

WSR 10-12-009**PERMANENT RULES****PUGET SOUND PARTNERSHIP**

[Filed May 20, 2010, 1:38 p.m., effective June 20, 2010]

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

Purpose: To finalize changes to chapters 400-04 and 400-06 WAC and repeal chapter 400-12 WAC, pursuant to the expedited rule-making proposal published in the Washington Register 10-04 for the Puget Sound partnership.

Citation of Existing Rules Affected by this Order: Repealing chapter 400-12 WAC; and amending chapters 400-04 and 400-06 WAC.

Statutory Authority for Adoption: Chapter 90.71 RCW.

Adopted under notice filed as WSR 10-04-030 on January 26, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 16, 2010.

Chris Townsend
Special Assistant to
the Executive Director

Chapter 400-04 WAC

**PUGET SOUND ((~~WATER QUALITY AUTHORITY~~))
~~PARTNERSHIP~~—STATE ENVIRONMENTAL
POLICY ACT PROCEDURES**

AMENDATORY SECTION (Amending Order 86-01, Resolution No. 4, filed 2/3/86)

WAC 400-04-010 Authority. The Puget Sound ((~~water quality authority~~)) ~~partnership~~ adopts these procedures under the State Environmental Policy Act (SEPA), RCW 43.21C-120 and the SEPA rules, WAC 197-11-904.

AMENDATORY SECTION (Amending Order 86-01, Resolution No. 4, filed 2/3/86)

WAC 400-04-020 Adoption by reference. The ((~~authority~~)) ~~partnership~~ hereby adopts by reference the following sections of the 1984 SEPA rules, chapter 197-11 of the Washington Administrative Code.

PART ONE - PURPOSE/AUTHORITY

197-11-030 Policy.

PART TWO - GENERAL REQUIREMENTS

197-11-040 Definitions.
197-11-050 Lead agency.
197-11-055 Timing of the SEPA process.
197-11-060 Content of environmental review.
197-11-070 Limitations on actions during SEPA process.
197-11-080 Incomplete or unavailable information.
197-11-090 Supporting documents.
197-11-100 Information required of applicants.

PART THREE - CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATION

197-11-300 Purpose of this part.
197-11-305 Categorical exemptions.
197-11-310 Threshold determination required.
197-11-315 Environmental checklist.
197-11-330 Threshold determination process.
197-11-335 Additional information.
197-11-340 Determination of nonsignificance (DNS).
197-11-350 Mitigated DNS.
197-11-360 Determination of significance (DS)/initiation of scoping.
197-11-390 Effect of threshold determination.

PART FOUR - ENVIRONMENTAL IMPACT STATEMENT (EIS)

197-11-400 Purpose of EIS.
197-11-402 General requirements.
197-11-405 EIS types.
197-11-406 EIS timing.
197-11-408 Scoping.
197-11-410 Expanded scoping. (Optional)
197-11-420 EIS preparation.
197-11-425 Style and size.
197-11-430 Format.
197-11-435 Cover letter or memo.
197-11-440 EIS contents.
197-11-442 Contents of EIS on nonproject proposals.
197-11-443 EIS contents when prior nonproject EIS.
197-11-444 Elements of the environment.
197-11-448 Relationship of EIS to other considerations.
197-11-450 Cost-benefit analysis.
197-11-455 Issuance of DEIS.
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PART FIVE - COMMENTING

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197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

PART SIX - USING EXISTING ENVIRONMENTAL DOCUMENTS

197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement—Procedures.
197-11-625	Addenda—Procedures.
197-11-630	Adoption—Procedures.
197-11-635	Incorporation by reference—Procedures.
197-11-640	Combining documents.

PART SEVEN - SEPA AND AGENCY DECISIONS

197-11-650	Purpose of this part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.

PART EIGHT - DEFINITIONS

197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.
197-11-730	Decisionmaker.
197-11-732	Department.
197-11-734	Determination of nonsignificance (DNS).
197-11-736	Determination of significance (DS).

197-11-738	EIS.
197-11-740	Environment.
197-11-742	Environmental checklist.
197-11-744	Environmental document.
197-11-746	Environmental review.
197-11-748	Environmentally sensitive area.
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197-11-752	Impacts.
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197-11-758	Lead agency.
197-11-760	License.
197-11-762	Local agency.
197-11-764	Major action.
197-11-766	Mitigated DNS.
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197-11-797	Threshold determination.
197-11-799	Underlying governmental action.

PART NINE - CATEGORICAL EXEMPTIONS

197-11-800	Categorical exemptions.
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197-11-914	SEPA fees and costs.
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197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-924	Determining the lead agency.

- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.

PART ELEVEN - FORMS

- 197-11-960 Environmental checklist.
- 197-11-965 Adoption notice.
- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance and scoping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

AMENDATORY SECTION (Amending WSR 90-17-063, filed 8/15/90, effective 9/15/90)

WAC 400-04-040 Additional definitions. ~~((+) "Authority" shall mean the agency of the Puget Sound water quality authority consisting of the eleven member authority and/or agency staff.~~

~~(2) "Chair" shall mean the chair of the authority as stated in RCW 90.70.011-.)~~ "Director" means the executive director of the partnership as established in RCW 90.71.240.

"Ecosystem coordination board" or "ECB" means the representative group that advises and assists the leadership council as established in RCW 90.71.250.

"Leadership council" means the seven-member group appointed by the governor as established in RCW 90.71.220.

"Partnership" means the agency of the Puget Sound partnership consisting of the seven-member leadership council, an executive director, an ecosystem coordination board, and a Puget Sound science panel and/or agency staff.

"Science panel" means the group that advises and assists the leadership council as established in RCW 90.71.270.

AMENDATORY SECTION (Amending Order 86-01, Resolution No. 4, filed 2/3/86)

WAC 400-04-504 Availability of environmental documents. There shall be established at the offices of the ~~((authority)) partnership~~ a file containing all official ~~((authority)) partnership~~ SEPA documents. Agencies and the public shall have access to this file.

AMENDATORY SECTION (Amending Order 86-01, Resolution No. 4, filed 2/3/86)

WAC 400-04-510 Public notice. When these rules require notice to be given under this section, the ~~((authority)) partnership~~ shall inform the public and other agencies that an environmental document is being prepared or is available, and public hearing(s), if any, will be held by the following notice procedures:

(1) Publish notice in at least one newspaper of general circulation in each county, city, or general area in which the proposal is located or which the proposal affects;

(2) Notifying the news media via news releases, public service announcements and personal contact; and

(3) Sending notice to the official ~~((authority)) partnership~~ mailing list. The official ~~((authority)) partnership~~ list shall be kept on file and be available for inspection by the public. Individual members of the ~~((authority's)) partnership's~~ advisory bodies shall receive notice.

(4) Any other of the notice procedures listed in WAC 197-11-510, as appropriate.

AMENDATORY SECTION (Amending Order 86-01, Resolution No. 4, filed 2/3/86)

WAC 400-04-680 Appeals. There shall be no administrative appeals of ~~((authority)) partnership~~ SEPA determinations. Any person may informally request, either orally or in writing, the responsible official to reconsider a determination. The official shall reconsider the determination and provide a response, but as this is not a formal appeal as described by RCW 43.21C.075 and WAC 197-11-680, the official is not required to make a record or furnish reasons for the decision. Any informal request to reconsider ~~((an authority)) a~~ partnership SEPA determination shall be made within thirty days of the determination.

AMENDATORY SECTION (Amending Order 86-01, Resolution No. 4, filed 2/3/86)

WAC 400-04-902 ((Authority)) Partnership SEPA policies. The ~~((authority)) partnership~~ adopts by reference the state environmental policy as set forth in SEPA, RCW 43.21C.020. To carry out this policy, the ~~((authority)) partnership~~ will use all practicable means consistent with other essential considerations of state policy to improve and coordinate plans, functions, and resources, and to mitigate adverse impacts resulting from proposals to the end that the state and its citizens may:

(1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable or unintended consequences;

(4) Preserve important historic, cultural, and natural aspects of our national heritage;

(5) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(6) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;

(7) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources;

~~(8) Manage public waters and adjacent lands, fisheries, wetlands, and other natural resources wisely).~~

AMENDATORY SECTION (Amending Order 86-01, Resolution No. 4, filed 2/3/86)

WAC 400-04-910 Designation of responsible official. The ~~((authority's chair)) partnership's director~~, or the ~~((chair's)) director's~~ designee, shall serve as the responsible official.

Chapter 400-06 WAC

~~((PROCEDURES—OPERATIONS—))COMMUNICATIONS—PUBLIC RECORDS~~

AMENDATORY SECTION (Amending Order 86-02, Resolution No. 5, filed 2/3/86)

WAC 400-06-010 Purpose. The purpose of this chapter is to describe the ~~((authority, its procedures and operations,)) partnership's~~ communications to ensure compliance by the ~~((authority)) partnership~~ with the provisions of chapter ~~((42-17)) 42.56~~ RCW ~~((Initiative 276), and in particular, to implement sections 25 through 32 of that act,))~~ dealing with public records.

AMENDATORY SECTION (Amending WSR 90-17-063, filed 8/15/90, effective 9/15/90)

WAC 400-06-020 Definitions. (1) The terms "~~((person)) agency~~," "public record," and "writing" shall have the meaning as stated in RCW ~~((42-17-020)) 42.56.010~~.

(2) "~~((Authority)) Partnership~~" means the Puget Sound ~~((water quality authority)) partnership~~.

(3) "~~((Chair)) Director~~" means the ~~((chair of the authority as stated in RCW 90.70.011)) executive director of the partnership as established in RCW 90.71.240~~.

(4) "Public records officer" means the ~~((authority)) partnership~~ staff member so designated by the ~~((chair)) director~~.

AMENDATORY SECTION (Amending Order 86-02, Resolution No. 5, filed 2/3/86)

WAC 400-06-090 Public records available. All public records of the agency, as defined in WAC 400-06-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW ~~((42-17-310)) 42.56.210~~.

AMENDATORY SECTION (Amending Order 86-02, Resolution No. 5, filed 2/3/86)

WAC 400-06-110 Requests for public records. In accordance with requirements of chapter ~~((42-17)) 42.56~~ RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing (or by fax or electronic mail if desired) upon a form prescribed by the ~~((authority)) partnership~~, which shall be available at its office. A request that is made other than upon the form prescribed by the office is permissible, but must provide the information listed in (a) through (e) of this subsection. The form shall be presented to the public records officer; or to any member of the ~~((authority's)) partnership's~~ staff, if the public records officer is not available, at the office of the agency during customary office hours. The request shall include the following information:

(a) The name, address, telephone numbers, and organization represented, if any, of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index; and

(e) If the requested matter is not identifiable by reference to the ~~((authority's)) partnership's~~ current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

AMENDATORY SECTION (Amending Order 86-02, Resolution No. 5, filed 2/3/86)

WAC 400-06-120 Copying. No fee shall be charged for the inspection of public records. The ~~((authority)) partnership~~ shall charge a reasonable fee ~~((of twenty-five cents per page of copy for providing copies of public records and for use of the authority's copy equipment. This charge is))~~ in the amount necessary to reimburse the ~~((authority)) partnership~~ for its actual costs incident to ~~((such)) copying, including staff time directly related to copying and mailing.~~

AMENDATORY SECTION (Amending Order 86-02, Resolution No. 5, filed 2/3/86)

WAC 400-06-130 Exemptions. (1) The ((authority)) partnership reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 400-06-110 is exempt under ((the)) any provision((s)) of ((RCW 42.17.310).

~~(2) In addition, pursuant to RCW 42.17.260(1), the authority reserves the right to delete identifying details when it makes available or publishes any public record, in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy. The public records officer will fully justify such deletion in writing.~~

~~(3)) chapter 42.56 RCW.~~

(2) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

AMENDATORY SECTION (Amending Order 86-02, Resolution No. 5, filed 2/3/86)

WAC 400-06-140 Review of denials of public records request. (1) Any person who objects to the denial of a request for public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member, which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the ((chair)) director who shall consider the matter and either affirm or reverse such denial. The request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the ((authority)) partnership has returned the petition with a decision, or until the close of the second business day following denial of inspection, whichever occurs first.

AMENDATORY SECTION (Amending Order 86-02, Resolution No. 5, filed 2/3/86)

WAC 400-06-150 Protection of public records. (1) No person shall knowingly alter, deface, or destroy public records of the ((authority)) partnership.

(2) Original copies of public records of the ((authority)) partnership shall not be removed from the offices of the ((authority)) partnership.

(3) Care and safekeeping of public records of the ((authority)) partnership, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the ((authority)) partnership shall not be permitted.

AMENDATORY SECTION (Amending WSR 90-17-063, filed 8/15/90, effective 9/15/90)

WAC 400-06-160 Records index. (1) A chronological index is maintained providing identifying information as to all governmental records issued, adopted, or promulgated on or after August 21, 1985, which are deemed by the ((authority)) partnership to fall within the purview of RCW ((42.17-260)) 42.56.070 and which are not exempted under ((the)) any provision((s)) of chapter 42.56 RCW ((42.17.310)).

(2) The current index promulgated by the ((authority)) partnership shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. The records index shall be updated at least annually.

AMENDATORY SECTION (Amending WSR 91-20-076, filed 9/27/91, effective 10/28/91)

WAC 400-06-170 Communications. All communications regarding the actions or decisions of the ((authority-
(H)) partnership, including activities pertaining to the administration or enforcement of chapter ((42.17)) 42.56 RCW or these rules, shall be addressed to the Public Records Officer, Puget Sound ((Water Quality Authority, Mailstop PV-15)) Partnership, P.O. Box 40900, Olympia, Washington 98504-0900(, and

~~(2) Relating to the development of the plan shall be addressed to Director of Planning, Puget Sound Water Quality Authority, Mailstop PV-15, P.O. Box 40900, Olympia, Washington 98504-0900).~~

AMENDATORY SECTION (Amending Order 86-02, Resolution No. 5, filed 2/3/86)

WAC 400-06-180 Request for public record—Form.

STATE OF WASHINGTON
PUGET SOUND ((WATER QUALITY AUTHORITY))
PARTNERSHIP REQUEST FOR PUBLIC RECORD

Date of Request:

Requested By:

Public Records or Information Requested:

Requester Must Read and Sign:

I ((understand)) understand that I must abide by the rules and regulations published by the Puget Sound ((Water Quality Authority)) Partnership for the protection of public records, a copy of which I have read and understand.

I understand that I will be charged ~~((twenty-five cents per copy for all standard letter size copies I desire and that other size publications are available at cost))~~ a reasonable fee to reimburse the partnership actual costs associated with fulfilling my request.

Requester's Signature

Completed by ~~((Authority))~~ Partnership Public Records Officer:

Date of Receipt:

Number of Copies:

Amount Received: \$

Reason if ~~((Authority))~~ Partnership is Unable to Comply:

Public Records Officer Signature:

Public records of the agency are provided for inspection and copying subject to the following regulations:

- (1) No person shall knowingly alter, deface, or destroy public records of the ~~((authority))~~ partnership.
(2) Original copies of public records of the agency shall not be removed from the offices of the ~~((authority))~~ partnership.
(3) Care and safekeeping of public records of the ~~((authority))~~ partnership, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.
(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.
(5) Boisterous or otherwise disruptive conduct by those requesting public records of the ~~((authority))~~ partnership shall not be permitted.

