Washington-Oregon state line to USFS Trail 3211 and the point of beginning.

GMU 162-DAYTON (Walla Walla and Columbia counties):

Beginning at the junction of US Hwy (US) 12 and Patit Rd in the town of Dayton; E on the Patit Rd to the Hartsock Grade Rd-Maloney Mountain Rd intersection; S on Maloney Mountain Rd to US Forest Service (USFS) Rd 4625 (Maloney Mountain Rd); S and W on to USFS Rd 4625 to Skyline Drive Rd; SE on Skyline Drive Rd to USFS Rd 46 (Skyline Drive Rd); S on USFS Rd 46 to USFS Rd 64; S on USFS Rd 64 to USFS Trail 3211 (Mill Creek Watershed Intake Trail); W on USFS Trail 3211 to the Lewis Peak Trail; NW on the Lewis Peak Trail to Lewis Peak Rd; N on the Lewis Peak Rd to Dent Rd; N on Dent Rd to Mt. Pleasant Rd; N on the Mt. Pleasant Rd to the Jasper Mountain Rd; N on the Jasper Mountain Rd to Payne Hollow Rd; N on Payne Hollow Rd to Bowman Hill Rd; NE on Bowman Hill Rd to Lower Hogeeye Rd; W on Lower Hogeeye Rd to US 12 at Long Station; NE on US 12 to its junction with Patit Rd at the town of Dayton and the point of beginning.

GMU 163-MARENGO (Columbia and Garfield counties):

Beginning at the junction of US Hwy (US) 12 and Patit Rd in the town of Dayton; N and E on US 12 to the Tatman Mountain Rd at Zumwalt; SE on Tatman Mountain Rd to Linville Gulch Rd; S on the Linville Gulch Rd to the Blind Grade Rd; SW on the Blind Grade Rd to the Tucannon Rd; N on the Tucannon Rd to the Hartsock Grade Rd; S on the Hartsock Grade Rd to the Patit Rd; W on the Patit Rd to US 12 in the town of Dayton and the point of beginning.

GMU 166-TUCANNON (Columbia and Garfield counties):

Beginning at the intersection of the Hartsock Grade Rd and the Tucannon Rd; SE on the Tucannon Rd to the elk drift fence at the northern boundary of the W.T. Wooten Wildlife Area; E and S along the elk drift fence to the US Forest Service (USFS) Rd 40 (Mountain Rd) at the Umatilla National Forest's northern boundary; S on the USFS Rd 40 to USFS Rd 4030 (Diamond Peak Rd); W on USFS Rd 4030 to USFS Trail 3113 (Diamond Peak Trail-Bullfrog Springs Trail-Oregon Butte Trail) at Diamond Peak; W on USFS Trail 3113 to USFS Trail 3136 (Teepee Trail); W along USFS Trail 3136 to USFS Rd 4608 (Teepee Rd) at Teepee Camp; W on the USFS Rd 4608 to USFS Rd 46 (Skyline Drive Rd); N on the USFS Rd 46 to Skyline Drive Rd; N on Skyline Drive Rd to the Maloney Mountain Rd; W on Maloney Mountain Rd to USFS Rd 4625 (Maloney Mountain Rd); E and N on the USFS Rd 4625 (Maloney Mountain Rd) to the Hartsock Grade Rd; N on the Hartsock Grade Rd to the Tucannon Rd and the point of the beginning.

GMU 169-WENAHA (Columbia, Garfield and Asotin counties):

Beginning on the Washington-Oregon state line at the US Forest Service (USFS) Rd 64; N on USFS Rd 64 to USFS Rd 46 (Skyline Dr); E on USFS Rd 46 to USFS Rd 4608 (Teepee Rd) at Godman Springs; E on USFS Rd 4608 to USFS Trail 3136 (Teepee Trail) at Teepee Camp; E on the USFS Trail 3136 to USFS Trail 3113 (Oregon Butte Trail-Bullfrog Springs Trail-Diamond Peak Trail); E on USFS Trail 3113 to USFS Rd 4030 (Diamond Peak Rd) at Diamond Peak; E on USFS Rd 4030 to USFS Rd 40 (Mountain Rd); S along USFS Rd 40 to USFS Rd 4039 (South Boundary Rd); SW along USFS Rd 4039 to USFS Trail 3133 (Three Forks Trail); NW on USFS Trail 3133 to USFS Trail 3100; S on USFS Trail 3100 to the Washington-Oregon state line; due W on the Washington-Oregon state line to USFS Rd 64 and the point of beginning.

GMU 172-MOUNTAIN VIEW (Garfield and Asotin counties):

Beginning on the Washington-Oregon state line at US Forest Service (USFS) Trail 3100; N on USFS Trail 3100 to USFS Trail 3133 (Three Forks Trail); SE on USFS Trail 3133 (Three Forks Trail) to USFS Rd 4039 (South Boundary Rd); NE on USFS Rd 4039 to USFS Rd 40 (Mountain Rd); N on USFS Rd 40 to USFS Rd 44 (Mount Misery-Big Butte Rd) at Misery junction; E on USFS Rd 44 to USFS Rd 43; E on USFS Rd 43 to USFS Rd 4304; E on USFS Rd 4304 to West Mountain Rd; NE on the West Mountain Rd to Bennett Ridge Rd; N on Bennett Ridge Rd to Mill Rd; E on Mill Rd to State Route (SR) 129 at the town of Anatone; SW on SR 129 to the Washington-Oregon state line; due W on the Washington-Oregon state line to USFS Trail 3100 and the point of beginning.

GMU 175-LICK CREEK (Garfield and Asotin counties):

Beginning at the intersection of US Forest Service (USFS) Rd 40 (Mountain Rd) and the elk drift fence on the Umatilla National Forest's northern boundary; E along the elk drift fence to its end at the eastern border section line of Section 2, T9N, R43E; due S from the end to the elk drift fence on section line of Section 2, T9N, R43E to Charley Creek; E down Charley Creek to Asotin Creek; S down Asotin Creek to the South Fork Asotin Creek Rd; S up the South Fork Asotin Creek Rd to Campbell Grade Rd; E on the Campbell Grade Rd to Parsons Rd (Back Rd); S on Parsons Rd (Back Rd) to the Cloverland Rd; S on Cloverland Rd to its junction with the Umatilla National Forest's eastern boundary fence; E and S on the USFS boundary fence past Big Butte to USFS Rd 4303 (Big Butte Rd-Mount Misery Rd); W on USFS Rd 4304 to USFS Rd 43; W on USFS Rd 43 to USFS Rd 44; W on USFS Rd 44 to USFS Rd 40 (Mountain Rd) at Misery junction; NW on USFS Rd 40 (Mountain Rd) to the intersection with the elk drift fence on the Umatilla National Forest's northern boundary and the point of beginning.

GMU 178-PEOLA (Garfield and Asotin counties):

Beginning at the intersection of US Hwy (US) 12 and Tatman Mountain Rd at Zumwalt; E on US 12 to bridge near the mouth of Alpowa Creek; N down Alpowa Creek to the Snake River; E and S along the Snake River (Asotin-Whitman county line, Washington-Idaho state line) to the mouth of

Asotin Creek; W along Asotin Creek to Charley Creek; W along Charley Creek to the unit boundary marker at the eastern border section line of Section 2, T9N, R43E; N on eastern border section line of Section 2, T9N, R43E to end of the elk drift fence; W along the elk drift fence to the boundary of the W.T. Wooten Wildlife Area; NW and W along the elk drift fence to the Tucannon Rd; N on the Tucannon Rd to Blind Grade Rd; NE up Blind Grade Rd to the Linville Gulch Rd; N on the Linville Gulch Rd to Tatman Mountain Rd; NW up Tatman Mountain Rd to US 12 at Zumwalt and the point of beginning.

GMU 181-COUSE (Asotin County):

Beginning at the mouth of Asotin Creek on the Snake River at the town of Asotin; S along the Snake River (Washington-Idaho state line) to the Grande Ronde River; W along the north shore of Grande Ronde River to State Route (SR) 129; NW on SR 129 to Mill Rd in the town of Anatone; W on Mill Rd to Bennett Ridge Rd; S and W on Bennett Ridge Rd to West Mountain Rd; SW on West Mountain Rd to Umatilla National Forest eastern boundary fence at Big Butte; N along the Umatilla National Forest boundary fence to Cloverland Rd; NE on Cloverland Rd to the first, southernmost intersection with Parsons Rd (Back Rd); N on Parsons Rd (Back Rd) to Campbell Grade Rd; W on the Campbell Grade Rd to South Fork Asotin Creek Rd; NE on South Fork Asotin Creek Rd to Asotin Creek; NE down Asotin Creek to the Snake River at the town of Asotin and the point of beginning.

GMU 186-GRANDE RONDE (Asotin County):

Beginning on the Washington-Oregon state line and State Route (SR) 129; N on SR 129 to the Grande Ronde River; E along the north shore of the Grande Ronde River to the Snake River (Washington-Idaho state line); S along the Snake River (Washington-Idaho state line) to the Washington-Oregon state line; W on the Washington-Oregon state line to SR 129 and the point of beginning.

AMENDATORY SECTION (Amending WSR 18-11-061, filed 5/11/18, effective 6/11/18)

WAC 220-415-040 Elk area descriptions.

The following areas are defined as elk areas:

Elk Area No. 1008 West Wenaha (Columbia County): That part of GMU 169 west of USFS trail 3112 from Tepee Camp (east fork of Butte Creek) to Butte Creek, and west of Butte Creek to the Washington-Oregon state line.

Elk Area No. 1009 East Wenaha (Columbia, Garfield, Asotin counties): That portion of GMU 169 east of USFS trail 3112 from Tepee Camp (east fork of Butte Creek) to Butte Creek, and east of Butte Creek to the Washington-Oregon state line.

Elk Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 1011 (Columbia County): That part of GMU 162 east of the North Touchet Road, excluding National Forest land.

Elk Area No. 1012 (Columbia County): That part of GMU 162 west of the North Touchet Road, excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 1013 (Asotin County): GMU 172, excluding National Forest lands and the 4-O Ranch Wildlife Area.

Elk Area No. 1015 Turnbull (Spokane County): Located in GMU 130, designated areas within the boundaries of Turnbull National Wildlife Refuge.

Elk Area No. 1016 (Columbia County): GMU-162 Dayton, excluding the Rainwater Wildlife Area.

Elk Area No. 1040 (Asotin County): That area within GMU 172 designated as the WDFW-owned lands managed as the 4-O Ranch Wildlife Area.

Elk Area No. 1075 (Asotin County): Private land (excluding WDFW lands) within GMU 175 within the following area: From the intersection of the South Fork Asotin Creek Rd and Campbell Grade Rd, continuing south until the South Fork Asotin Creek Rd crosses the South Fork of Asotin Creek. South along the South Fork of Asotin Creek until it intersects with the USFS property line, due south along the USFS boundary until it reaches the Cloverland Rd. NE along the Cloverland Rd to the intersection of the Parsons Rd (Back Rd), north along the Parsons Rd (Back Rd) to Campbell Grade Rd, west on Campbell Grade Rd to the intersection with South Fork Asotin Creek Rd and the point of beginning.

Elk Area No. 1081 (Asotin County): All of GMU 181 Couse, including the portion of GMU 172 starting at the intersection of Mill Road and Highway 129 in Anatone, south along Hwy 129 to Smyth Rd, west and then north on Smyth Rd to the intersection of E Mountain Rd, west along E Mountain Rd to the intersection of W Mountain Rd, north along W Mountain Rd to Mill Road, east on Mill Rd to the starting point.

Elk Area No. 1082 George Creek (Asotin County): That portion of GMU 181 owned by WDFW and designated as the George Creek Wildlife Unit of the Asotin Creek Wildlife Area.

Elk Area No. 2032 Malaga (Kittitas and Chelan counties): Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; southwest along the power line to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 & 9; north along the section line between Sections 8 and 9 as well as Sections 4 & 5 (T20N, R21E) & Sections 32 & 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee

Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest)

Elk Area No. 2033 Peshastin (Chelan County): Starting at the Division St bridge over the Wenatchee River in the town of Cashmere; S on Aplets Way then Division St to Pioneer St; W on Pioneer St to Mission Creek Rd; S on Mission Creek Rd to Binder Rd; W on Binder Rd to Mission Creek Rd; S on Mission Creek Rd to Tripp Canyon Rd; W on Tripp Canyon Rd to where Tripp Canyon Rd stops following Tripp Creek; W on Tripp Creek to its headwaters; W up the drainage, about 1000 feet, to US Forest Service (USFS) Rd 7200-160; W on USFS Rd 7200-160 to Camas Creek Rd (USFS Rd 7200); W on Camas Creek Rd (USFS 7200 Rd) (excluding Camas Land firearm closure*) to US Hwy 97; N on US Hwy 97 to Mountain Home Rd (USFS 7300 Rd); N on Mountain Home Rd to the Wenatchee River in the town of Leavenworth; S on the Wenatchee River to the Division St bridge in Cashmere and the point of beginning.

Elk Area No. 2051 Tronsen (Chelan County): All of GMU 251 except that portion described as follows: Beginning at the junction of Naneum Ridge Road (WDFW Rd 9) and Ingersol Road (WDFW Rd 1); north and east on Ingersol Road to Colockum Road (WDFW Rd 10); east on Colockum Road and Colockum Creek to the intersection of Colockum Creek and the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Road (WDFW Rd 14) and North Fork Road (WDFW Rd 10.10) to the intersection of North Fork Road and Colockum Road; southwest on Colockum Road to Naneum Ridge Road; west on Naneum Ridge Road to Ingersol Road and the point of beginning.

Elk Area No. 3681 Ahtanum (Yakima County): That part of GMU 368 beginning at the power line crossing on Ahtanum Creek in T12N, R16E, Section 15; west up Ahtanum Creek to South Fork Ahtanum Creek; southwest up South Fork Ahtanum Creek to its junction with Reservation Creek; southwest up Reservation Creek and the Yakama Indian Reservation boundary to the main divide between the Diamond Fork drainage and Ahtanum Creek drainage; north along the crest of the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to Darland Mountain; northeast on US Forest Service Trail 615 to US Forest Service Road 1020; northeast on US Forest Service Road 1020 to US Forest Service Road 613; northeast on US Forest Service Road 613 to US Forest Service Trail 1127; northeast on US Forest Service Trail 1127 to US Forest Service Road 1302 (Jump Off Road), southeast of the Jump Off Lookout Station; northeast on US Forest Service Road 1302 (Jump Off Road) to Highway 12; northeast on Highway 12 to the Naches River; southeast down the Naches River to Cowiche Creek; west up Cowiche Creek and South Fork Cowiche

Creek to Summitview Avenue; northwest on Summitview Avenue to Cowiche Mill Road; west on Cowiche Mill Road to the power line in the northeast corner of T13N, R15E, SEC 13; southeast along the power line to Ahtanum Creek and the point of beginning.

Elk Area No. 3721 Corral Canyon (Benton and Yakima counties): That part of GMU 372 beginning at the Yakima River Bridge on SR 241 just north of Mabton; north along SR 241 to the Rattlesnake Ridge Road (mile post #19); east on Rattlesnake Ridge Road to the Hanford Reach National Monument's (HRNM) southwest corner boundary; east and south along the HRNM boundary to SR 225; south on SR 225 to the Yakima River Bridge in Benton City; west (upstream) along Yakima River to point of beginning (SR 241 Bridge).

Elk Area No. 3722 Blackrock (Benton and Yakima counties): That part of GMU 372 beginning at southern corner of the Yakima Training Center border on Columbia River, northwest of Priest Rapids Dam; southeast on southern shore of Columbia River (Priest Rapids Lake) to Priest Rapids Dam; east along Columbia River to the Hanford Reach National Monument's (HRNM) western boundary; south along the HRNM boundary to the Rattlesnake Ridge Road; west on Rattlesnake Ridge Road to SR 241; south on SR 241 to the Yakima River Bridge just north of Mabton; west along Yakima River to SR 823 (Harrison Road) south of town of Pomona; east along SR 823 (Harrison Road) to SR 821; southeast on SR 821 to Firing Center Road at I-82; east on Firing Center Road to main gate of Yakima Training Center; south and east along Yakima Training Center boundary to southern corner of Yakima Training Center boundary on Columbia River and point of beginning.

Elk Area No. 3911 Fairview (Kittitas County): Beginning at the intersection of the BPA Power Lines in T20N, R14E, Section 36 and Interstate 90; east along the power lines to Highway 903 (Salmon La Sac Road); northwest along Highway 903 to Pennsylvania Avenue; northeast along Pennsylvania Avenue to No. 6 Canyon Road; northeast along No. 6 Canyon Road to Cle Elum Ridge Road; north along Cle Elum Ridge Road to Carlson Canyon Road; northeast along Carlson Canyon Road to West Fork Teanaway River; east along West Fork Teanaway River to North Fork Teanaway River; north along North Fork Teanaway River to Teanaway Road; southeast on Teanaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; northeast on Hwy 970 to Hwy 97; south on Hwy 97 to the power lines in T20N, R17E, Section 34; east on the power lines to Naneum Creek; south on Naneum Creek approximately 1/2 mile to power lines in T19N, R19E, Section 20; east along BPA power lines to Colockum Pass Road in T19N, R20E, Section 16; south on Colockum Pass Road to BPA power lines in T18N, R20E, Section 6; east and south along power lines to the Yakima Training Center boundary; south and west along the Yakima Training Center boundary to I-82; north on I-82 to Thrall Road; west on Thrall Road to Wilson Creek; south on Wilson Creek to Yakima River; north on Yakima River to gas pipeline crossing in T17N, R18E, Section 25; south and west on the gas pipeline to Umtanum Creek; west on Umtanum Creek to the Durr Road; north on the Durr Road to Umtanum Road; north on Umtanum Road

to South Branch Canal; west on South Branch Canal to Bradshaw/Hanson Road; west on Bradshaw Road to the elk fence; north and west along the elk fence to power line crossing in T19N, R16E, Section 10; west along the power line (south branch) to Big Creek; north on Big Creek to Nelson Siding Road; west and north on Nelson Siding Road to I-90; east on I-90 to point of beginning.

Elk Area No. 3912 Old Naches (Yakima County): Starting at the elk fence and Roza Canal along the south boundary T14N, R19E, Section 8; following the elk fence to the big-horn sheep feeding site in T15N, R16E, Section 36; south on the feeding site access road to the Old Naches Highway; west and south on the Old Naches Highway to State Route 12 and the Naches River; down the Naches River to the Tieton River; up the Tieton River approximately 2 miles to the intersection of the metal footbridge and the elk fence at the south end of the bridge in T14N, R16E, Section 3; south along the elk fence to the top of the cliff/rimrock line; southwest along the top of the cliff/rimrock line to the irrigation canal in T14N, R16E, Section 9; southwest along the irrigation canal to the elk fence in T14N, R16E, Section 8; south along the elk fence to the township line between T12N, R15E and T12N, R16E; south along the township line to the South Fork Ahtanum Creek; downstream along the South Fork Ahtanum Creek and Ahtanum Creek to the Yakima River; upstream along the Yakima River to Roza Canal and point of beginning.

Elk Area No. 4601 North Bend (King County): That portion of GMU 460 beginning at the interchange of State Route (SR) 18 and I-90; W on I-90 to SE 82nd St, Exit 22, at the town of Preston; N on SE 82nd Street to Preston Fall City Rd SE (Old SR 203); N on Preston Fall City Rd SE to SE Fall City Snoqualmie Rd (SR 202) at the town of Fall City; E on SE Fall City Snoqualmie Rd to the crossing of Tokul Creek; N and E up Tokul Creek to its crossing with Tokul Rd SE; S on SE Tokul Rd to SE 53rd Way; E on SE 53rd Way where it turns into 396th Dr SE then S on 396th Dr SE to SE Reinig Rd; E on SE Reinig Rd to 428th Ave SE; N on 428th Ave SE to where it turns into North Fork Rd SE; N and E on North Fork Rd SE to Ernie's Grove Rd; E on Ernie's Grove Rd to SE 70th St; N on SE 70th St to its ends at Fantastic Falls on the North Fork Snoqualmie River; SW down the North Fork Snoqualmie River to Fantastic Falls and the Mt Si Natural Resource Conservation Area boundary then S and E along the southern boundary of the Mt Si NRCA to the "School Bus" turnaround at SE 114th St; S on 480th Ave SE to SE 130th St; S and E on SE 130th St to its end; SSE overland from the end of SE 130th St, over the Middle Fork Snoqualmie River, to the end of 486th Ave SE; S on 486th Ave SE to the intersection with SE Middle Fork Road; Due S, from said intersection, up Grouse Mountain toward its peak, to the logging road adjacent to Grouse Mountain Peak; S down the logging road to Grouse Ridge Access Rd; W on Grouse Ridge Access Road which becomes SE 146th St; W on SE 146th St to I-90 then east along I-90 to the W boundary of Olallie/Twin Falls State Park; then along the westerly and northerly boundaries of Olallie/Twin Falls/Iron Horse state parks to the boundary of the Rattlesnake Lake Recreation Area; W along the boundary of the Rattlesnake Lake Recre-

ation Area to Cedar Falls Rd SE; N along the Cedar Falls Rd to SE 174th Way; W on SE 174th Way to SE 174th St; W on SE 174th St to SE 173rd St; W on SE 173rd St to SE 170th Pl; W on SE 170th Pl to SE 169th St; W on SE 169th St to 424th Ave SE; N on 424th Ave SE to SE 168th St; W on SE 168th St to 422 Ave SE; N on 422 Ave SE to 426th Way SE; S on 426th Way SE to SE 164th St; E on SE 164th St to Uplands Way SE; W on Uplands Way SE to the crossing with the Power Transmission Lines; W along the Power Transmission Lines to the Winery Rd; NW on the Winery Rd to SE 99th Rd; W and N on SE 99th Rd to the I-90 interchange, at Exit 27; SW on I-90 to the interchange with SR 18 and the point of beginning.

Elk Area No. 4941 Skagit River (Skagit County): That portion of GMU 437 beginning at the intersection of State Route 9 and State Route 20; east on State Route 20 to Concrete-Sauk Valley Road; south on Concrete-Sauk Valley Road over The Dalles Bridge (Skagit River) to the intersection with the South Skagit Highway; west on South Skagit Highway to State Route 9; north on State Route 9 and the point of beginning.

Elk Area No. 5029 Toledo (Lewis and Cowlitz counties): Beginning at the Cowlitz River and State Highway 505 junction; east along the Cowlitz River to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to Cedar Creek Road; east along Cedar Creek Road to Due Road; south on Due Road to Weyerhaeuser 1823 Road; south along Weyerhaeuser 1823 Road to the Weyerhaeuser 1945 Road; south along the Weyerhaeuser 1945 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the North Fork Toutle River; west along the North Fork Toutle River to the Toutle River; west on the Toutle River to the Cowlitz River; North along the Cowlitz River to the junction of State Highway 505 and the point of beginning.