I have read, understand, and will comply with the above-stated regulations.

.....
(Signature and date)

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 400-06-030 Authority operations and procedures.
WAC 400-06-050 Puget Sound water quality authority officers—Terms.
WAC 400-06-060 Puget Sound water quality authority—Regular meetings.

WAC 400-06-070

Puget Sound water quality authority—Description of organization.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 400-12-100 Authority.
WAC 400-12-110 Purpose.
WAC 400-12-120 Applicability.
WAC 400-12-200 Definitions.
WAC 400-12-210 Overview.
WAC 400-12-220 Public involvement.
WAC 400-12-305 Initial watershed ranking.
WAC 400-12-320 Five-year review.
WAC 400-12-400 Lead agency for watershed planning.
WAC 400-12-410 Watershed management committees.
WAC 400-12-415 Planning and implementing entities.
WAC 400-12-420 Schedule for preparation and review of action plan.
WAC 400-12-500 Overview.
WAC 400-12-515 Phase 1—Watershed characterization and goals and objectives development.
WAC 400-12-525 Phase 2—Action plan non-point pollution control strategy.
WAC 400-12-535 Phase 3—Action plan implementation strategy.
WAC 400-12-545 Phase 4—Action plan review and approval.
WAC 400-12-555 SEPA review.
WAC 400-12-565 Revisions.
WAC 400-12-605 Decision of department.
WAC 400-12-615 Responsibilities of implementing entities.
WAC 400-12-625 Lead agency responsibilities.
WAC 400-12-635 Department responsibilities.
WAC 400-12-645 County responsibilities.
WAC 400-12-700 Default procedure.
WAC 400-12-710 Exceptions.
WAC 400-12-720 Severability.

WSR 10-12-010
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)
[Filed May 21, 2010, 8:33 a.m., effective June 21, 2010]

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

Purpose: Revisions to this rule are necessary to: (1) Fully meet the legislatively mandated appropriation reduction in section 1109, chapter 564, Laws of 2009 (ESHB 1244) for maternity support services (first steps program) and infant case management (ICM) services for fiscal years 2010-2011; (2) further clarify the department's coverage policy; specifically, the rules amend sections in chapter 388-533 WAC and reduce the quantity of services clients qualify for; and (3) update and clarify other ICM services policy.

Citation of Existing Rules Affected by this Order: Amending WAC 388-533-0360, 388-533-0365, 388-533-0370, 388-533-0375, 388-533-0380, 388-533-0385, and 388-533-0386.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.760 through 74.09.910.

Other Authority: Section 1109, chapter 564, Laws of 2009 (ESHB 1244).

Adopted under notice filed as WSR 10-08-083 on April 6, 2010.

A final cost-benefit analysis is available by contacting June Hershey, DSHS/HRSA, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 725-1293, fax (360) 664-4371, e-mail june.hershey@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 7, Repealed 0.

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

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Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 7, Repealed 0.

Date Adopted: May 21, 2010.

Susan N. Dreyfus
Secretary

AMENDATORY SECTION (Amending WSR 04-13-049, filed 6/10/04, effective 7/11/04)

WAC 388-533-0360 Infant case management—Purpose. The purpose of infant case management (ICM) ~~((program serves high-risk infants and their families. The goal of ICM is to improve self-sufficiency of the parent(s) in gaining access to))~~ is to improve the welfare of infants by providing their parent(s) with information and assistance in order to

access needed medical, social, educational, and other services (SSA 1915(g)).

AMENDATORY SECTION (Amending WSR 04-13-049, filed 6/10/04, effective 7/11/04)

WAC 388-533-0365 Infant case management—Definitions. The ~~((following))~~ definitions ~~((and those found in WAC 388-500-0005, Medical definitions and))~~ in WAC 388-533-0315, Maternity support services definitions, also apply to ~~((this section:~~

~~"Infant case management (ICM)"—The program that provides case management services to eligible high-risk infants and their families. Eligibility for ICM may be established at the end of the maternity cycle up to the end of the month of the baby's first birthday))~~ infant case management (ICM).

AMENDATORY SECTION (Amending WSR 04-13-049, filed 6/10/04, effective 7/11/04)

WAC 388-533-0370 Infant case management—Eligibility. (1) To ~~((be eligible for))~~ receive infant case management (ICM), an infant must:

(a) ~~((The infant must))~~ Be covered under one of the medical assistance programs listed in WAC 388-533-0320 (1)((a) of this chapter));

(b) ~~((The parent(s) must need assistance in accessing or providing care for the infant))~~ Meet the age requirement for ICM which is the day after the maternity cycle (defined in WAC 388-533-0315) ends, through the last day of the month of the infant's first birthday; ((and))

(c) ~~((At least one or more of the following criteria exists:~~

(i) ~~The parent(s) are unable to care for infant specifically due to at least one of the following:~~

~~(A) Incarceration of the mother within the last year;~~

~~(B) Low functioning ability (e.g., needs repeated instructions, not attuned to infant cues, leaves infant with inappropriate caregivers, parent has the equivalent of less than an eighth grade education);~~

~~(C) Unstable mental health issue (regardless of whether the mental health issue is being treated or not);~~

~~(D) Physical impairment;~~

~~(E) Infant's mother is experiencing postpregnancy depression or mood disorder or has a history of depression/mood disorder;~~

~~(F) Infant's parent(s) are unable to access resources due to age (nineteen years of age or younger);~~

~~(G) Social isolation (e.g., family is new to the community, parent(s) do not have a support system, family moves frequently, lack of supportive living environment);~~

~~(H) Inability to access resources due to language or cultural barrier.~~

(ii) ~~The infant's safety is a concern specifically due to at least one of the following:~~

~~(A) Domestic or family violence in present or past relationship that keeps the parent(s) feeling unsafe;~~

~~(B) Substance abuse by the infant's mother and/or father that is impacting ability to parent;~~

~~(C) Secondhand smoke exposure to the infant;~~

~~(D) Child protective service involvement within the last year or mother/father had parental rights terminated in the past;~~

~~(E) Unstable living situation (e.g., homelessness, couch surfing, unsafe conditions, no cooking facilities, heat, or water);~~

~~(iii) The infant's health is a concern specifically due to at least one of the following:~~

~~(A) Low birth weight—less than five and one half pounds;~~

~~(B) Premature birth—less than thirty-seven weeks gestation;~~

~~(C) Failure to thrive (e.g., baby is not gaining weight, significant feeding difficulty, no eye contact, or baby is listless);~~

~~(D) Multiple births (twins, triplets, etc.);~~

~~(E) Excessive fussiness or infant has irregular sleeping patterns (e.g., parent(s)' sleep deprivation, exhaustion and/or need for respite childcare);~~

~~(F) Infant has an identified medical problem or disability)) Reside with at least one parent (see WAC 388-533-0315 for definition of parent);~~

(d) Have a parent(s) who needs assistance in accessing medical, social, educational and/or other services to meet the infant's basic health and safety needs; and

(e) Not be receiving any case management services funded through Title XIX medicaid that duplicate ICM services.

(2) Infants who meet the eligibility criteria in subsection (1) of this section, and the infant's parent(s), are eligible to receive:

(a) An in-person screening by a provider who meets the criteria established in WAC 388-533-0375. Infants and their parent(s) are screened for risk factors related to issues that may impact the infant's welfare, health, and/or safety.

(b) Up to the maximum number of ICM units of service allowed per client as determined by the department and published in the department's current billing instructions and/or numbered memoranda. The department may determine the maximum number of units allowed per client when directed by the legislature to achieve targeted expenditure levels for payment in any specific biennium.

(3) Clients meeting the eligibility criteria in ((WAC 388-533-0370(1))) subsection (1) of this section who are enrolled in ((an MAA)) a department-contracted managed care plan are eligible for ICM services outside their plan. ((ICM services delivered outside the managed care plan are reimbursed on a fee for service basis and subject to the same program rules as apply to nonmanaged care clients.))

(4) See chapter 388-534 WAC for clients eligible for coverage under the early periodic screening, diagnosis and treatment (EPSDT) program.

(5) Clients receiving ICM before July 1, 2009, are subject to the transition plan as determined and published by the department in numbered memoranda.

(6) Clients who do not agree with a department decision regarding eligibility for ICM have a right to a fair hearing under chapter 388-02 WAC.

AMENDATORY SECTION (Amending WSR 04-13-049, filed 6/10/04, effective 7/11/04)

WAC 388-533-0375 Infant case management—Provider requirements. ~~((1) Services under this program are provided only by approved integrated maternity support services (MSS)/infant case management (ICM) providers. Representatives from the department of health (DOH) and the department of social and health services' (DSHS) medical assistance administration (MAA) recruit and approve providers using the following criteria:~~

~~(a) Services are to be delivered in area of geographic need as determined by MAA/DOH; and~~

~~(b) Provider must:~~

~~(i) Deliver both MSS and ICM services;~~

~~(ii) Provide services in both office and home visit settings; and~~

~~(iii) Assure maintenance of staffing requirements and delivery of service according to program design.~~

~~(2) To participate in the ICM program, a provider must:~~

~~(a) Comply with the clinical supervision/clinical guidelines as prescribed in the assurances document;~~

~~(b) Notify the MAA program manager when there is a staff change in a designated position;~~

~~(c) Ensure that all newly hired staff receive an orientation to First Steps services as soon as possible, but not later than sixty days from the hire date; and~~

~~(d) Submit billings as instructed in MAA's published MSS/ICM billing instructions.~~

~~(3) To be reimbursed by MAA for ICM, a provider must:~~

~~(a) Meet the requirements in chapter 388-502 WAC, Administration of medical programs—Providers rules;~~

~~(b) Have a completed, approved MSS/ICM assurances document, signed by an officer or employee qualified to sign on behalf of the provider, on file with MAA; and~~

~~(c) Ensure that staff meet the minimum qualifications for the ICM roles they perform)) Infant case management (ICM) services can be provided only by a qualified person who is employed by an agency or entity that meets the requirements in WAC 388-533-0325. Additionally, to qualify as an ICM provider, the person must meet at least one of the following:~~

~~(1) Be a current member of the maternity support services (MSS) interdisciplinary team;~~

~~(2) Have a Bachelor of Arts, Bachelor of Science, or higher degree, plus at least one year of full-time experience working in one or more of the following areas:~~

~~(a) Community social services;~~

~~(b) Public health services;~~

~~(c) Crisis intervention;~~

~~(d) Outreach and referral programs; or~~

~~(e) Other social services-related fields.~~

~~(3) Have an Associate of Arts degree, or an associate's degree in a closely allied field, plus at least two years of full-time experience in an area listed in (1) of this section. In addition, at least once per calendar month, the department requires a provider qualifying under this subsection to be under the supervision of a clinical staff person who meets the criteria in (1) of this section.~~

AMENDATORY SECTION (Amending WSR 04-13-049, filed 6/10/04, effective 7/11/04)

WAC 388-533-0380 Infant case management—Covered services. (1) ~~((The medical assistance administration (MAA) covers services under the infant case management (ICM) program subject to the restrictions and limitations in this section and other applicable published WAC.~~

~~(2) The ICM program reimburses approved providers for ease management including:)) The department covers infant case management (ICM) services subject to the restrictions and limitations in this section and other applicable WAC.~~

~~(2) Covered services include:~~

~~(a) ((Assessing risk and need)) An initial in-person screening for ICM services which includes an assessment of risk factors, and the development of an individualized care plan;~~

~~(b) ((Reviewing and updating the infant and parent(s) service plan)) Case management services and care coordination;~~

~~(c) ((Referring and)) Linking and referring the ((client)) infant and parent(s) to other ((agencies)) services or resources; ((and))~~

~~(d) Advocating for the ((client with other agencies)) infant and parent(s);~~

~~(e) Follow-up contact(s) with the parent(s) to ensure the care plan continues to meet the needs of the infant and parent(s); and~~

~~(f) Additional services as determined and published in the maternity support services/infant case management (MSS/ICM) billing instructions.~~

~~(3) ((The case management activities listed in WAC 388-533-0380(2) are covered under the ICM program only when:~~

~~(a) Documented in the client's record;~~

~~(b) Provided on an individual basis in a face to face encounter;~~

~~(c) Performed by a qualified staff person acting within her/his area of expertise; and~~

~~(d) Provided according to program design as described in the MSS/ICM assurances document)) The department pays for covered ICM services according to WAC 388-533-0386.~~

AMENDATORY SECTION (Amending WSR 06-24-036, filed 11/30/06, effective 1/1/07)

WAC 388-533-0385 Infant case management—Non-covered services. (1) ~~The ((following services are nonecovered under the infant case management (ICM) program:~~

~~(a) Any direct delivery of services other than case management activities listed in WAC 388-533-0380(2); and~~

~~(b) Any service provided by staff not qualified to deliver the service)) department covers only those services that are listed in WAC 388-533-0380.~~

~~(2) The department evaluates ((requests)) a request for ((services listed as)) any noncovered service under the provisions of WAC 388-501-0160. When early periodic screening, diagnosis and treatment (EPSDT) applies, the department evaluates a request for a noncovered service according to the process in WAC 388-501-0165 to determine if it is medically necessary, safe, effective, and not experimental (see chapter 388-534 WAC for EPSDT rules).~~

AMENDATORY SECTION (Amending WSR 04-13-049, filed 6/10/04, effective 7/11/04)

WAC 388-533-0386 Infant case management ((services))—((Reimbursement)) Payment. ~~The ((medical assistance administration (MAA) reimburses)) department pays for the covered infant case management (ICM) services described in WAC 388-533-0380 on a fee-for-service basis subject to the following ((terms and limitations:))~~

~~(1) ((ICM is reimbursed in units of service with one unit being equal to fifteen minutes of service;~~

~~(2) MAA reimburses:~~

~~(a) No more than six ICM units per month, per client; and~~

~~(b) No more than forty ICM units total per client through the end of the month of the baby's first birthday; and~~

~~(c) Only for services billed using the approved ICM procedure code and modifier identified in MAA's published MSS/ICM billing instructions)) ICM services must be:~~

~~(a) Provided to a client who meets the eligibility requirements in WAC 388-533-0370;~~

~~(b) Provided by a person who meets the criteria established in WAC 388-533-0375;~~

~~(c) Provided according to the department's current published maternity support services/infant case management (MSS/ICM) billing instructions and/or numbered memoranda;~~

~~(d) Documented in the infant's and/or infant's parent(s) record or chart; and~~

~~(e) Billed using:~~

~~(i) The eligible infant's department-assigned client identification number;~~

~~(ii) The appropriate procedure codes and modifiers identified in the department's current published MSS/ICM billing instructions and/or numbered memoranda; and~~

~~(iii) The department-assigned MSS/ICM provider number.~~

~~(2) The department:~~

~~(a) Pays ICM services in units of time with one unit being equal to fifteen minutes of one-to-one service delivered face-to-face;~~

~~(b) When directed by the legislature to achieve targeted expenditure levels for payment of maternity support services for any specific biennium, may determine the maximum number of units allowed per client; and~~

~~(c) Publishes the maximum number of units allowed per client in the MSS/ICM billing instructions and/or numbered memoranda.~~

~~(3) For a client enrolled in a managed care plan who is eligible to receive ICM, the department pays ICM services:~~

~~(a) Delivered outside the plan on a fee-for-service basis as described in this section; and~~

~~(b) Subject to the same program rules that apply to a client who is not enrolled in a managed care plan.~~

~~(4) Limitation extension requests to exceed the number of allowed ICM units of service may be authorized according to WAC 388-501-0169.~~

WSR 10-12-011
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)
[Filed May 21, 2010, 8:35 a.m., effective June 21, 2010]

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

Purpose: Revisions to this rule are necessary to: (1) Fully meet the legislatively mandated appropriation reduction in section 1109, chapter 564, Laws of 2009 (ESHB 1244) for maternity support services (First Steps program) for fiscal years 2010-2011; (2) further clarify the department's coverage policy; specifically, the rules amend sections in chapter 388-533 WAC in order to redefine the eligibility criteria for maternity support services and reduce the maximum amount of services pregnant women and their infants may receive; and (3) update and clarify other maternity support services policy.