Elk Area No. 5049 Ethel (Lewis County): That part of GMU 505 beginning at the intersection of Jackson Highway and Highway 12; south along Jackson Highway to Buckley Road; south on Buckley Road to Spencer Road; east on Spencer Road to Fuller Road; north on Fuller Road to Highway 12; east on Highway 12 to Stowell Road; north on Stowell Road to Gore Road; west on Gore Road to Larmon Road; west on Larmon Road to Highway 12; west on Highway 12 to Jackson Highway and point of beginning.

Elk Area No. 5050 Newaukum (Lewis County): That part of GMU 505 beginning at the intersection of Interstate 5 and Highway 12; east on Highway 12 to Larmon Road; east on Larmon Road to Leonard Road; north on Leonard Road through the town of Onalaska to Degler Road; north on Degler Road to Middle Fork Road; east on Middle Fork Road to Beck Road; north on Beck Road to Centralia-Alpha Road; west on Centralia-Alpha Road to Logan Hill Road; south then west on Logan Hill Road to Jackson Highway; south on Jackson Highway to the Newaukum River; west along the Newaukum River to Interstate 5; south on Interstate 5 to Highway 12 and point of beginning.

Elk Area No. 5051 Green Mountain (Cowlitz County): Beginning at the junction of the Cowlitz River and the Toutle River; east along the Toutle River to the North Fork Toutle River; east along the North Fork Toutle River to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the Weyerhaeuser 1910 Road; south along the Weyerhaeuser 1910 Road to the Weyerhaeuser 2410 Road; south along the Weyerhaeuser 2410 Road to the Weyerhaeuser 4553 Road; south along the Weyerhaeuser 4553 Road to the Weyerhaeuser 4500 Road; south along the Weyerhaeuser 4500 Road to the Weyerhaeuser 4400 Road; south along the Weyerhaeuser 4400 Road to the Weyerhaeuser 4100 Road; east along the Weyerhaeuser 4100 Road to the Weyerhaeuser 4700 Road; south along the Weyerhaeuser 4700 Road to the Weyerhaeuser 4720 Road; west along the Weyerhaeuser 4720 Road to the Weyerhaeuser 4730 Road; west along the Weyerhaeuser 4730 Road to the Weyerhaeuser 4732 Road; west along the Weyerhaeuser 4732 Road to the Weyerhaeuser 4790 Road; west along the Weyerhaeuser 4790 Road to the Weyerhaeuser 1390 Road; south along the Weyerhaeuser 1390 Road to the Weyerhaeuser 1600 Road; west along the Weyerhaeuser 1600 Road to the Weyerhaeuser Logging Railroad Tracks at Headquarters; west along the Weyerhaeuser Logging Railroad Track to Ostrander Creek; west along Ostrander Creek to the Cowlitz River; north along the Cowlitz River to the Toutle River and point of beginning.

Elk Area No. 5052 Mossyrock (Lewis County): Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5053 Randle (Lewis County): Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5054 Boistfort (Lewis County): Beginning at the town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Val-

ley Road to the Boistfort Road; north along the Boistfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to Interstate 5; south along Interstate 5 to State Hwy 506; west along State Hwy 506 to the town of Vader and the point of beginning.

Elk Area No. 5056 Grays River Valley (Wahkiakum County): That area in GMU 506 on or within 1.5 miles of agricultural land in the Grays River Valley and Eden Valley within the following sections: T11N, R08W, Section 36; T11N, R07W, Sections 31, 32, 33; T10N, R7W, Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 31, 32; T10N, R8W, Sections 1, 2, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36; T09N, R08W, Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 14, 15; T09N, R07W, Sections 5, 6, 7, 8.

Elk Area No. 5057 Carlton (Lewis County): That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

Elk Area No. 5058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Pacific Crest Trail.

Elk Area No. 5059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness.

Elk Area No. 5060 Merwin (Cowlitz County): Begin at the State Route 503 and the Longview Fibre Road WS-8000 junction; north and west on the Longview Fibre Road WS-8000 to Day Place Road; west on Day Place Road to Dubois Road; south on Dubois Road to State Route 503; east on State Route 503 to the State Route 503 and the Longview Fibre Road WS-8000 junction and point of beginning.

Elk Area No. 5061 Wildwood (Lewis County): Beginning at the junction of the Pacific West Timber (PWT) 600 Road and the Wildwood Road (SE1/4 S29 T11N R3W); southwest on the 600 Road to the 800 Road (NW1/4 S36 T11N R4W); southwest on the 800 Road to the 850 Road (SW1/4 S3 T10N R4W); northwest on the 850 Road to the Weyerhaeuser 4720 Road (S20 T11N R4W); north on the Weyerhaeuser 4720 Road to the Weyerhaeuser 4700 Road (S17 T11N R4W); east on the Weyerhaeuser 4700 Road to the Weyerhaeuser 5822 Road (NW1/4 S16 T11N R4W); east on the Weyerhaeuser 5822 Road to the Weyerhaeuser 5820 Road (NW1/4 S10 T11N R4W); southeast on the Weyerhaeuser 5820 Road to the PWT 574 Road (SE1/4 S10 T11N R4W); south on the PWT 574 Road to the 570 Road (NW1/4 S14 T11N R4W); south on the 570 Road to the 500 Road (NW1/4 S14 T11N R4W); northeast on the 500 Road to the 560 Road (SW1/4 S12 T11N R4W); east on the 560 Road to the 540 Road (SE1/4 S12 T11N R4W); east and south on the 540 Road to the 500 Road (SE1/4 S18 T11N R3W); east on the PWT 500 Road to the Wildwood Road (N1/2 S20 T11N R3W); south on the Wildwood Road to the point of beginning, the PWT 600 Road junction (SE1/4 S29 T11N R3W).

Elk Area No. 5062 Trout Lake (Klickitat County): Those portions of GMU 578 (West Klickitat) beginning at the intersection of SR 141 and Sunnyside Road; north on Sunnyside Road to Mount Adams Recreational Area Road; (including

agricultural land on the Trout Lake Valley floor north of Sunnyside Road within T06N R10E in Sections 13 and 14); south on Mount Adams Recreational Area Road to the intersection of SR 141 and south on SR 141 and Sunnyside Road to the point of beginning.

Elk Area No. 5063 Pumice Plain (Cowlitz and Skamania counties): That part of GMU 522 beginning at the confluence of the N. Fork Toutle River and Castle Creek; East along the N. Fork Toutle River to USFS trail 207; south along USFS trail 207 to USFS trail 216E; southwest along USFS trail 216E to USFS trail 216; west along USGS trail 216 to USGS 216G; northwest along USFS trail 216G to USGS trail 221; north along USFS 221 to Castle Creek; northwest along Castle Creek to N. Fork Toutle River and point of beginning.

Elk Area No. 5064 Upper Smith Creek (Skamania County): That part of GMU 522 beginning at the U.S. Forest Service Rd. 99 and U.S. Forest Service Trail 225 (Smith Creek Trail) junction; south on Trail 225 to Ape Canyon Creek; south and west up Ape Canyon Creek to U.S. Forest Service Trail 216 (Loowit Trail); north on Trail 216 to U.S. Forest Service Trail 216D (Abraham Trail); north on Trail 216D to U.S. Forest Service Trail 207 (Truman Trail); north and east on Trail 207 to U.S. Forest Service Rd. 99; north and east on U.S. Forest Service Rd. 99 to the junction of U.S. Forest Service Rd. 99 and U.S. Forest Service Trail 225 and the point of beginning.

Elk Area No. 5065 Mount Whittier (Skamania County): That part of GMU 522 beginning at the U.S. Forest Service Trail 1 (Boundary Trail) and U.S. Forest Service Trail 214 (Whittier Ridge Trail) junction; west on the U.S. Forest Service Trail 1 to U.S. Forest Service Trail 230 (Coldwater Trail); north on U.S. Forest Service Trail 230 to U.S. Forest Service Trail 211 (Lakes Trail); east on Trail 211 to U.S. Forest Service Trail 214; south on U.S. Forest Service Trail 214 to the junction of U.S. Forest Service Trail 214 and U.S. Forest Service Trail 1 and the point of beginning.

Elk Area No. 5066 Norway Pass (Lewis and Skamania counties): That part of GMU 524 beginning at the U.S. Forest Service (USFS) Trail 211 (Lakes Trail) and USFS Trail 230 (Coldwater Trail) junction; NE to Minnie Peak; W to the USFS property boundary in the SE 1/4 of Section 20, T10N, R5E; N along the USFS property boundary to the Green River; E up the Green River to the USFS Rd 2612; E on the USFS Rd 2612 to USFS Rd 26; S on USFS Rd 26 to USFS Trail 1 (Boundary Trail); W on USFS Trail 1 to USFS Trail 214 (Whittier Trail); N on USFS Trail 214 to USFS Trail 211 (Lakes Trail); W on USFS Trail 211 to the USFS Trail 211, Trail 230 junction and point of beginning.

Elk Area No. 5090 JBH (Wahkiakum County): The mainland portion of the Julia Butler Hansen National Wildlife Refuge, as administered by the U.S. Fish and Wildlife Service as described: Beginning at the junction of State Route 4 and Steamboat Island Slough Road, northwest on Steamboat Island Slough Road to Brooks Slough Road, east on Brooks Slough Road to State Route 4, south on State Route 4 to Steamboat Slough Road and point of beginning.

Elk Area No. 5099 Mudflow (Cowlitz County): That part of GMU 522 beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Rd 3020; NW along 3020 to Rd 3000; E along Rd 3000 to US Forest Service (USFS) Trail 216G; SE along USFS Trail 216G to USFS Trail 221 (Castle Lake Trail); N on USFS Trail 221 to Castle Creek; N along Castle Creek to the confluence with the North Fork Toutle River; W down the North Fork Toutle River to the North Fork Toutle River, Coldwater Creek confluence; North from the North Fork Toutle River, Coldwater Creek confluence on unnamed ridgeline, to Castle Lake viewpoint on SR 504; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

Elk Area No. 6010 Mallis (Pacific County): That part of GMUs 506, 672, and 673 within one and one-half mile either side of SR 6 between the east end of Elk Prairie Rd and the Mallis Landing Rd, and all lands within a half mile of Elk Creek Rd bounded on the south by Monohon Landing Rd.

Elk Area No. 6011 Centralia Mine (Lewis County): That portion of GMU 667 within Centralia Mine property boundary.

Elk Area No. 6013 (Pierce County): That part of GMU 652 beginning at the intersection of Highway 167 and Highway 410; north on Highway 167 to Highway 18; east on Highway 18 to Highway 164; southeasterly on Highway 164 to intersection with power transmission line in T20 R6 Section 18. West along power transmission line to intersection with 226th Ave E. South on 226th Ave East to intersection with 40th St E, east on 40th St E to 230th Ave E, South on 230th Ave E to Radke Road. Southwest on Radke to Barkubine Road, South on Barkubine Road to Connells Prairie; West on Connells Prairie Rd to 214th Ave E, South on 214th Ave E to Highway 410; westerly on Highway 410 to Highway 167 and the point of beginning.

Elk Area No. 6014 (Pierce County): Starting at Highway 164 intersection with power transmission line in T20 R6 Section 18; W along power transmission line to intersection with 226th Ave E; S on 226th Ave E to intersection with 40th St E; E on 40th St E to 230th Ave E; S on 230th Ave E to Radke Rd; SW on Radke to Barkubine Rd; S on Barkubine Rd to Connells Prairie; W on Connells Prairie Rd to 214th Ave E; S on 214th Ave E to South Prairie Rd; SE on South Prairie Rd to Highway 162; E on Hwy 162 to Hwy 165; S on Hwy 165 to the power transmission lines at T19 R6 Section 21, NE along the power transmission lines to the White River, N along the White River to the power transmission lines at T19 R7E; NE on power transmission lines to intersection with Hwy 410 West on SR 410 to Hwy 164; NW on Hwy 164 to starting point.

Elk Area No. 6054 Puyallup River (Pierce County): That portion of GMU 654 beginning at the intersection of Mount Rainier National Park's western boundary and State Route (SR) 706; W on SR 706 to intersection with Highway 7 at Elbe; NW on Highway 7 to Alder Cutoff Rd; N on Alder Cutoff Rd to Scott Turner Rd; NW on Scott Turner Rd to Alder

Cutoff Rd; W and NE on Alder Cutoff Rd to Center St SE in the town of Eatonville; NW on Center St SE to SR 161; N and W on SR 161 to Orville Rd E; N on Orville Rd E, past Lake Ohop and Lake Kapowsin, to the bridge crossing the Puyallup River; SE up the Puyallup River to Mount Rainier National Park's western boundary; S on Mount Rainier National Park's western boundary to SR 706 and the point of beginning.

Elk Area No. 6061 Twin Satsop Farms (Mason County): That portion of GMU 651 starting at the junction of the Deckerville Road and the Brady-Matlock Road; southwest to the junction with the West Boundary Road; north on West Boundary Road to the Deckerville Road; east on the Decker-ville Road to the junction of Brady-Matlock Road and point of beginning. In addition, the area within a circle with a radius of two miles centered on the junction of State Route 108 and the Eich Road.

Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties): That portion of GMU 638 (Quinault) within the Quinault River watershed east of Gattion Creek and Lake Quinault excluding US Forest Service (USFS) Colonel Bob Wilderness Area beginning at the mouth of the Quinault River; NE on the Olympic National Park boundary, which is along the Quinault River, to the intersection with USFS Colonel Bob Wilderness Area; then SW along the Colonel Bob Wilderness Area Western boundary to its intersection with Haas Creek; then downstream along Haas Creek to its intersection with USFS Olympic National Forest boundary; then SW along USFS boundary to the Lake Quinault shoreline; then N along the East shore of Lake Quinault to the mouth of Quinault River and the point of the beginning.

Elk Area No. 6069 Hanaford (Lewis and Thurston counties): That part of GMU 667 (Skookumchuck) beginning at the intersection of Salzer Valley Rd and S Pearl St (Centralia); N on S Pearl St to N Pearl St; N on N Pearl St to State Hwy 507; W and N on State Hwy 507 to Skookumchuck Rd; E on Skookumchuck Rd to the first bridge over the Skookumchuck River; E along the Skookumchuck River to the Skookumchuck Rd bridge; E on Skookumchuck Rd to the steel tower power line; SW along the power line to Big Hanaford Rd; E and S along Big Hanaford Rd to the intersection with the main stem of Hanaford Creek; SE along Hanaford Creek to the range line between Range 1W and Range 1E of Township 14N; S on the range line between Range 1W and Range 1E of Township 14N to Mitchell Creek; SW on Mitchell Creek to the North Fork of the Newaukum River; SW on the North Fork of the Newaukum River to North Fork Rd; W on North Fork Rd to Centralia-Alpha Rd; W on Centralia-Alpha Rd to Salzer Valley Rd and the point of beginning.

Elk Area No. 6071 Dungeness (Clallam County): Portions of GMUs 621 (Olympic) and 624 (Coyle) beginning at the mouth of the Dungeness River; east and south along the coast of the Strait of Juan de Fuca to the mouth of Dean Creek on Sequim Bay; south and west up Dean Creek to the power transmission line; west on the power transmission line to the Dungeness River; north down the Dungeness River to its mouth and the point of beginning.

Elk Area No. 6612 Forks (Clallam County): That part of GMUs 607 and 612 excluding the city of Forks and Bogachiel state park; starting at the confluence of Calawah River and the Bogachiel River; upstream on the Bogachiel River to the Hwy 101 Bridge north along Hwy 101 to Sportsman Club Rd; E on Sportsman Club Rd to DNR FR-F-1000; E on DNR FR-F-1000 to DNR FR-F-1200; N on DNR FR-F-1200 to its end; from the end of DNR FR-F-1200 N approximately 500' to Elk Creek; down Elk Creek to its confluence with the Calawah River; down the Calawah River to its confluence with the Bogachiel River.

WSR 18-14-063

EXPEDITED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed June 29, 2018, 9:41 a.m.]

Title of Rule and Other Identifying Information: The department is proposing to amend sections contained in chapter 388-78A WAC in order to update references from chapter 388-112 WAC to chapter 388-112A WAC.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments update the references to chapter 388-112 WAC contained throughout chapter 388-78A WAC. Any sections in chapter 388-78A WAC containing references to chapter 388-112 WAC that are not included in this proposed draft and are currently open for rule making will be updated with the correct reference through those specific rule-making actions.

Reasons Supporting Proposal: The proposed amendment provides clarity and refers users to the correct WAC chapter.

Statutory Authority for Adoption: Chapter 18.20 RCW.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jeanette K. Childress, P.O. Box 45600, Olympia, WA 98504, 360-725-2591.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed amendments update references without changing the effect of the rule.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT

LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO DSHS Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504, phone 360-664-6097, fax 360-664-6185, email DSHSRPAURulesCoordinator@dshs.wa.gov, AND RECEIVED BY 5:00 p.m., September 4, 2018.

June 27, 2018
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

WAC 388-78A-2450 Staff. (1) Each assisted living facility must provide sufficient, trained staff persons to:

(a) Furnish the services and care needed by each resident consistent with his or her negotiated service agreement;

(b) Maintain the assisted living facility free of safety hazards; and

(c) Implement fire and disaster plans.

(2) The assisted living facility must:

(a) Develop and maintain written job descriptions for the administrator and each staff position and provide each staff person with a copy of his or her job description before or upon the start of employment;

(b) Verify staff persons' work references prior to hiring;

(c) Verify prior to hiring that staff persons have the required licenses, certification, registrations, or other credentials for the position, and that such licenses, certifications, registrations, and credentials are current and in good standing;

(d) Document and retain for twelve weeks, weekly staffing schedules, as planned and worked;

(e) Ensure all resident care and services are provided only by staff persons who have the training, credentials, experience and other qualifications necessary to provide the care and services;

(f) Ensure at least one caregiver, who is eighteen years of age or older and has current cardiopulmonary resuscitation and first-aid cards, is present and available to assist residents at all times:

(i) When one or more residents are present on the assisted living facility premises; and

(ii) During assisted living facility activities off of the assisted living facility premises.

(g) Ensure caregiver provides on-site supervision of any resident voluntarily providing services for the assisted living facility;

(h) Provide staff orientation and appropriate training for expected duties, including:

(i) Organization of the assisted living facility;

(ii) Physical assisted living facility layout;

(iii) Specific duties and responsibilities;

(iv) How to report resident abuse and neglect consistent with chapter 74.34 RCW and assisted living facility policies and procedures;

(v) Policies, procedures, and equipment necessary to perform duties;

(vi) Needs and service preferences identified in the negotiated service agreements of residents with whom the staff persons will be working; and

(vii) Resident rights, including without limitation, those specified in chapter 70.129 RCW.

(i) Develop and implement a process to ensure caregivers:

(i) Acquire the necessary information from the preadmission assessment, on-going assessment and negotiated service agreement relevant to providing services to each resident with whom the caregiver works;

(ii) Are informed of changes in the negotiated service agreement of each resident with whom the caregiver works; and

(iii) Are given an opportunity to provide information to responsible staff regarding the resident when assessments and negotiated service agreements are updated for each resident with whom the caregiver works.

(j) Ensure all caregivers have access to resident records relevant to effectively providing care and services to the resident.

(3) The assisted living facility must:

(a) Protect all residents by ensuring any staff person suspected or accused of abuse, neglect, financial exploitation, or abandonment does not have access to any resident until the assisted living facility investigates and takes action to ensure resident safety;

(b) Not interfere with the investigation of a complaint, coerce a resident or staff person regarding cooperating with a complaint investigation, or conceal or destroy evidence of alleged improprieties occurring within the assisted living facility;

(c) Prohibit staff persons from being directly employed by a resident or a resident's family during the hours the staff person is working for the assisted living facility;

(d) Maintain the following documentation on the assisted living facility premises, during employment, and at least two years following termination of employment:

(i) Staff orientation and training or certification pertinent to duties, including, but not limited to:

(A) Training required by chapter ((388-112)) 388-112A WAC;

(B) Home care aide certification as required by this chapter and chapter 246-980 WAC;

(C) Cardiopulmonary resuscitation;

(D) First aid; and

(E) HIV/AIDS training.

(ii) Disclosure statements and background checks as required in WAC 388-78A-2461 through 388-78A-2471; and

(iii) Documentation of contacting work references and professional licensing and certification boards as required by subsection (2) of this section.

(4) The assisted living facility is not required to keep on the assisted living facility premises, staff records that are unrelated to staff performance of duties. Such records include, but are not limited to, pay records, and health and insurance benefits for staff.

AMENDATORY SECTION (Amending WSR 14-05-035, filed 2/12/14, effective 3/15/14)

WAC 388-78A-2474 Training and home care aide certification requirements. (1) The assisted living facility must ensure staff persons hired before January 7, 2012 meet training requirements in effect on the date hired, including requirements in chapter ((388-112)) 388-112A WAC.

(2) The assisted living facility must ensure all assisted living facility administrators, or their designees, and caregivers hired on or after January 7, 2012 meet the long-term care worker training requirements of chapter ((388-112)) 388-112A WAC, including but not limited to:

- (a) Orientation and safety;
- (b) Basic;
- (c) Specialty for dementia, mental illness and/or developmental disabilities when serving residents with any of those primary special needs;
- (d) Cardiopulmonary resuscitation and first aid; and
- (e) Continuing education.

(3) The assisted living facility must ensure that all staff receive appropriate training and orientation to perform their specific job duties and responsibilities.

(4) The assisted living facility must ensure all persons listed in subsection (2) of this section, obtain the home-care aide certification.

(5) Under RCW 18.88B.041 and chapter 246-980 WAC, certain individuals including registered nurses, licensed practical nurses, certified nursing assistants, or persons who are in an approved certified nursing assistant training program are exempt from long-term care worker basic training requirements. Continuing education requirements under chapter ((388-112)) 388-112A WAC still apply to these individuals, except for registered nurses and licensed practical nurses.

(6) For the purpose of this section, the term "caregiver" has the same meaning as the term "long-term care worker" as defined in RCW 74.39A.009.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

WAC 388-78A-2490 Specialized training for developmental disabilities. The assisted living facility must ensure completion of specialized training, consistent with chapter ((388-112)) 388-112A WAC, to serve residents with developmental disabilities, whenever at least one of the residents in the assisted living facility has a developmental disability as defined in WAC 388-823-0040, that is the resident's primary special need.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

WAC 388-78A-2500 Specialized training for mental illness. The assisted living facility must ensure completion of specialized training, consistent with chapter ((388-112)) 388-112A WAC, to serve residents with mental illness, whenever at least one of the residents in the assisted living facility has a mental illness that is the resident's primary special need and is a person who has been diagnosed with or treated for an Axis I or Axis II diagnosis, as described in the *Diagnostic*

and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision, and:

(1) Who has received the diagnosis or treatment within the previous two years; and

(2) Whose diagnosis was made by, or treatment provided by, one of the following:

- (a) A licensed physician;
 - (b) A mental health professional;
 - (c) A psychiatric advanced registered nurse practitioner;
- or
- (d) A licensed psychologist.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

WAC 388-78A-2510 Specialized training for dementia. The assisted living facility must ensure completion of specialized training, consistent with chapter ((388-112)) 388-112A WAC, to serve residents with dementia, whenever at least one of the residents in the assisted living facility has a dementia that is the resident's primary special need and has symptoms consistent with dementia as assessed per WAC 388-78A-2090(7).