Citation of Existing Rules Affected by this Order: Amending WAC 388-533-0300, 388-533-0310, 388-533-0315, 388-533-0320, 388-533-0325, 388-533-0330, 388-533-0340, and 388-533-0345.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.760 through 74.09.910.

Other Authority: Section 1109, chapter 564, Laws of 2009 (ESHB 1244).

Adopted under notice filed as WSR 10-08-084 on April 6, 2010.

A final cost-benefit analysis is available by contacting June Hershey, DSHS/HRSA, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 725-1293, fax (360) 664-4371, e-mail june.hershey@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 8, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 8, Repealed 0.

Date Adopted: May 21, 2010.

Susan N. Dreyfus
Secretary

AMENDATORY SECTION (Amending WSR 04-13-049, filed 6/10/04, effective 7/11/04)

WAC 388-533-0300 ~~((Enhanced benefits for pregnant women))~~ Services under First Steps. ~~((Pursuant to))~~ (1) Under the 1989 Maternity Care Access Act, ~~((also known as First Steps, the medical assistance administration (MAA) provides enhanced))~~ and RCW 74.09.760 through 74.09.910,

~~the department established First Steps to provide access to services ((to)) for eligible women ((during and after their pregnancy. The enhanced services include:~~

~~((1)) and their infants.~~

~~((2)) The rules for the:~~

~~((a)) Maternity support services ((see)) (MSS) component of First Steps are found in WAC 388-533-0310 through 388-533-0345((;))~~

~~((2)) (b) Infant case management ((services see)) (ICM) component of First Steps are found in WAC 388-533-0360 through 388-533-0386((;))~~

~~((c)) Childbirth education (CBE) component of First Steps are found in WAC 388-533-0390.~~

~~((3)) ((Alcohol and drug assessment and treatment services see WAC 388-533-0701);~~

~~((4)) Childbirth education classes (see WAC 388-533-0390); and~~

~~((5)) Childcare services (see WAC 388-533-1000)) Other services under First Steps include:~~

~~((a)) Medical services, including full medical coverage, prenatal care, delivery, post-pregnancy follow-up, dental, vision, and twelve months family planning services post-pregnancy;~~

~~((b)) Ancillary services, including but not limited to, expedited medical eligibility determination, case finding and outreach; and~~

~~((c)) Alcohol and drug assessment and treatment services for pregnant women available statewide and administered by the division of behavioral health and recovery (see WAC 388-533-0701).~~

AMENDATORY SECTION (Amending WSR 04-13-049, filed 6/10/04, effective 7/11/04)

WAC 388-533-0310 Maternity support services—Purpose. The ~~((integrated))~~ purpose of maternity support services (MSS) ~~((program provides enhanced preventive health and education services to eligible pregnant women and their families during the maternity cycle. The purpose of the enhanced services is to improve birth outcomes and respond to clients' individual risks and needs. MSS is collaboratively managed by the department of health and the medical assistance administration. This MSS program combines the previous MSS and maternity case management programs))~~ is to:

~~((1)) Improve and promote healthy birth outcomes. Services are delivered by an MSS interdisciplinary team to eligible pregnant and post-pregnant women and their infants.~~

~~((2)) Help eligible clients to access:~~

~~((a)) Prenatal care as early in the pregnancy as possible; and~~

~~((b)) Healthcare for their infants.~~

AMENDATORY SECTION (Amending WSR 04-13-049, filed 6/10/04, effective 7/11/04)

WAC 388-533-0315 Maternity support services—Definitions. The following definitions and those found in WAC 388-500-0005 apply to ~~((the))~~ maternity support services (MSS) ~~((program))~~ and infant case management (ICM) (see WAC 388-533-0360 through 388-533-0386 for ICM rules).

"Advocacy"—For the purposes of the MSS program, means actions taken to support the parent(s) in accessing needed services or goods and helping the parent(s) to develop skills to access services.

"Assurances document"—A signed agreement documenting that the provider understands and agrees to maintain certain required program elements; and to work toward integrating other specifically recommended practices. Also referred to as the MSS/ICM assurances document.)

"Basic health messages"—For the purposes of ((the)) MSS ((program)), means the ((preventative)) preventive health education messages designed to promote healthy pregnancies, healthy newborns and healthy parenting during the first year of life.

"Care coordination"—Professional collaboration and communication between the client's MSS provider and other medical and/or health and social services providers to address the individual client's needs as identified in the care plan.

"Care plan"—A written plan that must be developed and maintained throughout the eligibility period for each client in MSS and ICM.

"Case management"—((For the purposes of the MSS program, means)) Services to assist individuals ((who are eligible under the medicaid state plan,)) to gain access to needed medical, social, educational, and other services.

"Childbirth education ((classes)) (CBE)"—((A series of)) Established as a component of the First Steps program to provide educational sessions offered in a group setting ((and led by an approved instructor to prepare)) that prepares a pregnant woman and her support person(s) for an upcoming childbirth and healthy parenting.

"Childcare"

"DASA (division of alcohol and substance abuse)"—Childcare for women attending DASA funded outpatient alcohol or drug treatment services that may be provided through the treatment facility.

"First Steps"—Childcare funded through the First Steps Program for the care of children of pregnant or post-pregnant women who are attending appointments for medicaid-covered services, pregnant women on physician ordered bed rest, and for visits to the neonatal intensive care unit (NICU) after delivery.

"Community and family health (CFH)"—Refers to the division within the state department of health whose mission is to improve the health and well-being of Washington residents with a special focus on infants, children, youth, pregnant woman, and prospective parents.

"Consultation"—For the purposes of the MSS program, means the practice of conferring with other professionals to share knowledge and problem-solve with the intent of providing the best possible care to clients.

"Core services"—For the purposes of the MSS program, means the services that provide the framework for interdisciplinary, client-centered maternity support services and infant case management. These services include: Client screening, basic health messages, basic linkages, and minimum interventions.)

"Department of health (DOH)"—The state agency ((whose mission is)) that works to protect and improve the health of people in Washington state.

"Department of social and health services ((DSHS)) (department)"—The state agency that administers social and health services programs for ((the state of)) Washington state.

"First Steps"—The program created under the 1989 Maternity Care Access Act((, known as First Steps. This program provides enhanced maternity care for pregnant and postpregnant women, and health care for infants. The program is managed collaboratively by DSHS and DOH. First Steps maternity care consists of obstetrical care, maternity support services, childbirth education classes, and infant case management)).

"First Steps Childcare"—See childcare.

"Home visit"—For the purposes of the MSS program, means services delivered in the client's place of residence or other setting as described in the medical assistance administration's published MSS/ICM billing instructions.)

"Infant case management (ICM)"—((A program that provides case management services to eligible high-risk infants and their families. Eligibility for ICM may be established at the end of the maternity cycle and up to the infant's first birthday)) Established as a component of the First Steps program to provide parent(s) with information and assistance in accessing needed medical, social, educational, and other services to improve the welfare of infants.

"Infant case management (ICM) screening"—A brief in-person evaluation provided by a qualified person to determine whether an infant and the infant's parent(s) have a specific risk factor(s).

"Interagency agreement"—A written letter of agreement between two agencies for the exchange of referrals or service provision (e.g., a written agreement in letter format that agrees to an exchange of referrals or services for MSS/ICM clients).

"Interdisciplinary team"—Members from different professions and occupations that work closely together and communicate frequently to optimize care for the client (pregnant woman and infant). Each team member contributes specialized knowledge, skills and experience to support and augment the contributions of the other team members.

"Linkages"—Networking and/or collaboration between agencies in order to assure proper referral of clients and avoid duplication of services.

"Maternal and infant health (MIH)"—A section within the state department of health. MIH works collaboratively with DSHS to provide clinical consultation, oversight and monitoring of the MSS/ICM programs))

"Linking"—Assisting clients to identify and use community resources to address specific medical, social and educational needs.

"Maternity cycle"—An eligibility period for maternity support services that begins during pregnancy and continues to the end of the month in which the sixtieth-day post-pregnancy occurs.

"Maternity support services (MSS)"—((Preventive health services for pregnant/postpregnant women including: Professional observation, assessment, education, intervention and counseling. MSS services are provided by an interdisciplinary team consisting of at minimum, a community health nurse, a nutritionist, and a behavioral health specialist. Addi-

tional MSS services may be provided by community health workers)) Established as a component of the First Steps program to provide screening, assessment, basic health messages, education, counseling, case management, care coordination, and other interventions delivered by an MSS interdisciplinary team during the maternity cycle.

"Maternity support services (MSS) interdisciplinary team"—A group of providers consisting of at least a community health nurse, a certified registered dietitian, a behavioral health specialist, and, at the discretion of the First Steps agency, a community health worker, who work together and communicate frequently to share specialized knowledge, skills, and experience in order to address risk factors identified in a client's care plan. Based upon individual client need, each team member must be available to provide maternity support services and consultation.

~~("Medical assistance administration (MAA)"~~—The administration within DSHS authorized to administer medical assistance programs.)

~~("Minimum interventions"~~—Defined levels of client assessment, education, intervention and outcome evaluation for specific risk factors found in client screening for MSS/ICM services, or identified during ongoing services.)

"Parent(s)"—A person who resides with an infant and provides the infant's day-to-day care, and is:

- The infant's natural or adoptive parent(s);
- A person other than a foster parent who has been granted legal custody of the infant; or
- A person who is legally obligated to support the infant.

~~("Performance measure"~~—An indicator used to measure the results of a focused intervention or initiative.)

"Risk factors"—The biopsychosocial factors that could lead to ~~((negative pregnancy or parenting))~~ poor birth outcomes, infant morbidity, and/or infant mortality. ~~((The MSS/ICM program design identifies specific risk factors and corresponding minimum interventions.~~

"Service plan"—The written plan of care that must be developed and maintained throughout the eligibility period for each client in the MSS/ICM programs.

"Staff"—For the purposes of the MSS program, means the personnel employed by providers.

"Unit of service"—Fifteen minutes of one-to-one service delivered face-to-face.)

AMENDATORY SECTION (Amending WSR 04-13-049, filed 6/10/04, effective 7/11/04)

WAC 388-533-0320 Maternity support services—Client eligibility. (1) To ~~((be eligible for))~~ receive maternity support services (MSS), a client must ~~((be))~~:

- (a) ~~Be covered~~ under one of the following medical assistance ~~((administration))~~ programs:
 - (i) Categorically needy program (CNP);
 - (ii) ~~((Categorically needy program))~~ CNP—Children's health insurance program; ~~((CNP-Children's health insurance program); or))~~
 - (iii) ~~((Categorically needy program—Emergency medical only (CNP-Emergency medical only); and))~~ Medically needy program (MNP); or

~~((iv))~~ A pregnancy medical program as described in WAC 388-462-0015.

~~((b))~~ ~~((Pregnant or still within the maternity cycle))~~ Be within the eligibility period of a maternity cycle as defined in WAC 388-533-0315; and

~~((c))~~ Meet any other eligibility criteria as determined by the department and published in the department's current billing instructions and/or numbered memoranda.

(2) Clients who meet the eligibility criteria in this section may receive:

(a) An in-person screening by a provider who meets the criteria established in WAC 388-533-0325. Clients are screened for risk factors related to issues that may impact their birth outcomes.

(b) Up to the maximum number of MSS units of service allowed per client as determined by the department and published in the department's current billing instructions and/or numbered memoranda. The department may determine the maximum number of units allowed per client when directed by the legislature to achieve targeted expenditure levels for payment of maternity support services for any specific biennium.

(3) Clients meeting the eligibility criteria in ((WAC 388-533-0320(1))) this section who are enrolled in ((an MAA)) a department-contracted managed care plan, are eligible for MSS ((services)) outside their plan. ((MSS services delivered outside the managed care plan are reimbursed on a fee-for-service basis and subject to the same program rules as apply to nonmanaged care clients.))

(4) See chapter 388-534 WAC for clients eligible for coverage under the early periodic screening, diagnosis and treatment (EPSDT) program.

(5) Clients receiving MSS before July 1, 2009, are subject to the transition plan as determined and published by the department in numbered memoranda.

(6) Clients who do not agree with a department decision regarding eligibility for MSS have a right to a fair hearing under chapter 388-02 WAC.

AMENDATORY SECTION (Amending WSR 04-13-049, filed 6/10/04, effective 7/11/04)

WAC 388-533-0325 Maternity support services—Provider requirements. (1) ~~((Services under this program are provided only by approved maternity support services (MSS)/infant case management (ICM) providers. Representatives from the medical assistance administration (MAA) and the department of health (DOH) recruit and approve providers using the following criteria:~~

- (a) ~~Services are to be delivered in area of geographic need as determined by MAA/DOH; and~~
- (b) ~~Providers must:~~
 - (i) ~~Deliver both MSS and ICM services;~~
 - (ii) ~~Provide services in both office and home visit settings; and~~
 - (iii) ~~Assure maintenance of staffing requirements and delivery of core services according to program design.~~
- (2) ~~To participate in the MSS program, a provider must:~~
 - (a) ~~Comply with the clinical supervision/clinical consultation guidelines as required in the assurances document;~~

(b) Notify the appropriate state discipline-specific consultant when a staff person joins or leaves a designated position;

(c) Ensure that all newly hired staff receive an orientation to First Steps as soon as possible, but no later than sixty days from the hire date;

(d) Refer clients who may need chemical dependency assessment and/or treatment to a provider contracted with the division of alcohol and substance abuse (DASA) (see chapter 440-22 WAC);

(e) Authorize First Steps childcare for the MSS client as appropriate to facilitate MSS and First Step objectives (see WAC 388-533-1000 for rules governing First Steps childcare);

(f) Complete and document case conferencing activities.

(3) To be reimbursed by MAA for MSS, providers must:

(a) Meet the requirements in chapter 388-502 WAC, Administration of medical programs—Providers rules;

(b) Have a completed, approved MSS/ICM assurance document, signed by an officer or employee qualified to sign on behalf of the provider, on file with MAA;

(c) Meet the DOH/MAA requirements for a qualified MSS interdisciplinary team as prescribed in the assurance document;

(d) Ensure that staff meet the minimum qualifications for the MSS rules they perform; and

(e) Submit billings as instructed in MAA's published MSS/ICM billing instructions)) To be paid for providing maternity support services (MSS) and infant case management (ICM) services to eligible clients, an agency or entity must:

(a) Be currently approved as an MSS/ICM provider by the department of health (DOH);

(b) Be enrolled as an eligible provider with the department of social and health services' (department's) health and recovery services administration (HRSA)(see WAC 388-502-0010);

(c) Ensure that staff providing services meet the minimum regulatory and educational qualifications for the scope of services provided; and

(d) Meet the requirements in this chapter, chapter 388-502 WAC and the department's current published billing instructions and numbered memoranda.