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

WAC 388-78A-2540 Administrator requirements. The licensee must ensure the assisted living facility administrator:

(1) Meets the training requirements under chapter ((388-112)) 388-112A WAC; and

(2) Knows and understands how to apply Washington state statutes and administrative rules related to the operation of an assisted living facility; and

(3) Meets the administrator qualification requirements referenced in WAC 388-78A-2520 through 388-78A-2527.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

WAC 388-78A-2550 Administrator training documentation. The assisted living facility must maintain for department review, documentation of the administrator completing:

(1) Training required by chapter ((388-112)) 388-112A WAC;

(2) Department training in an overview of Washington state statutes and administrative rules related to the operation of an assisted living facility;

(3) As applicable, certification from a department-recognized national accreditation health or personal care organization; and

(4) As applicable, the qualifying administrator-training program.

WSR 18-14-064
EXPEDITED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed June 29, 2018, 9:45 a.m.]

Title of Rule and Other Identifying Information: The department is proposing to amend sections contained in chapter 388-107 WAC in order to update references from chapter 388-112 WAC to chapter 388-112A WAC.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments update the references to chapter 388-112 WAC contained throughout chapter 388-107 WAC. Any sections in chapter 388-107 WAC containing references to chapter 388-112 WAC that are not included in this proposed draft and are currently open for rule making will be updated with the correct reference through those specific rule-making actions.

Reasons Supporting Proposal: The proposed amendment provides clarity and refers users to the correct WAC chapter.

Statutory Authority for Adoption: Chapter 70.97 RCW.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jeanette K. Childress, P.O. Box 45600, Olympia, WA 98504, 360-725-2591.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed amendments update references without changing the effect of the rule.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO DSHS Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504, phone 360-664-6097, fax 360-664-6185, email DSHSRPAURulesCoordinator@dshs.wa.gov, AND RECEIVED BY 5:00 p.m., September 4, 2018.

June 27, 2018
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-14-078, filed 7/1/16, effective 8/1/16)

WAC 388-107-0001 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Abandonment" means action or inaction by a person with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a resident. In instances of abuse of a resident who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse is also defined in RCW 74.34.020. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a resident, which have the following meanings:

(1) **"Mental abuse"** means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a resident from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing;

(2) **"Physical abuse"** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints except as described in section 388-107-0420;

(3) **"Sexual abuse"** means any form of nonconsensual sexual contact, including, but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual contact may include interactions that do not involve touching, including but not limited to sending a resident sexually explicit messages, or cuing or encouraging a resident to perform sexual acts. Sexual abuse includes any sexual contact between a staff person and a resident, whether or not it is consensual;

(4) **"Exploitation"** means an act of forcing, compelling, or exerting undue influence over a resident causing the resident to act in a way that is inconsistent with relevant past behavior, or causing the resident to perform services for the benefit of another.

"Activities of daily living" means the following tasks related to basic personal care: Bathing; toileting; dressing; personal hygiene; mobility; transferring; and eating.

"Administrative hearing" is a formal hearing proceeding before a state administrative law judge that gives:

(1) A licensee an opportunity to be heard in disputes about licensing actions, including the imposition of remedies, taken by the department; or

(2) An individual an opportunity to appeal a finding of abandonment, abuse, neglect, financial exploitation of a resident, or misappropriation of a resident's funds.

"Administrator" means an enhanced services facility administrator who must be in active administrative charge of the enhanced services facility as required in this chapter. Unless exempt under RCW 18.88B.041, the administrator

must complete long-term care worker training and home care aide certification.

"Advance directive," as used in this chapter, means any document indicating a resident's choice with regard to a specific service, treatment, medication or medical procedure option that may be implemented in the future such as power of attorney health care directive, limited or restricted treatment cardiopulmonary resuscitation (CPR), do not resuscitate (DNR), and organ tissue donation.

"Aggressive behavior" means actions by the individual that constitute a threat to the individual's health and safety or the health and safety of others in the environment.

"Antipsychotic medications" means that class of medications primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

"Applicant" means the individual or entity, as defined in this section that has submitted, or is in the process of submitting, an application for an enhanced services facility license.

"Capacity" means the maximum amount an enhanced services facility can serve is sixteen residents.

"Caregiver" means the same as "long-term care worker" as defined in RCW 74.39A.009, as follows: "Long-term care workers" include all persons who provide paid, hands-on personal care services for the elderly or persons with disabilities, including but not limited to individual providers of home care services, direct care workers employed by home care agencies, providers of home care agencies to persons with developmental disabilities under Title 71A RCW, all direct care workers in state-licensed enhanced services facilities, assisted living facilities, and adult family homes, respite care providers, direct care workers employed by community residential service businesses, and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

"Challenging behavior" means a persistent pattern of behaviors that inhibit the individual's functioning in public places, in the facility and integration within the community, or uncontrolled symptoms of a physical or mental condition. These behaviors may have been present for long periods of time or have manifested as an acute onset.

"Chemical dependency" means alcoholism, medication addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires and as those terms are defined in chapter 70.96A RCW.

"Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

"Deficiency" means an enhanced services facility's practice, action, or inaction that violates any or all of the requirements of chapter 70.97 RCW or this chapter.

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

"Direct supervision" means oversight by a person on behalf of the enhanced services facility who has met training requirements, demonstrated competency in core areas, or has

been fully exempted from the training requirements, is on the premises, and is quickly and easily available to the caregiver.

"Enhanced services facility" or **"ESF"** means a facility licensed under chapter 70.97 RCW that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the department to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues. For the purposes of this chapter, an enhanced services facility is not an evaluation and treatment facility certified under chapter 71.05 RCW.

"Facility" means an enhanced services facility.

"Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. Some examples of financial exploitation are given in RCW 74.34.-020(6).

"Holding technique" means using the least amount of force necessary to manually hold all or part of a person's body in a way that restricts the person's free movement; also includes any approved controlling maneuvers identified in the person-centered service plan. Examples include holds taught in approved training for deescalation techniques and control of self-harm or aggressive behavior. This definition does not apply to briefly holding, without force, a person in order to calm the person, or holding a person's hand to escort the person safely from one area to another.

"Infectious" means capable of causing infection or disease by entrance of organisms into the body, which grow and multiply there, including, but not limited to, bacteria, viruses, protozoans, and fungi.

"Inspection" means the process by which department staff evaluates the enhanced services facility licensee's compliance with applicable statutes and regulations.

"License suspension" is an action taken by the department to temporarily revoke an enhanced services facility license in accordance with RCW 70.97.120 and this chapter.

"Licensee" means the individual or entity, as defined in this chapter, to whom the department issues the enhanced services facility license.

"Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

"Likelihood of serious harm" means a substantial risk that:

- (1) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;
- (2) Physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or
- (3) Physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others.

"Long-term care worker" as defined in RCW 74.39A.-009, has the same meaning as the term "caregiver."

"Management agreement" means a written, executed agreement between the licensee and the manager regarding the provision of certain services on behalf of the licensee.

"Mandated reporter":

(1) Is an employee of the department, law enforcement officer, social worker, professional school personnel, individual provider, an employee of a facility, an operator of a facility, an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency, county coroner or medical examiner, Christian Science practitioner, or health care provider subject to chapter 18.130 RCW; and

(2) For the purpose of the definition of mandated reporter, "facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, Assisted living facility; chapter 18.51 RCW, Nursing homes; chapter 70.128 RCW, Adult family homes; chapter 72.36 RCW, Soldiers' homes; chapter 71A.20 RCW, Residential habilitation centers; chapter 70.97 RCW, Enhanced services facility or any other facility licensed by the department.

"Medically fragile" means a chronic and complex physical condition which results in prolonged dependency on specialized medical care that requires frequent daily skilled nursing interventions. If these medically necessary interventions are interrupted or denied, the resident may experience irreversible damage or death. Examples of specialized medical care and treatment for medically fragile residents include but are not limited to: IV therapies requiring monitoring of vital signs and dose titration dependent on lab values; wound care requiring external vacuum or other mechanical devices for debridement; complicated wound care requiring other specialized or extensive interventions and treatment; ventilator or other respiratory device dependence and monitoring; dependence on licensed staff for complex respiratory support; and peritoneal or hemodialysis (on-site).

"Medication administration" means the direct application of a prescribed medication whether by injection, inhalation, ingestion, or other means, to the body of the resident by an individual legally authorized to do so.

"Medication service" means any service provided either directly or indirectly by an enhanced services facility related to medication administration medication assistance, or resident self-administration of medication.

"Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions.

"Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, licensed mental health counselor, licensed mental health counselor-associate, licensed marriage and family therapist, licensed marriage and family therapist-associate, licensed independent clinical social worker, licensed independent clinical social worker-associate, licensed advanced social worker, or licensed advanced social worker-associate and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

"Misappropriation of resident property" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident's belongings or money.

"Neglect" means:

(1) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a resident, or that fails to avoid or prevent physical or mental harm or pain to a resident; or

(2) An act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the resident's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

"Permanent restraining order" means a restraining order or order of protection issued either following a hearing, or by stipulation of the parties. A "permanent" order may be in force for a specific time period (e.g. 5 years), after which it expires.

"Prescriber" means a health care practitioner authorized by Washington state law to prescribe medications.

"Professional person" means a mental health professional and also means a physician, registered nurse, and such others as may be defined in rules adopted by the secretary pursuant to the provisions of this chapter.

"Psychopharmacologic medications" means a class of prescription medications that affect the mind, emotions, and behavior, including but not limited to antipsychotics, antianxiety medication, and antidepressants.

"Reasonable accommodation" and "reasonably accommodate" have the meaning given in federal and state antidiscrimination laws and regulations which include, but are not limited to, the following:

(1) Reasonable accommodation means that the enhanced services facility must:

(a) Not impose an admission criterion that excludes individuals unless the criterion is necessary for the provision of enhanced services facility services;

(b) Make reasonable modification to its policies, practices or procedures if the modifications are necessary to accommodate the needs of the resident;

(c) Provide additional aids and services to the resident.

(2) Reasonable accommodations are not required if:

(a) The resident or individual applying for admission presents a significant risk to the health or safety of others that cannot be eliminated by the reasonable accommodation;

(b) The reasonable accommodations would fundamentally alter the nature of the services provided by the enhanced services facility; or

(c) The reasonable accommodations would cause an undue burden, meaning a significant financial or administrative burden.

"RCW" means Revised Code of Washington.

"Records" means:

(1) **"Active records"** means the current, relevant documentation regarding residents necessary to provide care and services to residents; or

(2) **"Inactive records"** means historical documentation regarding the provision of care and services to residents that is no longer relevant to the current delivery of services and has been thinned from the active record.

"Registration records" include all the records of the department, regional support networks, treatment facilities,

and other persons providing services to the department, county departments, or facilities which identify individuals who are receiving or who at any time have received services for mental illness.

"Resident" means a person admitted to an enhanced services facility.

"Resident's representative" means:

(1) The legal representative who is the person or persons identified in RCW 7.70.065 and who may act on behalf of the resident pursuant to the scope of their legal authority. The legal representative shall not be affiliated with the licensee, enhanced services facility, or management company, unless the affiliated person is a family member of the resident; or

(2) If there is no legal representative, a person designated voluntarily by a competent resident in writing, to act in the resident's behalf concerning the care and services provided by the enhanced services facility and to receive information from the enhanced services facility if there is no legal representative. The resident's representative may not be affiliated with the licensee, enhanced services facility, or management company, unless the affiliated person is a family member of the resident. The resident's representative under this subsection shall not have authority to act on behalf of the resident once the resident is no longer competent. The resident's competence shall be determined using the criteria in RCW 11.88.-010 (1)(e).