(2) An individual or service organization that has a written agreement with an agency or entity that meets the requirements in subsection (1) of this section may also provide MSS and ICM services to eligible clients.

(a) The department requires the agency or entity to:

(i) Keep a copy of the written agreement on file;

(ii) Ensure that an individual or service organization staff member providing MSS/ICM services meets the minimum regulatory and educational qualifications required of an MSS/ICM provider;

(iii) Assure that the individual or service organization provides MSS/ICM services under the requirements of this chapter; and

(iv) Maintain professional, financial, and administrative responsibility for the individual or service organization.

(b) The agency or entity is responsible to:

(i) Bill for services using the agency's or entity's assigned provider number; and

(ii) Reimburse the individual or service organization for MSS/ICM services provided under the written agreement.

AMENDATORY SECTION (Amending WSR 04-13-049, filed 6/10/04, effective 7/11/04)

WAC 388-533-0330 Maternity support services—Covered services. (1) The ((medical assistance administration (MAA))) department covers maternity support services ((under the maternity support services)) (MSS) ((program)) provided by an MSS interdisciplinary team, subject to the restrictions and limitations in this section and other applicable ((published)) WAC.

(2) Covered services include:

(a) ((Community health nursing visits)) In-person screening(s) for risk factors related to pregnancy and birth outcomes;

(b) ((Nutrition visits;

(c) Behavioral health visits)) Brief assessment when indicated; ((and

(d) Community health worker visits under the direction of a professional member of the team)) (c) Education that relates to improving pregnancy and parenting outcomes;

(d) Interventions for risk factors identified on the care plan;

(e) Basic health messages;

(f) Case management services;

(g) Care coordination;

(h) Family planning screening and referral;

(i) Screening and referral for tobacco usage and/or exposure;

(j) Infant case management (ICM) screening; and

(k) Additional services as determined and published in the maternity support services/infant case management (MSS/ICM) billing instructions.

(3) ((The services listed in WAC 388-533-0330(2) are covered under this program only when the services are:

(a) Documented in the client's record;

(b) Provided on an individual basis in a face-to-face encounter;

(c) Delivered by a qualified staff person acting within her/his area of expertise; and

(d) Used for the purposes of the MSS program to provide:

(i) Risk screening;

(ii) Education that relates to improving pregnancy and parenting outcomes;

(iii) Brief counseling;

(iv) Interventions for identified risk factors;

(v) Basic health messages;

(vi) Referral and linkages to other services; or

(vii) Family planning screening)) The department pays for covered maternity support services according to WAC 388-533-0345.

AMENDATORY SECTION (Amending WSR 06-24-036, filed 11/30/06, effective 1/1/07)

WAC 388-533-0340 Maternity support services—Noncovered services. (1) ~~((The following are considered noncovered services under the MSS program. Any service:~~

- ~~(a) Not within the scope of the program;~~
- ~~(b) Not~~) The department covers only those services that are listed in WAC 388-533-0330~~(; or~~
- ~~(c) Any service provided by staff not qualified to deliver the service)).~~

(2) The department evaluates ~~((requests for services listed as noncovered under the provisions of WAC 388-501-0160))~~ a request for any noncovered service under the provisions of WAC 388-501-0160. When early periodic screening, diagnosis and treatment (EPSDT) applies, the department evaluates a request for a noncovered service according to the process in WAC 388-501-0165 to determine if it is medically necessary, safe, effective, and not experimental (see chapter 388-534 WAC for EPSDT rules).

AMENDATORY SECTION (Amending WSR 04-13-049, filed 6/10/04, effective 7/11/04)

WAC 388-533-0345 Maternity support services—((Reimbursement)) Payment. ~~((Services provided under))~~ The department pays for the covered maternity support services (MSS) ((program are reimbursed)) described in WAC 388-533-0330 on a fee-for-service basis subject to the following ((limitations)):

(1) ~~((MAA reimburses under this program only for services billed using approved procedure codes and modifiers as identified in MAA's published MSS/ICM billing instructions;))~~ MSS must be:

(a) Provided to a client who meets the eligibility requirements in WAC 388-533-0320;

(b) Provided to a client on an individual basis in a face-to-face encounter;

(c) Provided by an agency or entity that meets the criteria established in WAC 388-533-0325;

(d) Provided according to the department's current published maternity support services/infant case management (MSS/ICM) billing instructions and/or numbered memoranda;

(e) Documented in the client's record or chart; and

(f) Billed using;

(i) The eligible client's department-assigned client identification number;

(ii) The appropriate procedure codes and modifiers identified in the department's current published MSS/ICM billing instructions and/or numbered memoranda; and

(iii) The agency's department-assigned MSS/ICM provider number. The department pays the agency or entity for providing MSS to eligible clients, not the individual or service organization that has a written agreement with the agency to provide MSS.

(2) ~~((MAA reimburses))~~ The department:

(a) Pays MSS ((services)) in units of time with one unit being equal to fifteen minutes of one-to-one service delivered face-to-face;

(b) When directed by the legislature to achieve targeted expenditure levels for payment of maternity support services for any specific biennium, may determine the maximum number of units allowed per client; and

(c) Publishes the maximum number of units allowed per client in the MSS/ICM billing instructions and/or numbered memoranda.

(3) ~~((MAA reimburses a maximum of:~~

~~(a) Six units per client, per day for any combination of office or home visits;~~

~~(b) Sixty total units per client, from all disciplines, over the maternity cycle;~~

~~(c) A one-time-only fee per client for the family planning performance measure; and~~

~~(d) A one-time-only fee per client per pregnancy for the tobacco cessation performance measure))~~ For a client enrolled in a managed care plan who is eligible to receive MSS, the department pays for MSS:

(a) Delivered outside the plan on a fee-for-service basis as described in this section; and

(b) Subject to the same program rules that apply to a client who is not enrolled in a managed care plan.

(4) Limitation extension requests to exceed the number of allowed MSS units of service may be authorized according to WAC 388-501-0169.

WSR 10-12-013

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed May 21, 2010, 8:57 a.m., effective June 21, 2010]

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

Purpose: These rule changes give the department greater flexibility in making supplemental trauma payment to providers in order to leverage federal matching funds under the American Recovery and Reinvestment Act (ARRA) and maximize trauma care system reimbursement. It also clarifies current policy.

Citation of Existing Rules Affected by this Order: Amending WAC 388-531-2000, 388-546-3000, and 388-550-5450.

Statutory Authority for Adoption: RCW 70.168.040, 74.08.090, and 74.09.500.

Adopted under notice filed as WSR 10-08-087 on April 6, 2010.

A final cost-benefit analysis is available by contacting Ayuni Wimpee, P.O. Box 45510, Olympia, WA 98504-5510, phone (360) 725-1835, fax (360) 753-7315, e-mail wimpea@dshs.wa.gov.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: May 21, 2010.

Susan N. Dreyfus
Secretary

AMENDATORY SECTION (Amending WSR 08-18-029, filed 8/27/08, effective 9/27/08)

WAC 388-531-2000 Increased payments for physician-related services for qualified trauma cases. (1) The ~~((department's))~~ department of social and health services' (DSHS) physician trauma care fund (TCF) is an amount that is legislatively appropriated to DSHS each biennium for the purpose of increasing the department's payment to ((eligible)) physicians and other ((clinical providers for)) clinicians (those who are performing services within their licensed and credentialled scope of practice) providing qualified trauma care services to ((medicaid, general assistance unemployable (GA-U), and Alcohol and Drug Addiction Treatment and Support Act (ADATSA))) medical assistance clients covered under the department's fee-for-service ((clients. Claims for trauma care provided to clients enrolled in the department's managed care programs are not eligible for increased payments from the TCF)) programs.

(2) ~~((Beginning with services provided after June 30, 2003, the department makes increased payments from the TCF to physicians and other clinical providers who provide trauma services to medicaid, GA-U, and ADATSA clients, subject to the provisions in this section. A provider is eligible to receive increased payments from the TCF for trauma services provided to a GA-U or ADATSA client during the client's certification period only. See WAC 388-416-0010))~~ Trauma care services provided to:

(a) Fee-for-service clients in medicaid, general assistance-unemployable (GAU), alcohol and drug addiction treatment and support act (ADATSA), children's health insurance program (CHIP), and apple health for kids, qualify for enhanced rate payments from the TCF. Trauma care services provided to a GAU or ADATSA client qualify for enhanced rates only during the client's certification period. See WAC 388-416-0010;

(b) Clients in the alien emergency medical and alien medical programs do not qualify for enhanced rate payments from the TCF; and

(c) Clients enrolled in the department's managed care programs do not qualify for enhanced rate payments from the TCF.

(3) ~~((The department makes increased))~~ To receive payments from the TCF ((to physicians and)), a physician or other ((clinical providers who)) clinician must:

(a) ~~((Are))~~ Be on the designated trauma services response team of any department of health (DOH)-designated or DOH-recognized trauma service center;

(b) Meet the provider requirements in this section and other applicable WAC;

(c) Meet the billing requirements in this section and other applicable WAC; and

(d) Submit all information the department requires to ~~((ensure))~~ monitor the trauma ~~((services are being provided))~~ program.

(4) Except as described in subsection (5) of this section and subject to the limitations listed, the department makes ~~((increased))~~ payments from the TCF to physicians and other ~~((eligible clinical providers))~~ clinicians:

(a) For only those trauma services that are designated by the department as "qualified." ~~((These qualified services must be provided to eligible fee-for-service medicaid, GA-U, and ADATSA clients.))~~ Qualified trauma care services include ~~((are))~~:

(i) Follow-up surgical services provided within six months of the date of the injury ~~((for surgical procedures related to the injury if the)).~~ These surgical procedures ~~((were))~~ must have been planned during the initial acute episode of injury; and

(ii) Physiatrist services provided during an inpatient stay immediately following, and within six months of, the initial episode of injury.

(b) For hospital-based services only, and for follow-up surgeries performed in a medicaid-certified ambulatory surgery center (ASC). The follow-up surgery must have been performed within six months of the initial traumatic injury.

(c) Only for trauma cases that meet the injury severity score (ISS) (a summary rating system for traumatic anatomic injuries) of:

(i) Thirteen or greater for an adult trauma patient (a client age fifteen or older); or

(ii) Nine or greater for a pediatric trauma patient (a client younger than age fifteen).

(d) On a per-client basis in any DOH-designated or DOH-recognized trauma service center.

(e) At a rate of two and one-half times the ~~((current))~~ department's current fee-for-service rate for qualified trauma services, or other payment enhancement percentage the department determines as appropriate.

(i) The department monitors the ~~((increased))~~ payments from the TCF during each state fiscal year (SFY) and makes necessary adjustments to the rate to ensure that total payments from the TCF for the biennium will not exceed the legislative appropriation for that biennium.

(ii) Laboratory and pathology charges are not eligible for ~~((increased))~~ payments from the TCF. (See subsection (6)(b) of this section.)

(5) When a trauma case is transferred from one hospital to another, the department makes ~~((increased))~~ payments from the TCF to physicians and ~~((other eligible clinical providers))~~ clinicians, according to the ISS score as follows:

(a) If the transferred case meets or exceeds the appropriate ISS threshold described in subsection (4)(c) of this section, ~~((eligible))~~ providers who furnish qualified trauma services in ~~((both))~~ either the transferring ~~((and))~~ or receiving

~~((hospitals))~~ facility are eligible for ~~((increased))~~ payments from the TCF.

(b) If the transferred case is below the ISS threshold described in subsection (4)(c) of this section, only ~~((the eligible))~~ providers who furnish qualified trauma services in the receiving hospital are eligible for ~~((increased))~~ payments from the TCF.

(6) The department ~~((distributes increased payments from the TCF only))~~ makes a TCF payment to a physician or clinician:

(a) ~~((When))~~ Only when the provider submits an eligible trauma ~~((claims are submitted))~~ claim with the appropriate trauma indicator within the time frames specified by the department; and

(b) On a per-claim basis. Each qualifying trauma service and/or procedure on the ~~((physician's claim or other clinical))~~ provider's claim is paid at the department's current fee-for-service rate, multiplied by ~~((an increased TCF payment rate that is based on))~~ the appropriate ~~((rate))~~ payment enhancement percentage described in subsection (4)(e) of this section. ~~((Charges for))~~ Laboratory and pathology services and/or procedures are not eligible for ~~((increased))~~ payments from the TCF and are paid at the department's current fee-for-service rate.

(7) For purposes of the ~~((increased))~~ payments from the TCF to physicians and other ~~((eligible clinical providers))~~ clinicians, all of the following apply:

(a) The department ~~((may))~~ considers a request for a claim adjustment submitted by a provider only if the ~~((claim is received by the))~~ department receives the adjustment request within ~~((one year))~~ three-hundred sixty-five days from the date of the initial trauma service. At its discretion, and with sufficient public notice, the department may adjust the deadline for submission and/or adjustment of trauma claims in response to budgetary or other program needs;

(b) ~~((The department does not allow any carryover of liabilities for an increased payment from the TCF beyond three hundred sixty-five days from the date of service.))~~ Except as provided in subsection (7)(a) of this section, the deadline for making adjustments to a trauma claim ((for an SFY)) is the same as the deadline for submitting the initial claim to the department as specified in WAC 388-502-0150(3). ((WAC 388-502-0150(7) does not apply to TCF)) See WAC 388-502-0150 (11) and (12) for other time limits applicable to trauma claims;

(c) All claims and claim adjustments are subject to federal and state audit and review requirements; and

(d) The total ~~((amount of increased))~~ payments from the TCF disbursed to providers by the department in a biennium cannot exceed the amount appropriated by the legislature for that biennium. The department has the authority to take whatever actions are needed to ensure the department stays within ~~((the current))~~ its TCF appropriation (see subsection (4)(e)(i) of this section).

AMENDATORY SECTION (Amending WSR 04-17-118, filed 8/17/04, effective 9/17/04)

WAC 388-546-3000 Transporting qualified trauma cases. ~~((+))~~ The ~~((medical assistance administration~~

~~((MAA)))~~ department does not pay ambulance providers who meet department of health (DOH) criteria for participation in the statewide trauma network an additional amount for transports involving qualified trauma cases described in WAC 388-550-5450. Subject to the availability of trauma care fund (TCF) monies allocated for such purpose, the department may make supplemental payments to these ambulance providers, also known as verified pre-hospital providers.

~~((2))~~ Ambulance providers may apply to the department of health (DOH) for possible grants related to transports of qualified trauma cases.)

AMENDATORY SECTION (Amending WSR 08-08-065, filed 3/31/08, effective 5/1/08)

WAC 388-550-5450 Supplemental distributions to approved trauma service centers. (1) The trauma care fund (TCF) is an amount legislatively appropriated to the department each biennium, at the legislature's sole discretion, for the purpose of supplementing the department's payments to eligible trauma service centers for providing qualified trauma services to ~~((eligible))~~ medicaid fee-for-service clients. Claims for trauma care provided to clients enrolled in the department's managed care programs are not eligible for supplemental distributions from the TCF.

(2) ~~((Beginning with trauma services provided after June 30, 2003,))~~ The department makes supplemental distributions from the TCF to qualified hospitals, subject to the provisions in this section and subject to legislative action.

(3) To qualify for supplemental distributions from the TCF, a hospital must:

(a) Be designated or recognized by the department of health (DOH) as an approved Level ~~((+))~~ I, Level ~~((2))~~ II, or Level ~~((3))~~ III adult or pediatric trauma service center;

(b) Meet the provider requirements in this section and other applicable WAC;

(c) Meet the billing requirements in this section and other applicable WAC;

(d) Submit all information the department requires to ~~((ensure services are being provided))~~ monitor the program; and

(e) Comply with DOH's Trauma Registry reporting requirements.

(4) Supplemental distributions from the TCF are:

(a) Allocated into five ~~((fixed))~~ payment pools ~~((of equal amounts))~~. Timing of payments is described in subsection (5) of this section. Distributions from the payment pools to the individual hospitals are determined by first summing each eligible hospital's qualifying payments since the beginning of the service year and expressing this amount as a percentage of total payments to all eligible hospitals for qualifying services provided during the service year to date. For TCF purposes, service year is defined as the state fiscal year. Each hospital's qualifying payment percentage for the service year-to-date is multiplied by the available amount for the service year-to-date, and then the department subtracts what has been allocated to each hospital for the service year-to-date to determine the portion of the current ~~((quarterly))~~ payment pool to be paid to each qualifying hospital. This method for determining supplemental distributions to hospitals applies to TCF

allotments beginning with state fiscal year (SFY) 2008. ~~((This method supersedes and preempts the method adopted in rule and effective August 1, 2007.))~~ Eligible hospitals and qualifying payments are described in (i) through (iii) of this subsection:

(i) Qualifying payments are the department's payments to Level ~~((+))~~ I, Level ~~((2))~~ II, and Level ~~((3))~~ III trauma service centers for qualified medicaid trauma cases since the beginning of the service year. The department determines the countable payment for trauma care provided to medicaid clients based on date of service, not date of payment;

(ii) The department's payments to Level ~~((+))~~ I, Level ~~((2))~~ II, and Level ~~((3))~~ III hospitals for trauma cases transferred in since the beginning of the service year. A Level ~~((+))~~ I, Level ~~((2))~~ II, or Level ~~((3))~~ III hospital that receives a transferred trauma case from any lower level hospital is eligible for the enhanced payment, regardless of the client's injury severity score (ISS) ~~((An ISS is a summary rating system for traumatic anatomic injuries))~~; and

(iii) The department's payments to Level ~~((2))~~ II and Level ~~((3))~~ III hospitals for qualified trauma cases (those that meet or exceed the ISS criteria in subsection (4)(b) of this section) ~~((that))~~ transferred by these hospitals ((transferred)) since the beginning of the service year to a ((higher level designated)) trauma service center ((since the beginning of the service year)) with a higher designation level.

(b) Paid only for a medicaid trauma case that meets:

(i) The ISS of thirteen or greater for an adult trauma patient (a client age fifteen or older);

(ii) The ISS of nine or greater for a pediatric trauma patient (a client younger than age fifteen); or

(iii) The conditions of subsection (4)(c).

(c) Made to hospitals, as follows, for a trauma case that is transferred:

(i) A hospital that receives the transferred trauma case qualifies for payment regardless of the ISS if the hospital is designated or recognized by DOH as an approved Level ~~((+))~~ I, Level ~~((2))~~ II, or Level ~~((3))~~ III adult or pediatric trauma service center;

(ii) A hospital that transfers the trauma case qualifies for payment only if:

(A) It is designated or recognized by DOH as an approved Level ~~((2))~~ II or Level ~~((3))~~ III adult or pediatric trauma service center; and

(B) The ISS requirements in (b)(i) or (b)(ii) of this subsection are met.

(iii) A hospital that DOH designates or recognizes as an approved Level ~~((4))~~ IV or Level ~~((5))~~ V trauma service center does not qualify for supplemental distributions for trauma cases that are transferred in or transferred out, even when the transferred cases meet the ISS criteria in subsection (4)(b) of this section.

(d) Not funded by disproportionate share hospital (DSH) funds; and

(e) Not distributed by the department to:

(i) Trauma service centers designated or recognized as Level ~~((4))~~ IV or Level ~~((5))~~ V;

(ii) Critical access hospitals (CAHs), except when the CAH is also a Level ~~((3))~~ III trauma service center. Beginning with qualifying trauma services provided in SFY 2007,

the department allows a hospital with this dual status to receive distributions from the TCF; or

(iii) Any ~~((hospital))~~ facility for follow-up ~~((surgical))~~ services related to the qualifying trauma incident but provided to the client after the client has been discharged ~~((for))~~ from the initial hospitalization for the qualifying injury.

(5) Distributions for an SFY are ~~((divided into five "quarters" and))~~ paid as follows:

(a) ~~((Each quarterly distribution paid by the department from the TCF totals twenty percent of the amount designated by the department for that SFY;~~

~~((b))~~ The first ~~((quarterly))~~ supplemental distribution from the TCF is made three to six months after the SFY begins;

~~((c))~~ Subsequent ((quarterly payments)) distributions are made approximately every two to four months after the first ((quarterly payment)) distribution is made, except as described in subsection ((c)) (c);

~~((d))~~ (c) The ("fifth quarter") final distribution from the TCF for the same SFY is:

(i) Made ~~((one year))~~ after the end of the SFY;

(ii) Based on the SFY that the TCF designated amount relates to; and

(iii) Distributed based on each eligible hospital's percentage of the total payments made by the department to all designated trauma service centers for qualified trauma cases during the relevant ~~((fiscal year))~~ SFY.

(6) For purposes of the supplemental distributions from the TCF, all of the following apply:

(a) The department ~~((may))~~ considers a provider's request for a trauma claim adjustment ((submitted by a provider)) only if the adjustment request is received by the department within ((one year)) three hundred sixty-five calendar days from the date of the initial trauma service. At its discretion, and with sufficient public notice, the department may adjust the deadline for submission and/or adjustment of trauma claims in response to budgetary program needs;

(b) ~~((The department does not allow any carryover of liabilities for a supplemental distribution from the TCF beyond three hundred sixty-five calendar days from the date of discharge (inpatient) or date of service (outpatient).))~~ Except as provided in subsection (6)(a) of this section, the deadline for making adjustments to a trauma claim is the same as the deadline for submitting the initial claim to the department as specified in WAC 388-502-0150(3). ((WAC 388-502-0150(7) does not apply)) See WAC 388-502-0150 (11) and (12) for other time limits applicable to TCF claims;

(c) All claims and claim adjustments are subject to federal and state audit and review requirements; and

(d) The total amount of supplemental distributions from the TCF disbursed to eligible hospitals by the department in any biennium cannot exceed the amount appropriated by the legislature for that biennium. The department has the authority to take whatever actions necessary to ensure the department stays within the TCF appropriation.

WSR 10-12-018

PERMANENT RULES

STATE BOARD OF HEALTH

[Filed May 21, 2010, 2:19 p.m., effective July 1, 2011]

Effective Date of Rule: July 1, 2011.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: ESHB 1244, section 222(1), of 2009 restricts implementation of new or amended primary and secondary school facility rules through June 2011 without funding by the legislature.

Purpose: **This filing extends the effective date of new sections of chapter 246-366 WAC, Primary and secondary schools; and new chapter 246-366A WAC, Environmental health and safety standards for primary and secondary schools, because the 2010 legislature did not provide funding for implementation of these rules. These rules provide minimum environmental health and safety standards for all primary and secondary schools in Washington.**

FILING NOTE: New sections of chapter 246-366 WAC, Primary and secondary schools, and new chapter 246-366A WAC, Environmental health and safety standards for primary and secondary schools, were originally adopted by the state board of health on August 12, 2009. The board filed a rule-making order, WSR 10-01-174, on December 22, 2009, setting the effective date for the new rules as July 1, 2010. On March 10, 2010, the board voted to file an amended rule-making order to change the effective date of these new rules to July 1, 2011.

Statutory Authority for Adoption: RCW 43.20.050.

Adopted under notice filed as WSR 09-14-136 on July 1, 2009.

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

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

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

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

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

Date Adopted: March 10, 2010.

Craig McLaughlin
Executive Director

WSR 10-12-020

PERMANENT RULES

SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 21, 2010, 2:48 p.m., effective June 21, 2010]

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

Purpose: These rule revisions update reference to the "core student records system" of the office of superintendent of public instruction to the "core student records system or successor data collection and reporting systems, such as the comprehensive education data and research system (CEDARS)," with respect to which schools are designated as challenging, high poverty schools for the 2009–10 school year and thereafter, for purpose of the challenging, high poverty school bonus. Also, a new section is added regarding review and adjustment of data that determines whether a school building is considered to be a challenging, high poverty school. Teachers and other certificated instructional staff are eligible for additional national board bonuses if they are in an instructional assignment in challenging, high poverty schools.

Citation of Existing Rules Affected by this Order: Amending WAC 392-140-973; and new section WAC 392-140-975.

Statutory Authority for Adoption: RCW 28A.150.290 (1).

Adopted under notice filed as WSR 10-08-071 on April 6, 2010.

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

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

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

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

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

Date Adopted: May 11, 2010.

Randy Dorn
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 09-07-043, filed 3/11/09, effective 4/11/09)

WAC 392-140-973 Salary bonus for teachers and other certificated staff who hold current certification by the national board—Eligibility. Candidates who are eligible for the bonus shall be limited to those meeting the following requirements:

(1) Hold current certification by the national board for professional teaching standards; and

(2) Who are:

(a) Teachers and other certificated staff employed full time or part time under written contract by Washington public school districts or educational service districts pursuant to RCW 28A.405.210; or

(b) Teachers and other certificated staff employed full time or part time by a contractor pursuant to WAC 392-121-188 and 392-121-206 (2)(a); or

(c) Teachers and other certificated staff employed full time or part time by the Washington school for the deaf or Washington school for the blind; or

(d) Beginning in the 2007-08 school year and thereafter, national board certified teachers who received the bonus as a teacher or other certificated instructional staff in Washington and become public school principals or vice-principals shall continue to receive the bonus for as long as they are principals or vice-principals and maintain the national board certification.

(3) In addition to bonuses provided by subsection (2) of this section, teachers and other certificated staff shall be eligible for additional bonuses if the employee is in an instructional assignment in challenging, high poverty schools, subject to the following conditions and limitations:

~~(a) ((For the 2007-08 school year, challenging, high poverty schools are schools where, for the prior year, the student headcount enrollment eligible for the federal free or reduced-price lunch program is at least 70 percent, as determined by any of the following sources:~~

~~(i) The October 2006 count by the child nutrition section of the office of superintendent of public instruction; or~~

~~(ii) The October 2006 count by the core student records system of the office of superintendent of public instruction.~~

~~(b) For the 2008-09 school year, challenging, high poverty schools are schools eligible by either:~~

~~(i) Subsection (3)(a) of this section; or~~

~~(ii) Schools where, for the prior year, the student headcount enrollment eligible for the federal free or reduced-price lunch program was at least:~~

~~(A) 70 percent for elementary schools;~~

~~(B) 60 percent for middle schools; or~~

~~(C) 50 percent for high schools; as determined by any of the following sources:~~

~~(D) The October 2007 count by the child nutrition section of the office of superintendent of public instruction; or~~

~~(E) The October 2007 count by the core student records system of the office of superintendent of public instruction.~~

~~For purposes of the national board challenging, high poverty schools bonus, a building shall be categorized based upon the highest grades served as follows:~~

~~(I) A building whose highest grade served is 6th grade or lower shall be considered an elementary school;~~

~~(II) A building whose highest grade served is either 7th, 8th, or 9th grade shall be considered a middle school; and~~

~~(III) A building whose highest grade served is either 10th, 11th, or 12th grade shall be considered a high school; provided, that, a building shall not be considered unless it serves greater than 20 students as of the October 2006 count, and greater than 30 students as of the October 2007 count, or is the largest building in the district serving its designated category.~~

~~(e))~~ For the 2009-10 school year and thereafter, challenging, high poverty schools are schools eligible by either:

(i) Eligibility in the prior year; or

(ii) Schools where, for the prior year, the student headcount enrollment eligible for the federal free or reduced price lunch program was at least:

(A) 70 percent for elementary schools;

(B) 60 percent for middle schools; or

(C) 50 percent for high schools; as determined by the October 1 count of the core student records system or successor data collection and reporting systems, such as the comprehensive education data and research system (CEDARS) of the office of superintendent of public instruction.

(b) For purposes of the national board challenging, high poverty schools bonus, a building shall be categorized based upon the highest grades served as follows:

(i) A building whose highest grade served is 6th grade or lower shall be considered an elementary school;

(ii) A building whose highest grade served is either 7th, 8th, or 9th grade shall be considered a middle school;

(iii) A building whose highest grade served is either 10th, 11th, or 12th grade shall be considered a high school; provided, that, a building shall be considered only if it serves thirty or more students, or is the largest building in the district serving its designated category.

(c) The student enrollment data used shall include the state-funded students in kindergarten through twelfth grade, plus prekindergarten students in special education.

(d) Teachers and other certificated staff that meet the qualifications for additional bonuses under this subsection who are assigned for less than one full school year or less than full time for the school year shall receive the additional bonuses in a prorated manner, subject to the following conditions and limitations:

(i) The portion of the employee's assignment to challenging, high poverty schools shall be determined as of either October 1 of the current school year or the employee's employment contract date for the current school year.

(ii) If the employee's assignment to challenging, high poverty schools is less than 1.0 full-time equivalent, the proration shall use the methodology in WAC 392-121-212 and shall be rounded to three decimal places.

(e) Principals and vice-principals shall not be eligible for additional bonuses that are based on instructional assignments in challenging, high poverty schools.

NEW SECTION

WAC 392-140-975 Salary bonus for teachers and other certificated staff who hold current certification by the national board—Requests for review and adjustment. A school district may request that the superintendent of public instruction review and adjust data and calculations used to determine funding for the salary bonus for teachers and other certificated staff who hold current certification by the national board for professional teaching standards pursuant to this chapter and instructions issued by the superintendent of public instruction. Requests to review and adjust data shall be considered only for those districts wishing to appeal a

school's eligibility designation for the challenging, high poverty schools bonus pursuant to WAC 392-140-973(3).

Requests to review and adjust data shall be considered only if the district shows that the data or calculations are in error, or other bona fide adjustments are necessary.

WSR 10-12-026

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed May 24, 2010, 1:34 p.m., effective June 24, 2010]

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

Purpose: The rule explains the procedures for reopening an unemployment benefit claim.

Citation of Existing Rules Affected by this Order: Amending WAC 192-110-050.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, and 50.20.010.

Adopted under notice filed as WSR 10-06-084 on March 1, 2010.

A final cost-benefit analysis is available by contacting Juanita Myers, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail jtm Myers2@comcast.net.

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

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

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

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

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

Date Adopted: May 5, 2010.

Paul Trause
Deputy Commissioner

AMENDATORY SECTION (Amending WSR 07-22-055, filed 11/1/07, effective 12/2/07)

WAC 192-110-050 How do I reopen my claim? (1) If you do not file a claim for one or more weeks, you must reopen your claim.

(a) If it has been fewer than four weeks since you last claimed, you must reopen your claim by calling the unemployment claims telecenter and asking an agent to reopen your claim.

(b) If you have not claimed benefits for four or more weeks, you may reopen your claim on the internet or by calling the unemployment claims telecenter. However, you must do so **before** the last working day of the week (which is usu-

ally Friday). Otherwise you must call the unemployment claims telecenter and speak to an agent to reopen your claim.