"Secretary" means the secretary of the department or the secretary's designee.

"Significant change" means:

(1) A deterioration in a resident's physical, mental, or psychosocial condition that has caused or is likely to cause clinical complications or life-threatening conditions; or

(2) An improvement in the resident's physical, mental, or psychosocial condition that may make the resident eligible for discharge or for treatment in a less intensive or less secure setting.

"Significant medication error" includes any failure to administer or receive a medication according to an authorized health care provider's order, or according to the manufacturer's directions for nonprescription medications, that results in an error involving the wrong medication, wrong dose, wrong patient, wrong time, wrong rate, wrong preparation, or wrong route of administration.

"Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.-010.

"Staff" or "staff person" means any person who:

(1) Is employed or used by an enhanced services facility, directly or by contract, to provide care and services to any resident.

(2) Staff must meet all of the requirements of chapter ~~(388-112)~~ 388-112A WAC.

"Stop placement" or "stop placement order" is an action taken by the department prohibiting enhanced services facility admissions, readmissions, and transfers of patients into the enhanced services facility from the outside.

"Temporary restraining order" means restraining order or order of protection that expired without a hearing,

was terminated following an initial hearing, or was terminated by stipulation of the parties in lieu of an initial hearing.

"Treatment" means the broad range of emergency, detoxification, residential, inpatient, and outpatient services and care, including diagnostic evaluation, mental health or chemical dependency education and counseling, medical, physical therapy, restorative nursing, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling.

"Violation" means the same as "deficiency" as defined in this section.

"Volunteer" means an individual who interacts with residents without reimbursement.

"Vulnerable adult" includes a person:

(1) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(2) Found incapacitated under chapter 11.88 RCW; or

(3) Who has a developmental disability as defined under RCW 71A.10.020; or

(4) Admitted to any facility, including any enhanced services facility; or

(5) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(6) Receiving services from an individual provider.

(7) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

(8) For the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

"WAC" means Washington Administrative Code.

AMENDATORY SECTION (Amending WSR 14-19-071, filed 9/12/14, effective 10/13/14)

WAC 388-107-0250 Staffing credentials and qualifications. (1) The enhanced services facility must ensure the staffing ratios are met with the following credentialed staff, who are in good professional standing:

(a) Registered nurse;

(b) Licensed practical nurse;

(c) Nursing assistant certified or certified home care aide; and

(d) Mental health professional.

(2) The enhanced services facility must ensure that any caregiver, excluding professional licensed nursing staff:

(a) Must be at least 18 years of age;

(b) Has successfully completed a department-approved certified nursing assistant training program; or

(c) Meets the long-term worker training and certification requirements as described in chapter ~~((388-112))~~ 388-112A WAC.

AMENDATORY SECTION (Amending WSR 14-19-071, filed 9/12/14, effective 10/13/14)

WAC 388-107-0630 Training and home care aide certification requirements. (1) Under RCW 18.88B.041 and chapter 246-980 WAC, certain individuals including registered nurses, licensed practical nurses, certified nursing

assistants, or persons who are in an approved certified nursing assistant program are exempt from long-term care worker training requirements.

(2) Continuing education requirements are outlined in chapter ((388-112)) 388-112A WAC; registered nurses and licensed practical nurses are exempt from the long-term care worker continuing education requirement.

(3) The enhanced services facility must ensure staff persons meet training requirements in effect on the date hired, including requirements described in chapter ((388-112)) 388-112A WAC, unless exempt under RCW 18.88B.041.

(4) The enhanced services facility must ensure all enhanced services facility administrators, or their designees, and caregivers who are not exempt under subsection (1) of this section meet the long-term care worker training requirements of chapter ((388-112)) 388-112A WAC, including but not limited to:

- (a) Orientation and safety;
- (b) Basic training;
- (c) Specialty for dementia and, mental illness and/or developmental disabilities when serving residents with any of those primary special needs;
- (d) Cardiopulmonary resuscitation and first aid; and
- (e) Continuing education.

(5) The enhanced services facility must ensure that all staff receives appropriate training and orientation to perform their specific job duties and responsibilities.

(6) The enhanced services facility must ensure the following staff obtains home care aide certification, unless exempt under WAC 246-980-070:

- (a) All long-term care workers, within two hundred days of hire;
- (b) All enhanced services facility applicants, before licensure;
- (c) All enhanced services facility administrators within two hundred days of hire, and
- (d) Any other staff who will provide direct care and services to residents.

AMENDATORY SECTION (Amending WSR 14-19-071, filed 9/12/14, effective 10/13/14)

WAC 388-107-0650 Specialized training. (1) The enhanced services facility must ensure all staff who have any interaction with the residents successfully complete the mental health and dementia specialized trainings, consistent with chapter ((388-112)) 388-112A WAC, prior to working in the enhanced services facility.

(2) The facility must ensure all staff who have interaction with the residents complete any other specialty trainings to meet the needs of the residents being served, such as developmental disabilities.

AMENDATORY SECTION (Amending WSR 14-19-071, filed 9/12/14, effective 10/13/14)

WAC 388-107-0690 Facility-based trainers. If the enhanced services facility provides continuing education, in-service education or quarterly staff education, the educators must be approved by the department prior to educational

intervention, in accordance with chapter ((388-112)) 388-112A WAC.

AMENDATORY SECTION (Amending WSR 14-19-071, filed 9/12/14, effective 10/13/14)

WAC 388-107-1180 Administrator qualifications—General. The licensee must appoint an administrator who:

- (1) Is at least twenty-one years old;
- (2) Has a bachelor's degree in social sciences, social services, human services, behavioral sciences, or an allied medical field;
- (3) Meets the training requirements under chapter ((388-112)) 388-112A WAC and has specialized training in the provision of the care and services required for vulnerable adults with dementia, mental health and behavioral issues;
- (4) Has at least one year of full-time experience working with vulnerable populations with complex personal care and behavioral needs;
- (5) Knows and understands how to apply Washington state statutes and administrative rules related to the operation of a long-term care facility; and
- (6) Is qualified to perform the administrator's responsibilities specified in WAC 388-107-1190.

WSR 18-14-097

EXPEDITED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed July 3, 2018, 10:00 a.m.]

Title of Rule and Other Identifying Information: The department is proposing to amend sections contained in chapter 388-76 WAC in order to update references from chapter 388-112 WAC to chapter 388-112A WAC.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments update the references to chapter 388-112 WAC contained throughout chapter 388-76 WAC. Any sections in chapter 388-76 WAC containing references to chapter 388-112 WAC that are not included in this proposed draft and are currently open for rule making will be updated with the correct reference through those specific rule-making actions.

Reasons Supporting Proposal: The proposed amendment provides clarity and refers users to the correct WAC chapter.

Statutory Authority for Adoption: Chapter 70.128 RCW.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jeanette K. Childress, P.O. Box 45600, Olympia, WA 98504, 360-725-2591.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed amendments update references without changing the effect of the rule.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504, phone 360-664-6097, fax 360-664-6185, email DSHSRPAURulesCoordinator@dshs.wa.gov, AND RECEIVED BY 5:00 p.m., September 4, 2018.

June 27, 2018
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 12-01-004, filed 12/7/11, effective 1/7/12)

WAC 388-76-10035 License requirements—Multiple family home providers. The department will only consider an application for more than one home if the applicant has:

- (1) Evidence of successful completion of the forty-eight hour residential care administrator's training to meet the applicable requirements of chapter ((388-112)) 388-112A WAC;
- (2) The ability to operate more than one home;
- (3) The following plans for each home the applicant intends to operate. Each of the following plans must be updated and maintained:
 - (a) A twenty-four hour a day, seven day a week staffing plan;
 - (b) A plan for managing the daily operations of each home; and
 - (c) A plan for emergencies, deliveries, staff and visitor parking.
- (4) A demonstrated history of financial solvency related to the ability to provide care and services; and
- (5) An entity representative or a resident manager at each home who is responsible for the care of each resident at all times.

AMENDATORY SECTION (Amending WSR 10-03-064, filed 1/15/10, effective 2/15/10)

WAC 388-76-10063 Application—General training requirements. An applicant must ensure that each person listed on the application has successfully completed the training if required under this chapter and chapter ((388-112)) 388-112A WAC.

AMENDATORY SECTION (Amending WSR 16-01-171, filed 12/22/15, effective 1/22/16)

WAC 388-76-10064 Adult family home administrator training requirements. (1) The applicant and the entity representative must successfully complete the department approved adult family home administration class as required in chapter ((388-112)) 388-112A WAC.

(2) An applicant and entity representative may not be required to take the adult family home administrator class if there is a change in ownership and the applicant and entity representative are already participants in the operation of a currently licensed home.

(3) An applicant and entity representative must take the adult family home administrator class when the application is for an additional licensed home and the class has not already been successfully taken.

(4) The class must be a minimum of forty-eight hours of classroom time and approved by the department.

(5) Under exceptional circumstances, the department may waive the administrator training class for up to four months if the application meets all the other requirements for licensure and all the components of WAC 388-76-10074.

AMENDATORY SECTION (Amending WSR 10-03-064, filed 1/15/10, effective 2/15/10)

WAC 388-76-10129 Qualifications—Adult family home personnel. The adult family home must ensure that the following are qualified and meet all of the applicable requirements of this chapter and chapter ((388-112)) 388-112A WAC:

(1) Any person employed or used by the adult family home, directly or by contract, by an adult family home; including but not limited to:

- (a) The provider;
- (b) Entity representative;
- (c) Resident manager;
- (d) Staff; and
- ((f)) (e) Caregivers.

AMENDATORY SECTION (Amending WSR 15-03-037, filed 1/12/15, effective 2/12/15)

WAC 388-76-10130 Qualifications—Provider, entity representative and resident manager. The adult family home must ensure that the provider, entity representative and resident manager have the following minimum qualifications:

- (1) Be twenty-one years of age or older;
- (2) Have a United States high school diploma or high school equivalency certificate as provided in RCW 28B.50.-536, or any English or translated government document of the following:

(a) Successful completion of government approved public or private school education in a foreign country that includes an annual average of one thousand hours of instruction a year for twelve years, or no less than twelve thousand hours of instruction;

(b) Graduation from a foreign college, foreign university, or United States community college with a two-year diploma, such as an associate's degree;

(c) Admission to, or completion of course work at a foreign or United States college or university for which credit was awarded;

(d) Graduation from a foreign or United States college or university, including award of a bachelor's degree;

(e) Admission to, or completion of postgraduate course work at, a United States college or university for which credits were awarded, including award of a master's degree; or

(f) Successful passage of the United States board examination for registered nursing, or any professional medical occupation for which college or university education was required.

(3) Completion of the training requirements that were in effect on the date they were hired or became licensed providers, including the requirements described in chapter ((388-112)) 388-112A WAC;

(4) Have good moral and responsible character and reputation;

(5) Be literate and able to communicate in the English language, and assure that a person is on staff and available at the home who is capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations and be able to read, understand and implement resident negotiated care plans.

(6) Assure that there is a mechanism to communicate with the resident in his or her primary language either through a qualified person on-site or readily available at all times, or other reasonable accommodations, such as a language line.