(2) Your claim will be reopened effective on Sunday of the week in which you contact the department except that the effective date for any prior week claimed under WAC 192-140-005(4) will be Sunday of that week. (~~You cannot receive benefits for any prior weeks unless you can show good cause for not reopening your claim earlier.~~)

WSR 10-12-037

PERMANENT RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed May 25, 2010, 10:37 a.m., effective June 25, 2010]

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

Purpose: Change two WAC references in WAC 392-121-108(5) from WAC 392-400-290 to WAC 392-400-295. WAC 392-121-108(5) should refer to emergency expulsion not emergency removal from class, subject or activity as an enrollment exclusion.

Citation of Existing Rules Affected by this Order: Amending WAC 392-121-108.

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 10-07-090 on March 1 [18], 2010.

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

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

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

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

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

Date Adopted: May 24, 2010.

Randy Dorn
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 09-01-044, filed 12/10/08, effective 1/10/09)

WAC 392-121-108 Definition—Enrollment exclusions. A person who qualifies for any of the exclusions set forth in this section shall not be counted as an enrolled student pursuant to WAC 392-121-106.

(1) Absences - except as provided in (a) and (b) of this subsection, a student whose consecutive days of absence from school exceed twenty school days, or a part-time student that has not attended school at least once within a time

period consisting of twenty consecutive school days, shall not be counted as an enrolled student until attendance is resumed. School days are defined as the regularly scheduled instructional days for the general population of the school or district the student is enrolled in, regardless of the student's individualized schedule.

(a) If there is a written agreement between the appropriate school official and a student's parent or guardian pursuant to RCW 28A.225.010 that the student's temporary absence is not deemed to cause a serious adverse effect upon the student's educational progress, the absent student may be counted as an enrolled student for up to two monthly enrollment count dates as specified in WAC 392-121-122.

(b) A student receiving home and/or hospital service pursuant to WAC 392-172A-02100 shall be counted as an enrolled student as provided in WAC 392-122-145.

(2) Dropouts - a student for whom the school district has received notification of dropping out of school by the student or the student's parent or guardian shall not be counted as an enrolled student until attendance is resumed.

(3) Transfers - a student who has transferred to another public or private school and for whom the school district has received notification of transfer from the school to which the student has transferred, from the student, or from the student's parent or guardian shall not be counted as an enrolled student unless the student reenrolls in the school district.

(4) Suspensions - a student who has been suspended from school pursuant to WAC 392-400-260, when the conditions of the suspension will cause the student to lose academic grades or credit, shall not be counted as an enrolled student until attendance is resumed.

(5) Expulsions - a student who has been expelled from all school subjects or classes by the school district pursuant to WAC 392-400-275 or ~~((392-400-290))~~ 392-400-295 shall not be counted as an enrolled student; a student who has been partially expelled, such as from a single school subject or class, by the school district pursuant to WAC 392-400-275 or ~~((392-400-290))~~ 392-400-295 may be considered a part-time enrolled student.

(6) Graduates - a student who has met the high school graduation requirements of chapter 180-51 WAC by the beginning of the school year.

(7) Tuition - a student paying tuition including, but not limited to, students on an F-1 visa or students enrolled in a tuition-based summer school program.

(8) An institution student who is claimed as a 1.0 FTE by any institution as an enrolled student eligible for state institutional education support pursuant to chapter 392-122 WAC where the institution's count date occurs prior to the school district count date for the month. Where the count dates occur on the same date, the institution shall have priority for counting the student.

WSR 10-12-038
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Consumer Services Division)

[Filed May 25, 2010, 1:29 p.m., effective June 25, 2010]

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

Purpose: Chapter 208-690 WAC, implementing the Uniform Money Services Act (chapter 19.230 RCW) must be amended to implement section 6, chapter 73, Laws of 2010. Section 6 amends the annual assessment formula. If the rules are not amended by July 1, 2010, the existing annual assessment formula in the rules will be inconsistent with the law as amended by chapter 73.

Citation of Existing Rules Affected by this Order: Repealing WAC 208-690-160; and amending WAC 208-690-100 and 208-690-140.

Statutory Authority for Adoption: RCW 43.320.040, chapter 19.230 RCW.

Other Authority: Chapter 73, Laws of 2010.

Adopted under notice filed as WSR 10-07-154 on March 24, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 1.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 1.

Date Adopted: May 25, 2010.

Deborah Bortner, Director
Division of Consumer Services

AMENDATORY SECTION (Amending WSR 04-15-005, filed 7/7/04, effective 8/7/04)

WAC 208-690-100 ~~((Late penalty-))~~ Is there a penalty for not filing my annual report and annual assessment on time? (1) If ~~((a licensee))~~ you fail~~((s))~~ to submit the required annual report or ~~((licensee))~~ annual assessment fee by August 2, 2010, or by July 1, each year thereafter, the director ~~((shall send the licensee a notice of suspension))~~ may suspend your license and assess a late fee ~~((equal to))~~. The late fee is ten percent of the annual assessment if paid thirty or fewer days late and twenty-five percent of the ((licensee)) annual assessment ((fee)) if paid more than thirty days late. If ~~((a licensee whose))~~ your license has been suspended under this section and you submit~~((s))~~ a completed annual report, the annual assessment and the late fee to the department office no later than 5:00 p.m., ~~((July 31))~~ thirty calendar days after the original due date, the license suspension ~~((shall))~~

~~may be removed. If the delay extends past ((July 31, the director shall send a notice to the licensee that its)) thirty days, your license has expired effective ((August 1)) thirty-one days after the original due date.~~

(2) The director may reinstate an expired license under this section if, ~~((by August 20, the licensee))~~ within forty-five days after the original due date, you:

(a) File((s)) the complete annual report and pay((s)) both the annual license assessment and the late fee; and

(b) ~~((The licensee or its))~~ You or your delegates did not engage in providing money services during the period ((#s)) the license was expired.

(3) If any of the deadlines in this section occur on a day that is not a business day, the deadline shall be the next business day.

AMENDATORY SECTION (Amending WSR 04-15-005, filed 7/7/04, effective 8/7/04)

WAC 208-690-140 ((License assessment-)) How is the annual assessment calculated and when is the annual assessment due? ~~((1) For the first annual assessment due July 1, following the obtaining of a license the licensee shall pay an annual assessment according to the schedule set forth below, plus fifty dollars for each additional location where the licensee or an authorized delegate provides money services, up to a maximum of fifteen thousand dollars.~~

MONTH LICENSE ISSUED INITIAL ANNUAL ASSESSMENT

July	\$500
August	458
September	416
October	374
November	332
December	290
January	248
February	206
March	164
April	122
May	80
June	38

~~((2) For each subsequent year a licensee shall pay an annual license assessment of five hundred dollars plus fifty dollars for each additional location where the licensee or an authorized delegate provides money services, up to a maximum of fifteen thousand dollars.))~~ (1) The annual assessment is calculated by multiplying 0.0004 by the previous year's adjusted Washington volume of money transmission, currency exchange, stored value sales, and payment instrument sales, with a minimum assessment of one thousand dollars and a maximum assessment of one hundred thousand dollars.

(a) For purposes of this section, "adjusted Washington volume" means:

(i) For money transmission, ninety-five percent of all funds transmitted;

(ii) For currency exchange, five percent of all currency exchanged;

(iii) For stored value sales, ninety-five percent of all funds loaded onto open-loop stored value devices; and

(iv) For payment instrument sales, seventy percent of the first ten million dollars of payment instrument sales, twenty percent of the volume over ten million through five hundred million dollars, and one percent of any amount over five hundred million dollars.

(b) For the assessment paid on the adjusted Washington volume for 2009 and 2010, any examination fees (excluding actual travel expenses) paid to the department during those years will be subtracted from the total amount owed.

(2) The annual assessment is due August 2, 2010, and July 1 each year thereafter.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 208-690-160 Late fees.

**WSR 10-12-044
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed May 26, 2010, 8:42 a.m., effective July 1, 2010]

Effective Date of Rule: July 1, 2010.

Purpose: This amendment will modify the sanction rule in alignment with the governor's budget proposals which tighten WorkFirst program requirements and prioritize services for WorkFirst clients in response to reduced funding. In addition to reorganizing and rewording some of the content for clarity, the department is shortening the sanction period from six to four months and streamlining the sanction process.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-1600.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 34.05.310, and chapters 74.08A and 74.12 RCW.

Adopted under notice filed as WSR 10-06-115 on March 3, 2010.

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: April 19, 2010.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-15-136, filed 7/22/08, effective 8/22/08)

WAC 388-310-1600 WorkFirst—Sanctions. Effective July 1, 2010.

(1) What WorkFirst requirements do I have to meet?

You must do the following when you are a mandatory WorkFirst participant:

(a) Give the department the information we need to develop your individual responsibility plan (IRP) (see WAC 388-310-0500);

(b) Show that you are participating fully to meet all of the requirements listed on your individual responsibility plan;

(c) Go to scheduled appointments listed in your individual responsibility plan;

(d) Follow the participation and attendance rules of the people who provide your assigned WorkFirst services or activities; and

(e) Accept available paid employment when it meets the criteria in WAC 388-310-1500.

(2) What happens if I don't meet WorkFirst requirements?

(a) If you do not meet WorkFirst requirements, we will send you a letter telling you what you did not do, and inviting you to a noncompliance sanction case staffing.

(i) A noncompliance case staffing is a meeting with you, your case manager, and other people who are working with your family, such as representatives from tribes, community or technical colleges, employment security, the children's administration, family violence advocacy providers or limited-English proficient (LEP) pathway providers to review your situation and compliance with your participation requirements.

(ii) You will be notified when your noncompliance sanction case staffing is scheduled so you can attend.

(iii) You may invite anyone you want to come with you to your case staffing.

(b) You will have ten days to contact us so we can talk with you about ~~((the))~~ your situation. You can contact us in writing, by phone, by going to the noncompliance sanction case staffing appointment described in the letter, or by asking for an individual appointment.

(c) If you do not contact us within ten days, we will make sure you have been screened for family violence and other barriers to participation. We will use existing information to decide whether:

(i) You were unable to do what was required; or

(ii) You were able, but refused, to do what was required.

(d) If you had a good reason not to do a required activity we will work with you and may change the requirements in your individual responsibility plan if a different WorkFirst activity would help you move towards independence and employment sooner. If you have been unable to meet your WorkFirst requirements because of family violence, you and

your case manager will develop an IRP to help you with your situation, including referrals to appropriate services.

~~((e) Before you are placed in sanction:~~

~~(i) We will have a case staffing which is a meeting with you, your case manager and other people involved in your case to review your situation and make plans. At your case staffing, we will ensure you were offered the opportunity to participate, discuss what happens if you stay in sanction, discuss how participation helps you and your family and discuss how to end your sanction. You will be notified when your case staffing is going to happen so you can attend. You can invite anyone you want to come with you to your case staffing.~~

~~(ii) Effective September 1, 2006, supervisory staff will review your case and must approve the sanction.~~

~~(f) If you are sanctioned, we will actively attempt to contact you another way so we can talk to you about the benefits of participation and how to end your sanction.))~~

(3) What is considered a good reason for not ~~((being able to do))~~ doing what WorkFirst requires?

You have a good reason if ~~((it was not possible))~~ you were not able to do what WorkFirst requires (or get an excused absence, described in WAC 388-310-0500(5)) due to a significant problem or event outside your control. Some examples of good reasons include, but are not limited to:

(a) You had an emergent or severe physical, mental or emotional condition, confirmed by a licensed health care professional that interfered with your ability to participate;

(b) You were threatened with or subjected to family violence;

(c) You could not locate child care for your children under thirteen years that was:

(i) Affordable (did not cost you more than your copayment would under the working connections child care program in chapter 170-290 WAC);

(ii) Appropriate (licensed, certified or approved under federal, state or tribal law and regulations for the type of care you use and you were able to choose, within locally available options, who would provide it); and

(iii) Within a reasonable distance (within reach without traveling farther than is normally expected in your community).

(iv) You could not locate other care services for an incapacitated person who lives with you and your children.

(d) You had an immediate legal problem, such as an eviction notice; or

(e) You are a person who gets necessary supplemental accommodation (NSA) services under chapter 388-472 WAC and your limitation kept you from participating. If you have a good reason because you need NSA services, we will review your accommodation plan.

(4) What happens in my noncompliance sanction case staffing?

(a) At your noncompliance case staffing we will ensure you were offered the opportunity to participate and discuss with you:

(i) What happens if you are sanctioned and stay in sanction:

(ii) How you can participate and get out of sanction:

(iii) How you and your family benefit when you participate in WorkFirst activities;

(iv) That if you continue to refuse to participate, without good cause, a sanction review panel may review your case, and decide to close your case after you have been in sanction status for four months in a row;

(v) How you plan to care for and support your children if a sanction review panel closed your case. We will also discuss the safety of your family, as needed, using the guidelines under RCW 26.44.030; and

(vi) How to reapply if a sanction review panel closes your case.

(b) If you do not come to your noncompliance sanction case staffing, we will make a decision based on the information we have.

(5) What if we decide that you did not have a good reason for ((failing to meet)) not meeting WorkFirst requirements?

(a) Before you are placed in sanction, a supervisor will review your case to make sure:

(i) You knew what was required;

(ii) You were told how to end your sanction;

(iii) We tried to talk to you and encourage you to participate; and

(iv) You were given a chance to tell us if you were unable to do what we required.

(b) If we decide that you did not have a good reason for ((failing to)) not meeting WorkFirst requirements, and a supervisor approves the sanction, we will send you a letter that tells you:

((a)) (i) What you failed to do;

((b)) (ii) That you are in sanction status;

((c)) (iii) Penalties that will be applied to your grant;

((d)) (iv) When the penalties will be applied;

((e)) (v) How to request a fair hearing if you disagree with this decision; and

((f)) (vi) How to end the penalties and get out of sanction status.

(c) We will also provide you with information about resources you may need if a sanction review panel closes your case. If you are sanctioned we will actively attempt to contact you another way so we can talk to you about the benefits of participation and how to end your sanction.

((5)) (6) What is sanction status?

When you are a mandatory WorkFirst participant, you must follow WorkFirst requirements to qualify for your full grant. If you or someone else on your grant doesn't ((comply)) do what is required and you can't prove that you had a good reason, you do not qualify for your full grant. This is called being in WorkFirst sanction status.

((6)) (7) Are there penalties when you or someone in ((my)) your household goes into sanction status?

(a) When someone in your household is in sanction status, we impose penalties. The penalties last until you or the household member meet WorkFirst requirements.

(b) Your grant is reduced by ((the person(s))) one person's share or forty percent, whichever is more.

((7)) (8) How do I end the penalties and get out of sanction status?

To stop the penalties and get out of sanction status:

(a) You must provide the information we requested to develop your individual responsibility plan; and/or

(b) Start and continue to do your required WorkFirst activities for four weeks in a row (that is, twenty-eight calendar days).

(c) When you leave sanction status, your grant will be restored to the level ((for which)) you are eligible for beginning the first of the month following your four weeks of participation. For example, if you finished your four weeks of participation on June 15, your grant would be restored on July 1.

((8)) (9) What if I reapply for TANF or SFA and I was in sanction status when my case closed?

((a)) If your case closes while you are in sanction status and is reopened ((in six months or less)), you will start out where you left off in sanction.

((b) Effective September 1, 2006, if you come back in sanction, you will start out where you left off in sanction. ((c)) That is, if you ((left off)) were in month ((three)) two of sanction when your case closed, you will ((come back on in month four)) be in month three of sanction when you are approved for TANF or SFA. ((d))

((e) If your case has been closed for more than six months, you will not be in sanction status if your case is reopened.

((9)) (10) What happens ((effective September 1, 2006)) if I stay in sanction status? ((Effective September 1, 2006, if you stay in sanction status:

(a) Unless you are a dependent child age sixteen or older, your case manager will review your record after you have been in sanction for at least three months in a row to make sure:

(i) You knew what was required;

(ii) You were told how to end your sanction;

(iii) We tried to talk to you and to encourage you to participate; and

(iv) You were given a chance to tell us if you were unable to do what we required.

(b) Your case manager will invite you to a noncompliance sanction case staffing.

(i) You will be notified when your noncompliance sanction case staffing is going to happen so you can attend.

(ii) Your case manager will also invite other people who are working with your family to your noncompliance sanction case staffing, like representatives from tribes, community or technical colleges, employment security, the children's administration or limited-English proficient (LEP) pathway providers.

(iii) You can invite anyone you want to come with you to your case staffing.

(c) At your noncompliance sanction case staffing, we will discuss with you:

(i) How you and your family benefit when you participate in WorkFirst activities;

(ii) How you can participate, and get out of sanction;

(iii) That if you continue to refuse to participate, without good cause, a sanction review panel may review your case, and decide to close your case after you have been in sanction status for six months in a row.

(iv) How you plan to care for and support your children if a sanction review panel closes your case. We will also discuss the safety of your family, as needed, using the guidelines under RCW 26.44.030; and

(v) How to reapply if a sanction review panel closes your case.

(d) If you do not come to your noncompliance sanction case staffing, we will make a decision based on the information we have. We will also attempt to visit you at your home so you have another chance to talk to us about the benefits of participation and how to end your sanction.

(e) If we decide you are refusing to participate without a good reason:

(i) We will send you information about resources you may need if a sanction review panel closes your case;

(ii) (a) We will send information to a sanction review panel with a recommendation to close your case. (We will only do this after a community services office administrator reviews your case to make sure the sanction is appropriate and we tried to reengage you in the program; and

(iii) (b) The sanction review panel will review your case and make the final decision.

(c) If the sanction review panel approves case closure, your case will be closed after you have been in sanction for four months in a row.

~~((+0))~~ **(11) What is a sanction review panel?**

(a) ~~((The))~~ A sanction review panel is a small group of people who are independent of your local community services office and do a thorough, objective review of your sanction.

(b) The sanction review panel makes the final decision about whether to close your case after receiving a recommendation from your case manager and reviewing your case to make sure the original sanction was appropriate and we made attempts to reengage you in the program.

~~((+1))~~ **(12) What happens when a sanction review panel decides to close my case?**

When a sanction review panel decides to close your case, we will send you a letter to tell you:

(a) What you failed to do;

(b) When your case will be closed;

(c) How to request a fair hearing if you disagree with this decision;

(d) How to end your penalties and keep your case open (if you are able to participate for four weeks in a row before we close your case); and

(e) How your participation before your case is closed can be used to meet the participation requirement in subsection ~~((+2))~~ (13).

~~((+2))~~ **(13) What if I reapply for TANF or SFA after a sanction review panel closed my case?**

~~((+))~~ If a sanction review panel closes your case ~~((and you apply within six months))~~, you must participate for four weeks in a row before you can receive cash. Once you have met your four week participation requirement, your cash benefits will start, going back to the date we had all the other information we needed to make an eligibility decision.

~~((b))~~ ~~You will not be required to participate for four weeks in a row before you receive cash if you apply after your case has been closed for six months or longer.~~

~~(13) What if my TANF or SFA is closed by a sanction review panel, reopened and I go into sanction again?~~

(a) When a sanction review panel closes your case, and we reopen your case, we will follow all steps in subsection (9) of this section (like the case review and the noncompliance case staffing) during your second month of sanction.

(b) The sanction review panel may close your case after you are in sanction status for three months in a row.

(c) If your case is closed, and you reapply, we will follow the rules in subsection (12) of this section to reopen your case.)

WSR 10-12-052

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed May 26, 2010, 2:47 p.m., effective June 26, 2010]

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

Purpose: The department is amending WAC 458-20-165 (Rule 165) to recognize the following legislation:

Chapter 563, Laws of 2009, this legislation replaced resale certificates with reseller permits as the means to substantiate wholesale purchases effective January 1, 2010.

Chapter 6, Laws of 2007, this legislation changed the retail sales tax sourcing requirement for some sales. Information specific to sourcing retail sales is provided in WAC 458-20-145 Local sales and use tax. With respect to Rule 165, the explanation that the place of sale for laundry and dry cleaning businesses is the location of the facility has been changed to recognize that if the business delivers cleaned items to customer locations those sales should be sourced to the customer locations.

The department has also reorganized the information contained in the rule into three separate parts:

- Part I - Laundry or Dry Cleaning Services/Linen or Uniform Supply Services;
- Part II - Self-Service and Coin-Operated Laundry Facilities; and
- Part III - Laundry Services Performed for Nonprofit Health Care Facilities.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-165 Laundry, dry cleaning, linen and uniform supply, and self-service and coin-operated laundry services.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Adopted under notice filed as WSR 10-07-161 on March 24, 2010.

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

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

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

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

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

Date Adopted: May 26, 2010.

Alan R. Lynn
Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-20-018, filed 9/26/05, effective 10/27/05)

WAC 458-20-165 Laundry, dry cleaning, linen and uniform supply, and self-service and coin-operated laundry services. ((+)) Introduction. This section discusses the application of the business and occupation (B&O), retail sales, and use taxes to laundries, dry cleaners, laundry pickup and delivery services, self-service laundries and dry cleaners, and linen and uniform supply services. It also discusses the tax treatment of laundry services provided to nonprofit health care facilities and income received from coin-operated laundry facilities.

((Chapter 514, Laws of 2005, changed the tax reporting responsibilities of persons operating self-service or coin-operated laundry facilities. Refer to subsection (6) of this section for further information.

~~(2) **What is a laundry or dry cleaning service?** A "laundry or dry cleaning service" is the activity of laundering, cleaning, dyeing, and pressing of articles such as clothing, linens, bedding, towels, curtains, drapes, and rugs. It also includes incidental mending or repairing. The term applies to services operating their own cleaning establishments as well as those contracting with other laundry or dry cleaning services. It also includes pickup and delivery laundry services performed by persons operating in their independent capacity and not as agent for another laundry or dry cleaning service.~~

~~(a) **Sales of laundry or dry cleaning services.** The gross proceeds of sale and selling price of laundry or dry cleaning services provided to consumers are subject to the retailing B&O tax and retail sales tax, respectively. No deduction is available for commissions allowed or amounts paid to another for the performance of all or part of the laundry or dry cleaning service. RCW 82.04.070 and 82.08.010. The retailing B&O and retail sales taxes also apply to sales of soap, bleach, fabric softener, laundry bags, hangers, and other tangible personal property to consumers.~~

The wholesaling B&O tax applies to the gross proceeds of sale from laundry or dry cleaning services performed for persons reselling these services. The seller must obtain a resale certificate from the buyer to document the wholesale nature of any sale as provided in WAC 458-20-102 (Resale certificates).

~~(b) **Place of sale.** For the purposes of determining a seller's responsibility to remit B&O tax and/or to collect and remit retail sales tax, the place of sale for laundry and dry cleaning services is the place the laundering or dry cleaning is performed. RCW 82.14.020(4) and 82.04.050. For example, a laundry or dry cleaning service located in Washington~~

~~must collect sales tax from an Oregon resident who brings clothing items to the business for laundering or dry cleaning. In addition, the gross proceeds are subject to the retailing B&O tax. Even though the customer resides in Oregon, both taxes apply because the laundering or dry cleaning occurs in Washington.~~

~~(i) **Seller hiring third party to perform services.** A customer may purchase laundry or dry cleaning services from a seller who hires another person to perform the actual cleaning activity. In such cases, the customer will drop off and pick up the clothing or other articles to be cleaned at the seller's business location. The place of sale with respect to this sale is the seller's location where the customer drops off and picks up the articles.~~

~~(ii) **Seller using agent for pickup and delivery.** If a person providing laundry or dry cleaning services uses an agent such as a hotel or a driver for pickup and delivery of the articles to be cleaned, the place of sale is the seller's location where the cleaning is performed.~~

~~(e) **Purchases at wholesale.** The purchase of tangible personal property for resale as tangible personal property or as a component or ingredient of the cleaned article is a purchase at wholesale. Such purchases are not subject to retail sales tax when the buyer provides a resale certificate to the seller as discussed by WAC 458-20-102 (Resale certificates).~~

The following are examples of items that may be purchased at wholesale:

~~(i) Dyes, fabric softeners, starches, sizing, and similar articles or substances that become ingredients of the articles cleaned; and~~

~~(ii) Soap, bleach, fabric softener, laundry bags, hangers, and other tangible personal property that are not used in performing a laundry or dry cleaning services but are resold as tangible personal property.~~

~~(d) **Purchases subject to retail sales or use tax.** A laundry or dry cleaning business that acquires tangible personal property for use as a consumer must pay retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the appropriate retail sales tax. For further information about the use tax, refer to WAC 458-20-178 (Use tax).~~

The following are examples of purchases by a laundry or dry cleaning service that are subject to retail sales tax or use tax:

~~(i) Soaps, cleaning solvents, and other articles or substances that do not become ingredients of the articles cleaned;~~

~~(ii) Equipment such as washing machines, dryers, presses, irons, fixtures, and furniture;~~

~~(iii) Supplies such as hand tools, sewing notions, scissors, spotting brushes, and stationery; and~~

~~(iv) Items given to customers without charge.~~

~~(3) **What are linen and uniform supply services?** "Linen and uniform supply services" means the activity of providing customers with a supply of clean linen, towels, uniforms, gowns, protective apparel, clean room apparel, mats, rugs, and/or similar items whether ownership of the item is in the person operating the linen and uniform supply service or in the customer. RCW 82.08.0202. It also means the supply of diapers and bedding. "Linen and uniform supply services" includes supply services operating their own cleaning estab-~~

ishments as well as those contracting with other laundry or dry cleaning businesses.

A person providing linen and uniform supply services performs a number of different activities, often at multiple locations. Many of these activities are the same types of activities performed by a person providing laundry or dry cleaning services, such as: Laundering, dry cleaning, pressing, incidental mending, and/or pickup and delivery. Additional activities not generally performed by a person providing laundry or dry cleaning services may include: Providing linen and uniform items customized by application of the customer's business name, company logo, employee names, etc.; measuring and/or issuing uniforms to the customer's employees; repairing or replacing worn or damaged linen and uniform items; and/or performing various administrative functions for the customer, such as inventory control.

(a) **Sales of linen and uniform supply services.** The gross proceeds of sale and selling price from linen and uniform supply services provided to consumers are subject to the retailing B&O tax and retail sales tax, respectively. No deduction is available for commissions allowed or amounts paid to another for the performance of all or part of the laundry or dry cleaning service. RCW 82.04.070 and 82.08.010.

(b) **Place of sale.** Effective July 1, 2001, for the purposes of determining a seller of linen and uniform supply services' responsibility to remit B&O tax and to collect and remit retail sales tax, the place of sale is the place of delivery to the customer. For periods before July 1, 2001, the place of sale was the location at which the laundering activity was performed.

For assistance with determining appropriate local sales and use tax rates, the department's geographic information system (GIS) provides a mapping and address lookup system. The system is available on the department's internet site at: <http://dor.wa.gov>.

(c) **Purchases at wholesale.** The purchase of tangible personal property for resale as tangible personal property or as a component or ingredient of the cleaned article is a wholesale sale. Such purchases are not subject to retail sales tax when the buyer provides a resale certificate to the seller as discussed by WAC 458-20-102 (Resale certificates).

The following are examples of items that may be purchased at wholesale:

(i) Linen, uniforms, towels, cabinets, hand soap, and similar property rented or supplied to customers as a part of the laundry and linen supply service; and

(ii) Dyes, fabric softeners, starches, sizing, and similar articles or substances that become ingredients of the articles being cleaned.

(d) **Purchases subject to retail sales or use tax.** A linen or uniform supply service that acquires tangible personal property for use as a consumer must pay retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the retail sales tax. For further information about the use tax, refer to WAC 458-20-178 (Use tax).

The following are examples of purchases by a linen or uniform supply service that are subject to retail sales tax or use tax:

(i) Soaps, cleaning solvents, and other articles or substances that do not become ingredients of the articles cleaned;

(ii) Equipment such as washing machines, dryers, presses, irons, fixtures, and furniture; and

(iii) Supplies such as hand tools, sewing notions, seissors, spotting brushes, and stationery.

(4) **Customer's responsibility to remit use tax.** Effective July 1, 2002, chapter 367, Laws of 2002, imposes the use tax on certain retail services acquired by consumers without payment of the retail sales tax. Such services include installing, repairing, cleaning, altering, imprinting, or improving tangible personal property. Thus, a consumer must report and pay use tax directly to the department when a seller of laundry or dry cleaning services or linen and uniform supply services fails to collect the retail sales tax.

For example, a person with a restaurant location in Vancouver and another in Portland, Oregon, contracts with an Oregon business for linen and uniform supply services. Each week, the linen and uniform supply service delivers clean linens and uniforms and picks up soiled items for both locations at the person's Portland location. The person's Vancouver location turns in soiled uniforms and linens and receives its supply of clean items at the person's Portland location. The person is responsible for reporting and paying use tax on the value of the linen and uniform supply services used by its Vancouver location. For further discussion about use tax, refer to WAC 458-20-178.

(5) **Laundry agents collecting and distributing laundry.** Persons who collect and/or distribute laundered or dry cleaned items as an agent for a provider of laundry services, dry cleaning services, or linen and uniform supply services are liable for the service and other activities B&O tax on their gross commissions. See WAC 458-20-159 for the record-keeping requirements for showing agency status. The person providing the laundry service, dry cleaning services, or linen and uniform supply service must collect and remit to the department retail sales tax on the total charge made to the customer (see subsections (2) and (3) of this section).

(6) **Self-service and coin-operated laundry facilities.** Effective July 1, 2005, the definition of "retail sale" excludes charges made for the use of self-service or coin-operated laundry facilities. Chapter 514, Laws of 2005. Thus, gross income received from charges for the use of such facilities is subject to the service and other activities B&O tax. Retail sales tax does not apply to these charges.

(a) **Tax reporting responsibilities for periods before July 1, 2005.** Between July 1, 1998, and July 1, 2005, the taxability of self-service and coin-operated laundry facilities was subject to various changes.

(i) Before July 1, 2005, the definition of "retail sale" included charges made for the use of self-service or coin-operated laundry facilities, except as explained below in (a)(ii) of this subsection. For reporting periods occurring before July 1, 2005, gross income derived from charges for the use of these facilities was subject to the retailing B&O tax. In addition, such charges were subject to the retail sales tax.