(7) Be able to carry out the management and administrative requirements of chapters 70.128, 70.129 and 74.34 RCW, this chapter and other applicable laws and regulations;

(8) Have completed at least one thousand hours of successful direct care experience in the previous sixty months obtained after age eighteen to vulnerable adults in a licensed or contracted setting before operating or managing a home. Individuals holding one of the following professional licenses are exempt from this requirement:

(a) Physician licensed under chapter 18.71 RCW;

(b) Osteopathic physician licensed under chapter 18.57 RCW;

(c) Osteopathic physician assistant licensed under chapter 18.57A RCW;

(d) Physician assistant licensed under chapter 18.71A RCW;

(e) Registered nurse, advanced registered nurse practitioner, or licensed practical nurse licensed under chapter 18.79 RCW.

(9) Have no disqualifying criminal convictions or pending criminal charges under chapter 388-113 WAC;

(10) Have none of the negative actions listed in WAC 388-76-10180;

(11) Obtain and keep valid cardiopulmonary resuscitation (CPR) and first-aid card or certificate as required in chapter ((388-112)) 388-112A WAC; and

(12) Have tuberculosis screening to establish tuberculosis status per this chapter.

AMENDATORY SECTION (Amending WSR 17-01-002, filed 12/7/16, effective 1/7/17)

WAC 388-76-10135 Qualifications—Caregiver. The adult family home must ensure each caregiver has the following minimum qualifications:

(1) Be eighteen years of age or older;

(2) Has a clear understanding of the caregiver job responsibilities and knowledge of each resident's negotiated care plan to provide care specific to the needs of each resident;

(3) Has basic communication skills to:

(a) Be able to communicate or make provisions to communicate with the resident in his or her primary language; and

(b) Understand and speak English well enough to:

(i) Respond appropriately to emergency situations; and

(ii) Read, understand, and implement resident negotiated care plans;

(4) Has completed the training requirements in effect on the date the caregiver was hired, including the requirements applicable to the caregiver under chapter ((388-112)) 388-112A WAC;

(5) Has no disqualifying criminal convictions or pending criminal charges under chapter 388-113 WAC;

(6) Has none of the negative actions listed in WAC 388-76-10180;

(7) Has a current valid ((~~first-aid~~) first-aid) card or certificate as required in chapter ((388-112)) 388-112A WAC, except nurses, who are exempt from this requirement;

(8) Has a valid cardiopulmonary resuscitation (CPR) card or certificate as required in chapter ((388-112)) 388-112A WAC; and

(9) Meets the tuberculosis screening requirements of this chapter.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

WAC 388-76-10140 Qualifications—Students—Volunteers. The adult family home must ensure that students and volunteers meet the following minimum qualifications:

(1) Be eighteen years old or older;

(2) Meet the department's training requirements of chapter ((388-112)) 388-112A WAC;

(3) Have no criminal convictions listed in RCW 43.43.830 and 43.43.842 or state or federal findings of abandonment, abuse, neglect or financial exploitation; and

(4) Tuberculosis screening to establish tuberculosis status per this chapter.

AMENDATORY SECTION (Amending WSR 16-20-095, filed 10/4/16, effective 11/4/16)

WAC 388-76-10145 Qualifications—Licensed nurse as provider, entity representative, or resident manager. The adult family home must ensure that a licensed nurse who is a provider, entity representative, or resident manager:

(1) Meets all minimum qualifications for providers, entity representatives, or resident managers listed in WAC 388-76-10130; and

(2) Has a current valid cardiopulmonary resuscitation (CPR) card or certificate as required in chapter ((388-112)) 388-112A WAC.

AMENDATORY SECTION (Amending WSR 15-03-037, filed 1/12/15, effective 2/12/15)

WAC 388-76-10146 Qualifications—Training and home care aide certification. (1) The adult family home must ensure staff persons hired before January 7, 2012 meet training requirements in effect on the date hired, including requirements in chapter ((388-112)) 388-112A WAC.

(2) The adult family home must ensure all adult family home caregivers, entity representatives, and resident managers hired on or after January 7, 2012, meet the long-term care worker training requirements of chapter ((388-112)) 388-112A WAC, including but not limited to:

- (a) Orientation and safety;
- (b) Basic;
- (c) Specialty for dementia, mental illness and/or developmental disabilities when serving residents with any of those primary special needs;
- (d) Cardiopulmonary resuscitation and first aid; and
- (e) Continuing education.

(3) All persons listed in subsection (2) of this section, must obtain the home-care aide certification if required by this section or chapters 246-980 or ((388-112)) 388-112A WAC.

(a) Until March 1, 2016, a provisional home-care aide certification may be issued by the department of health to a long-term care worker who is limited English proficient.

(4) Even if an adult family home applicant does not intend to provide direct personal care, the applicant must meet the long-term care worker training and home-care aide certification requirements under chapter ((388-112)) 388-112A WAC to the same extent that the requirements would apply if the applicant was a long-term care worker.

(5) Under RCW 18.88B.041 and chapter 246-980 WAC, certain individuals, including registered nurses, licensed practical nurses, certified nursing assistants or persons who are in an approved certified nursing assistant ((programs)) program, are exempt from home-care aide certification and long-term care worker training requirements. This exemption does not apply to continuing education; these individuals must comply with continuing education requirements under chapter ((388-112)) 388-112A WAC.

(6) The adult family home must ensure that all staff receive the orientation and training necessary to perform their job duties.

AMENDATORY SECTION (Amending WSR 10-03-064, filed 1/15/10, effective 2/15/10)

WAC 388-76-10198 Adult family home—Personnel records. The adult family home must keep documents related to staff in a place readily accessible to authorized department staff. These documents must be available during the staff's employment, and for at least two years following employment. The documents must include but are not limited to:

(1) Staff information such as address and contact information.

(2) Staff orientation and training records pertinent to duties, including, but not limited to:

- (a) Training required by chapter ((388-112)) 388-112A WAC, including as appropriate for each staff person, orientation, basic training or modified basic training, specialty training, nurse delegation core training, and continuing education;
 - (b) Cardiopulmonary resuscitation;
 - (c) First aid; and
 - (d) HIV/AIDS training.
- (3) Tuberculosis testing results.
- (4) Criminal history disclosure and background check results as required.

AMENDATORY SECTION (Amending WSR 12-16-087, filed 7/31/12, effective 8/31/12)

WAC 388-76-10200 Adult family home—Staff—Availability—Contact information. In addition to other licensing requirements for staff availability, the adult family home must:

(1) Ensure at least one qualified caregiver is present in the home whenever one or more residents are present in the home, except as provided in subsection (2). For purpose of this subsection, a qualified caregiver means someone who has completed orientation and basic training as required by chapter ((388-112)) 388-112A WAC;

(2) Ensure that before the adult family home leaves a resident unattended:

(a) That the adult family home determines that the resident can be left unattended safely, based upon an assessment that identifies the resident's strengths and needs;

(b) The resident knows what to do in an emergency and is able to successfully act on that knowledge; such as leaving the home or calling 911, when necessary;

(c) The adult family home individualizes each resident's negotiated care plan to the resident's identified strengths and needs and includes a limited and specific amount of time the resident is safe to be left unattended;

(d) The resident consents to the plan to be left unattended; and

(e) The resident is able to contact a responsible staff person at all times.

(3) Designate an experienced, staff member who is capable of responding on behalf of the adult family home by phone or pager at all times.

(4) Give residents the telephone or pager number for the contact required in subsection (2) of this section;

(5) Ensure the provider, entity representative or resident manager is readily available to:

- (a) Each resident;
- (b) Residents' representatives;
- (c) Caregivers; and
- (d) Authorized state staff.

AMENDATORY SECTION (Amending WSR 10-04-008, filed 1/22/10, effective 2/22/10)

WAC 388-76-10415 Food services. The adult family home must:

(1) Ensure that the safe food handling training requirements of chapter ((388-112)) 388-112A WAC are met; and

- (2) Serve meals:
 - (a) In the home where each resident lives; and
 - (b) That accommodate each resident's:
 - (i) Preferences;
 - (ii) Food allergies and sensitivities;
 - (iii) Caloric needs;
 - (iv) Cultural and ethnic background; and
 - (v) Physical condition that may make food intake difficult such as being hard for the resident to chew or swallow.

AMENDATORY SECTION (Amending WSR 10-04-008, filed 1/22/10, effective 2/22/10)

WAC 388-76-10505 Specialty care—Admitting and retaining residents. The adult family home must not admit or keep a resident with specialty care needs, such as developmental disability, mental illness, or dementia as defined in WAC 388-76-10000, if the provider, entity representative, resident manager and staff have not completed the specialty care training required by chapter ((388-112)) 388-112A WAC.

WSR 18-14-116
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed July 5, 2018, 11:16 a.m.]

Title of Rule and Other Identifying Information: WAC 220-314-020 Possession limits—Bottomfish, 220-314-030 Halibut—Seasons—Daily and possession limits, and 220-310-110 Angling gear—Lawful and unlawful acts.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule change is to adopt Washington Administrative Code for coastal recreational bottomfish and halibut fisheries that are consistent with regulations adopted by the Pacific Fishery Management Council (PFMC).

WAC 220-314-020 Possession limits—Bottomfish, two changes to WAC 220-314-020 are proposed. The first would expand the current allowance to retain up to two canary rockfish to all coastal marine areas. The west coast canary rockfish population has rebuilt sufficiently to allow retention of canary rockfish. The Washington department of fish and wildlife (WDFW) has implemented canary rockfish retention in a conservative manner after a long period of retention being prohibited in recreational fisheries. In 2017, retention of up to two canary rockfish was allowed only in some areas of the coast. This approach gave managers the opportunity to consider not only the amount of canary rockfish that anglers would retain, but also to understand if their [there] might be issues with misidentification with yelloweye rockfish which remains prohibited in recreational fisheries and is managed under small federal harvest guidelines. Final 2017 catch estimates showed that recreational catch of approximately five mt was well below the fifty mt Washington recreational federal harvest guideline. In addition, it was clear that anglers were correctly distinguishing canary rockfish from yelloweye rockfish. Catch relative to federal har-

vest guidelines is sufficient to allow retention in all coastal management areas west of the Bonilla-Tatoosh line.

The second change would exempt flatfish from the nine fish daily bottomfish limit and maintain the current daily bag limit of twelve. In 2017, the recreational bottomfish bag limit was reduced from twelve to nine bottomfish per day. The bottomfish bag limit reduction was focused on the need to reduce catch of some rockfish species, primarily black rockfish. However, changes to the aggregate bottomfish bag limit that includes flatfish has no beneficial impact on the rockfish population given that the preferred habitat for most flatfish species (soft sand or muddy bottom) is different from the preferred habitat for most rockfish species (pelagic and high relief rocks and boulders). Restoring the flatfish limit to a daily limit of twelve will provide recreational opportunity in balance with resource sustainability.

WAC 220-314-030 Halibut—Seasons—Daily and possession limits, the purpose of this rule change would be to implement an annual limit of four halibut per person. The primary objective of an annual bag limit is to spread halibut fishing opportunity across more participants by reducing the amount of halibut that anglers can collectively retain. WDFW catch record card data from 2012-2016 estimates that eighty-seven percent of anglers report catching two or fewer halibut per year while only one percent of anglers retain more than six halibut per year. However, stakeholders have continually expressed their support for an annual bag limit with many in favor of going as low as two fish. Others would be comfortable with a higher limit and some want it to continue to be unlimited. Based on the data and stakeholder input, we are proposing a phased approach to an annual bag limit starting at four fish. WDFW will review the results of the annual limit and continue to gather public input to gauge the need for additional changes in the future.

WAC 220-310-110 Angling gear—Lawful and unlawful acts, the purpose of this rule change is to expand the requirement to have a descending device on board recreational fishing vessels and rigged for deployment when fishing for bottomfish and halibut to include coastal marine areas. Currently, the rule is in place only in Puget Sound marine areas. Descending devices used to release rockfish back to the depth of capture significantly improve the survivability of released rockfish.

Reasons Supporting Proposal: This rule change conforms to regulations adopted by PFMC and implemented into federal regulation by the National Marine Fisheries Service. Input from Washington recreational anglers was gathered during the PFMC public process and during public meetings sponsored by WDFW.

Statutory Authority for Adoption: RCW 77.040.020 [77.04.020], 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.020, 77.12.045, and 77.12.047.

Rule is necessary because of federal law, C.F.R. Title 50, Part 660.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Heather Reed, 1111 Washington Street S.E., Olympia, WA, 360-902-2487; and Enforcement: Chief

Steve Bear, 1111 Washington Street S.E., Olympia, WA, 360-902-2373.

This notice meets the following criteria to use the expedited adoption process for these rules:

Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This is to adhere to new legislation what was passed.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Heather Reed, WDFW, 1111 Washington Street S.E., Olympia, WA, phone 360-902-2487, email Heather.Reed@dfw.wa.gov, AND RECEIVED BY September 5, 2018.

July 5, 2018
Scott Bird
Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-310-110 Angling gear—Lawful and unlawful acts. (1) It is unlawful for any person to use more than one line while angling for personal use, except:

(a) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing in lakes, ponds, and reservoirs open to fishing unless listed as an exception in WAC 220-220-160. Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing in rivers and marine areas as noted in WAC 220-220-160 and 220-312-010 through 220-312-060.

(b) A second line using forage fish jigger gear is permissible while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, and 13.

(c) When fishing outside 3 miles from shore in Pacific Ocean waters for tuna species, anglers are not restricted on the number of rods or lines fished per angler, provided that no other species are possessed onboard the vessel. A violation of this subsection is an infraction, punishable under RCW 77.15.160, Infractions.

(2) It is unlawful for any person to take, fish for, or possess fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel, except:

(a) It is unlawful to fish for or possess salmon taken for personal use with hand lines in marine waters of Puget Sound east of the mouth of the Sekiu River and in Washington

waters at the mouth of the Columbia River east of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(b) It is permissible to leave a pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(c) It is permissible to use an electric power-operated reel designed for sport fishing attached to a pole.

(3) It is unlawful for any person while angling to fail to keep his angling gear under his or her direct and immediate physical control.

(4) In areas where a saltwater license is valid, each fisher aboard a vessel may continue to deploy angling gear or shellfish gear until the daily limit of food fish or shellfish for all licensed anglers and juvenile anglers aboard has been retained.

(5) In Catch Record Card Areas ~~((4 east of the Bonilla-Tatoosh line and Areas 5))~~ 1 through 13: It is unlawful for any person to take, fish for, or possess bottomfish or halibut taken for personal use, to fail to have onboard the vessel a fish descending or fish recompression device, rigged for immediate use, and capable of rapidly returning ~~((fish))~~ rockfish to depth of capture.

(6) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested fish or shellfish. If the person has harvested fish or shellfish, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

(7) It is unlawful to possess fish or shellfish taken with gear in violation of the provisions of this section. Possession of fish or shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the fish or shellfish were taken with such gear. Possession of such fish or shellfish is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

AMENDATORY SECTION (Amending WSR 17-17-045, filed 8/10/17, effective 9/10/17)

WAC 220-314-020 Possession limits—Bottomfish. It is unlawful for any person to fish for or take bottomfish for personal use except within the seasons, daily quantities and possession limits prescribed as follows:

(1) Coastal areas (Catch Record Card Areas 1 through 3 and 4 west of the Bonilla-Tatoosh line):

(a) Bottomfish fishing is open the second Saturday in March through the third Saturday in October, except fishing for surfperch from the shore is allowed year-round.

(b) Limit ~~((12))~~ of surfperch and flatfish is 12. For all other bottomfish, limit is 9 fish total, which may include no more than:

(i) Lingcod: 2 fish, no minimum length.

(ii) Rockfish: 7 fish in aggregate which can include up to ~~((one))~~ two canary rockfish in Catch Record Card Areas 1

(~~and 2~~) through 4. The possession limit for yelloweye rockfish is 0.

(iii) Wolf-eel: 0 fish from Catch Record Card Area 4.

(iv) Cabezon: Marine Areas 1 through 3: 2 fish. Marine Area 4: 1 fish; the minimum size limit is 18 inches.

(2) Inner Puget Sound (Catch Record Card Areas 4 east of the Bonilla-Tatoosh line, and 5 through 13):

(a) Catch Record Card Area 4 east of the Bonilla-Tatoosh line: Limit 10 fish total, which may include no more than:

(i) Lingcod: 2 fish, minimum length of 22 inches.

(ii) Rockfish: 6 fish. Only black or blue rockfish may be retained.

(iii) Wolf-eel: 0 fish.

(iv) Cabezon: 1 fish; the minimum size limit is 18 inches.

(b) Catch Record Card Areas 5 and 6: 15 fish total for all species and species groups of bottomfish, which may include no more than:

Rockfish in Marine Area 5 except 1 fish May 1 through September 30. Only black or blue rockfish may be retained.

in Marine Area 5 west of Slip Point 3 fish. Only black or blue rockfish may be retained.

in Marine Area 6. 0 fish

Surfperch 10 fish

Pacific cod 2 fish

Pollock 2 fish

Flatfish (except halibut) 15 fish

Lingcod 1 fish

Wolf-eel 0 fish

Cabezon 1 fish

Pacific hake 2 fish

(c) Catch Record Card Area 7: 15 fish total for all species of bottomfish, which may include no more than:

Rockfish 0 fish

Surfperch 10 fish

Pacific cod 2 fish

Flatfish (except halibut) 15 fish

Lingcod 1 fish

Wolf-eel 0 fish

Cabezon 1 fish

Pollock 2 fish

Pacific hake 2 fish

(d) Catch Record Card Areas 8-1 through 11 and 13: 15 fish total for all species and species groups of bottomfish, which may include no more than:

Rockfish	0 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	1 fish
Pacific hake	0 fish

(e) Catch Record Card Area 12: 15 fish total for all species and species groups of bottomfish, which may include no more than:

Rockfish	0 fish
Surfperch	0 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	0 fish
Wolf-eel	0 fish
Cabezon	0 fish
Pacific hake	0 fish

(f) The possession limit for lingcod taken by angling gear is 26 to 36 inches in length. For spear fishing, lingcod may not be possessed that exceed 36 inches in length.

(g) In Marine Areas 5 through 11 and 13, the minimum size limit for cabezon is 18 inches. All cabezon must be released in Catch Record Card Areas 5 through 11 and 13 from December 1 through April 30.

(h) In Catch Record Card Area 5, the daily limit for rockfish is the first legal rockfish caught, except that west of Slip Point, the daily limit for rockfish is the first three legal rockfish caught. Only black or blue rockfish may be retained. After the daily limit of rockfish is caught, all subsequent rockfish must be released.

(i) In Catch Record Card Area 5, it is unlawful to take rockfish by spear fishing except when this area is open to spear fishing for lingcod.

(3) The possession limit at any time may not exceed the equivalent of two daily limits in fresh, frozen or processed form.

(4) Unless otherwise provided, bottomfish fishing is open the entire year.

(5) Daily limits include bottomfish caught in adjacent areas bordering other states, such as Oregon.

(6) It is unlawful to fish for, retain, or possess sixgill, sevengill, or thresher sharks.

AMENDATORY SECTION (Amending WSR 17-17-045, filed 8/10/17, effective 9/10/17)

WAC 220-314-030 Halibut—Seasons—Daily and possession limits. (1) It is unlawful to fish for or possess halibut taken for personal use except from the areas or in excess of the amounts provided for in this section:

(a) Catch Record Card Area 1: Closed except as provided by emergency rule. By-catch restriction: It is unlawful during any vessel trip to bring into port or land bottomfish, except flatfish, sablefish and Pacific cod, if the vessel has brought halibut into port or landed halibut.

(b) Catch Record Card Area 2:

(i) The northern near shore fishery takes place in those waters from 47°31.70'N. lat. south to 46°58.00'N. lat. and east of a boundary line approximating the 30 fathom depth contour as defined by the following coordinates:

47°31.70'N. lat., 124°37.03'W. long.
47°25.67'N. lat., 124°34.79'W. long.
47°12.82'N. lat., 124°29.12'W. long.
46°58.00'N. lat., 124°24.24'W. long.

Closed except as provided by emergency rule.

(ii) All other waters in Area 2 - Closed except as provided by emergency rule.

(iii) From March 15 through June 15, it is unlawful to fish for or possess bottomfish, except rockfish, seaward of line approximating the 30-fathom depth contour as defined by the coordinates below. However, a person may fish for and retain sablefish and Pacific cod from May 1 through June 15 and retain lingcod on days open during the primary halibut season as described in (b)(ii) of this subsection, seaward of a line approximating the 30-fathom depth contour as defined by the coordinates below:

47°31.70'N. lat., 124°37.03'W. long.
47°25.67'N. lat., 124°34.79'W. long.
47°12.82'N. lat., 124°29.12'W. long.
46°52.94'N. lat., 124°22.58'W. long.
46°44.18'N. lat., 124°18.00'W. long.
46°38.17'N. lat., 124°15.88'W. long.

(c) Catch Record Card Areas 3 and 4 - Closed except as provided by emergency rule. The following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within an eastward-facing C-shaped closed area defined as: Beginning at 48°18'N. lat., 125°18'W. long.; thence to 48°18'N. lat., 124°59'W. long.; thence to 48°11'N. lat., 124°59'W. long.; thence to 48°11'N. lat., 125°11'W. long.; thence to 48°04'N. lat., 125°11'W. long.; thence to 48°04'N. lat., 124°59'W. long.; thence to 48°00'N. lat., 124°59'W. long.; thence to 48°00'N. lat., 125°18'W. long.; thence to the point of origin.

It is unlawful to fish for or possess bottomfish seaward of a line approximating the 20-fathom depth contour as defined by the following coordinates, from May 1 through Labor Day except, on days and times open to halibut fishing when only lingcod, sablefish and Pacific cod can be retained:

48°23.9'N. lat., 124°44.2'W. long.
48°23.6'N. lat., 124°44.9'W. long.
48°18.6'N. lat., 124°43.6'W. long.

48°18.6'N. lat., 124°48.2'W. long.
48°10.0'N. lat., 124°48.8'W. long.
48°02.4'N. lat., 124°49.3'W. long.
47°37.6'N. lat., 124°34.3'W. long.
47°31.7'N. lat., 124°32.4'W. long.

(d) Catch Record Card Areas 5 through 13 - On days that the halibut fishery is open, it is lawful to fish for, retain, and possess lingcod and Pacific cod seaward of 120 feet in Catch Record Card Areas 5 and 6. Closed except as provided by emergency rule.

(2) Daily limit is one halibut taken from state or offshore waters. This does not include Canadian waters; see WAC 220-310-210 for limits on Canadian-origin halibut.

(3) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit. See WAC 220-310-210 for rules on Canadian-origin halibut possession.

(4) The annual limit is four halibut taken from state or offshore waters. This does not include Canadian waters; see WAC 220-310-210 for limits on Canadian-origin halibut.

(5) It is unlawful to fish for, retain, possess, or land halibut into a port located within an area that is closed to halibut fishing. This does not include halibut caught in Canadian waters. See WAC 220-310-210 for rules on Canadian-origin halibut possession.

((~~5~~)) (6) A violation of this section is punishable under RCW 77.15.370 or 77.15.380, depending on the violation.