(ii) Between July 1, 1998, and June 30, 2005, the definition of "retail sale" excluded charges for the use of coin-operated laundry facilities in apartment houses, rooming houses,

or mobile home parks when the facilities were provided for the exclusive use of tenants. RCW 82.04.050 (2)(a). As a result, charges for the use of these facilities were not subject to the retailing B&O tax or the retail sales tax. However, the gross proceeds of sale received from these facilities were subject to the service and other activities B&O tax. Before July 1, 1998, these charges were retail sales and subject to the retailing B&O tax and retail sales tax.

Charges for the use of coin-operated laundry facilities in hotels, motels, trailer camps, and other locations providing lodging or camping facilities to transients remained subject to the retailing B&O and retail sales taxes. Persons providing transient lodging should refer to WAC 458-20-166 (Hotels, motels, boarding houses, rooming houses, resorts, trailer camps, etc.) in effect during that time.

(b) Sales of tangible personal property. Sales of soap, bleach, fabric softener and other supplies to consumers are subject to the retailing B&O tax and retail sales tax. For most sales, the law requires a seller to separately state the retail sales tax from the selling price. However, the law allows a seller making sales of tangible personal property to a consumer from a vending machine to deduct the tax from the total amount received to arrive at the net amount that becomes the measure of the tax. RCW 82.08.050 and 82.08.080.

(c) Place of sale. For the purposes of determining a seller's responsibility to remit B&O tax and/or to collect and remit retail sales tax, the place of sale is the location of the facility.

(d) Purchases at wholesale. The purchase of tangible personal property for resale as tangible personal property is a purchase at wholesale. Such purchases are not subject to retail sales tax when the buyer provides a resale certificate to the seller as discussed by WAC 458-20-102 (Resale certificates). Thus, purchases of soap, bleach, fabric softener and other supplies for resale to customers separate from charges for the use of the laundry facilities are wholesale purchases.

(e) Purchases subject to retail sales or use tax. A self-service or coin-operated laundry facility that acquires tangible personal property for use as a consumer must pay retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the appropriate retail sales tax. For further information about use tax, refer to WAC 458-20-178 (Use tax).

The following are examples of purchases by a self-service or coin-operated laundry facility that are subject to retail sales tax or use tax:

(i) Washing machines, dryers, fixtures, and furniture; and

(ii) Items given to customers without charge.

(7) Laundry services performed for nonprofit health care facilities. For the purpose of this section, "nonprofit health care facilities" means facilities operated by nonprofit organizations providing diagnostic, therapeutic, convalescent, or preventive inpatient or outpatient health care services. The term includes, but is not limited to, nonprofit hospitals, nursing homes, and hospices.

(a) Sales of laundry services to nonprofit health care facilities. Effective July 1, 1998, the definition of a retail sale specifically excludes sales of laundry services to nonprofit

health care facilities. As a result, charges for laundry services provided to these facilities are not subject to retail sales tax or the retailing B&O tax. However, effective July 1, 1998, the gross proceeds of sale received for providing laundry services to nonprofit health care facilities is subject to the service and other activities B&O tax. For the period of July 1, 1993, through June 10, 1998, the service and other activities B&O tax applied only to sales of laundry services to members by nonprofit associations composed exclusively of nonprofit hospitals.

(b) Purchases subject to retail sales or use tax. Persons providing laundry services to nonprofit health care facilities are considered consumers of all items used in providing such services. RCW 82.04.190. As a result, purchases of items such as dyes, fabric softeners, linens, and uniforms are subject to the retail sales tax. The same is true for purchases of washing machines, dryers, fixtures, furniture, and other items of tangible personal property. The buyer must remit retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the appropriate retail sales tax. For further information about the use tax, refer to WAC 458-20-178 (Use tax:))

PART I - LAUNDRY OR DRY CLEANING SERVICES; LINEN OR UNIFORM SUPPLY SERVICES.

(101) Definitions.

(a) Laundry or dry cleaning service. A "laundry or dry cleaning service" is the activity of laundering, cleaning, dyeing, and pressing of articles such as clothing, linens, bedding, towels, curtains, drapes, and rugs. It also includes incidental mending or repairing. The term applies to services operating their own cleaning establishments as well as those contracting with other laundry or dry cleaning services. It also includes pickup and delivery laundry services performed by persons operating in their independent capacity and not as agent for another laundry or dry cleaning service.

(b) Linen and uniform supply services. "Linen and uniform supply services" is the activity of providing customers with a supply of clean linen, towels, uniforms, gowns, protective apparel, clean room apparel, mats, rugs, and/or similar items whether ownership of the item is in the person operating the linen and uniform supply service or in the customer. RCW 82.08.0202. It also includes the supply of diapers and bedding. "Linen and uniform supply services" includes supply services operating their own cleaning establishments as well as those contracting with other laundry or dry cleaning businesses.

A person providing linen and uniform supply services performs a number of different activities, often at multiple locations. Many of these activities are the same types of activities performed by a person providing laundry or dry cleaning services, such as: Laundering, dry cleaning, pressing, incidental mending, and/or pickup and delivery. Additional activities not generally performed by a person providing laundry or dry cleaning services may include: Providing linen and uniform items customized by application of the customer's business name, company logo, employee names, etc.; measuring and/or issuing uniforms to the customer's employees; repairing or replacing worn or damaged linen and

uniform items; and/or performing various administrative functions for the customer, such as inventory control.

(102) Sales.

(a) Services provided to consumers. The sale of these services is subject to the retailing B&O tax and retail sales tax when the services are provided to consumers. No deduction is available for commissions allowed or amounts paid. RCW 82.04.070 and 82.08.010. The retailing B&O and retail sales taxes also apply to sales of soap, bleach, fabric softener, laundry bags, hangers, and other tangible personal property to consumers.

(b) Services provided to nonprofit health care facilities. Persons providing laundry services to nonprofit health care facilities should refer to Part III of this section for reporting instructions.

(c) Services provided for resale. The wholesaling B&O tax applies when these services are performed for persons reselling the services. The seller must obtain a resale certificate for sales made before January 1, 2010, or a reseller permit for sales made on or after January 1, 2010, from the buyer to document the wholesale nature of any sale as provided in WAC 458-20-102A (Resale certificates) and WAC 458-20-102 (Reseller permits). Even though resale certificates are no longer used after December 31, 2009, they must be kept on file by the seller for five years from the date of last use or December 31, 2014.

(d) Laundry agents collecting and distributing laundry. Persons who collect and/or distribute laundered or dry cleaned items as an agent for a provider of laundry or dry cleaning services, or linen and uniform supply services are liable for the service and other activities B&O tax on their gross commissions. See WAC 458-20-159 for the record-keeping requirements for showing agency status. The person providing the laundry or dry cleaning services, or linen and uniform supply services must collect and remit to the department retail sales tax on the total charge made to the customer (see (a) of this subsection).

(103) Collecting retail sales tax. For the purposes of determining a seller's responsibility to collect and remit retail sales tax, the retail sales tax is based on where the buyer receives the cleaned items. RCW 82.32.730. It does not matter whether the actual services occur at this location.

(a) Delivery at service's location. If the laundered or dry-cleaned items are picked up by the customer at the service's location, the retail sales tax that applies at that location is to be collected. For example, a dry cleaning service located in Vancouver, Washington, must collect sales tax from an Oregon resident who brings clothing items to the business for dry cleaning, if the Oregon resident picks up the clothing items at the Washington location. The Vancouver, Washington, local sales tax applies to this sale.

(b) Seller hiring third-party to perform services. A customer may purchase laundry or dry cleaning services, or linen and uniform supply services from a seller who hires another person to perform the actual service. When the customer drops off and picks up the clothing or other articles at the seller's business location, the place of sale is the seller's location.

(c) Seller using agent for pickup and delivery. If a person providing laundry or dry cleaning services uses an

agent such as a hotel or a driver for pickup and delivery of the articles to be cleaned, the retail sales tax collected is the tax applicable to the location where the articles are delivered.

(d) Geographic information system (GIS) for identifying appropriate retail sales tax rate. For assistance with determining appropriate local sales and use tax rates, the department's GIS provides a mapping and address lookup system. The system, along with other taxpayer resources, is available on the department's internet site at: <http://dor.wa.gov>.

(104) Purchases. Laundry, dry cleaning, and linen and uniform supply service businesses make retail and wholesale purchases of products and services.

(a) Wholesale purchases. The purchase of tangible personal property for resale or as a component or ingredient of the cleaned article is a wholesale purchase. Such purchases are not subject to retail sales tax when the buyer provides a resale certificate for purchases made before January 1, 2010, or a reseller permit for purchases made on or after January 1, 2010, to the seller as discussed in WAC 458-20-102A (Resale certificates) and WAC 458-20-102 (Reseller permits). Even though resale certificates are no longer used after December 31, 2009, they must be kept on file by the seller for five years from the date of last use or December 31, 2014.

The following are examples of items that may be generally purchased at wholesale. Persons providing laundry services for nonprofit health care facilities, however, should refer to Part III of this section.

(i) Soap, bleach, fabric softener, laundry bags, hangers, and other tangible personal property that is not used in performing laundry or dry cleaning services but is resold as tangible personal property.

(ii) Dyes, fabric softeners, starches, sizing, and similar articles or substances that become ingredients of the articles being cleaned.

(iii) Linen, uniforms, towels, cabinets, hand soap, and similar property rented or supplied to customers as a part of the laundry and linen supply service.

(b) Purchases for own use. A laundry or dry cleaning service, or linen and uniform supply service that purchases, or otherwise obtains, services or tangible personal property for use as a consumer must pay retail sales tax. If the seller does not collect the tax, the purchaser must remit the retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department. For further information about the use tax, refer to RCW 82.12.020 and WAC 458-20-178 (Use tax).

The following are examples of purchases by a laundry or dry cleaning service, or linen and uniform supply service that are subject to retail sales tax or use tax:

(i) Soaps, cleaning solvents, and other articles or substances that do not become ingredients of the articles cleaned;

(ii) Equipment such as washing machines, dryers, presses, irons, fixtures, and furniture;

(iii) Supplies such as hand tools, sewing notions, scissors, spotting brushes, and stationery; and

(iv) Items given to customers without charge.

**PART II - SELF-SERVICE AND COIN-OPERATED
LAUNDRY FACILITIES.**

(201) Self-service and coin-operated laundry facilities. The definition of "retail sale" excludes charges made for the use of self-service or coin-operated laundry facilities. RCW 82.04.050. Thus, gross income received from charges for the use of such facilities is subject to the service and other activities B&O tax. Retail sales tax does not apply to these charges.

(202) Sales of tangible personal property. Sales of soap, bleach, fabric softener and other supplies to consumers are subject to the retailing B&O tax and retail sales tax. For most sales, the law requires a seller to separately state the retail sales tax from the selling price. However, the law allows a seller making sales of tangible personal property to a consumer from a vending machine to deduct the tax from the total amount received to arrive at the net amount that becomes the measure of the tax. RCW 82.08.050 and 82.08.-080.

For the purposes of determining a seller's responsibility to collect and remit retail sales tax, the tax to be collected is determined by the location of the facility.

(203) Purchases.

(a) Wholesale purchases. The purchase of tangible personal property for resale as tangible personal property is a purchase at wholesale. Such purchases are not subject to retail sales tax when the buyer provides a resale certificate for purchases made before January 1, 2010, or a reseller permit for purchases made on or after January 1, 2010, to the seller as discussed in WAC 458-20-102A (Resale certificates) and WAC 458-20-102 (Reseller permits). Thus, purchases of soap, bleach, fabric softener, and other supplies for resale to customers separate from charges for the use of the laundry facilities are wholesale purchases. Even though resale certificates are no longer used after December 31, 2009, they must be kept on file by the seller for five years from the date of last use or December 31, 2014.

(b) Retail purchases. A self-service or coin-operated laundry facility that acquires tangible personal property for use as a consumer must pay retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the appropriate retail sales tax. For further information about use tax, refer to RCW 82.12.020 and WAC 458-20-178 (Use tax).

The following are examples of purchases by a self-service or coin-operated laundry facility that are subject to retail sales tax or use tax:

- (i) Washing machines, dryers, fixtures, and furniture; and**
- (ii) Items given to customers without charge.**

**PART III - LAUNDRY SERVICES PERFORMED FOR
NONPROFIT HEALTH CARE FACILITIES.**

(301) Definition - nonprofit health care facilities. For the purpose of this section, "nonprofit health care facilities" means facilities operated by nonprofit organizations providing diagnostic, therapeutic, convalescent, or preventive inpatient or outpatient health care services. The term includes,

but is not limited to, nonprofit hospitals, nursing homes, and hospices.

(302) Sales of laundry services to nonprofit health care facilities. The definition of a retail sale specifically excludes sales of laundry services to nonprofit health care facilities. As a result, charges for laundry services provided to these facilities are not subject to retail sales tax or the retailing B&O tax. However, the gross proceeds of sale received for providing laundry services to nonprofit health care facilities is subject to the service and other activities B&O tax.

(303) Purchases subject to retail sales or use tax. Persons providing laundry services to nonprofit health care facilities are considered consumers of all items used in providing such services. RCW 82.04.190. As a result, purchases of items such as dyes, fabric softeners, linens, and uniforms are subject to the retail sales tax. The same is true for purchases of washing machines, dryers, fixtures, furniture, and other items of tangible personal property. The buyer must remit retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the appropriate retail sales tax. For further information about the use tax, refer to RCW 82.12.020 and WAC 458-20-178 (Use tax).

WSR 10-12-053

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed May 27, 2010, 10:06 a.m., effective June 27, 2010]

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

Purpose: This rule will incorporate signing eligibility requirements for curb service drive-in food activities, and clarify the specifications for business sign materials to enhance statewide quality and consistency.

Citation of Existing Rules Affected by this Order: Amending WAC 468-70-020 Definitions, 468-70-050 Business eligibility, and 468-70-060 Signing details.

Statutory Authority for Adoption: RCW 47.36.030 and 47.36.320.

Adopted under notice filed as WSR 10-09-057 on April 16, 2010.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

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

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

Date Adopted: May 26, 2010.

Stephen T. Reinmuth
Chief of Staff

AMENDATORY SECTION (Amending WSR 06-15-018, filed 7/7/06, effective 8/7/06)

WAC 468-70-020 Definitions. When used in these regulations the term:

(1) "Conventional road" shall mean a noninterstate highway which is not an expressway or freeway.

(2) "Curb service" shall mean that food may be ordered from a vehicle parked in a drive-in service stall and served to a vehicle window by food service staff. At no time shall the vehicle driver or any passenger be required to leave the vehicle to order or be served food.

(3) "Department" shall mean the Washington state department of transportation.

~~((3))~~ (4) "Expressway" shall mean a divided arterial highway for through traffic with partial control of access and grade separations at most major intersections.

~~((4))~~ (5) "Fee zone" means:

(a) Fee zone 1, freeways and expressways with average daily trips greater than eighty thousand;

(b) Fee zone 2, freeways and expressways with average daily trips less than eighty thousand;

(c) Fee zone 3, conventional highways.

~~((5))~~ (6) "Freeway" shall mean an expressway with full control of access, and grade separations over the entire length of the numbered highway route.

~~((6))~~ (7) "Motorist information signs" shall mean the same as specific service signs as set forth in the Manual on Uniform Traffic Control Devices adopted by the department as chapter 468-95 WAC.

~~((7))~~ (8) "Motorist service activity" shall mean a business furnishing gas, food, lodging, camping, recreation, tourist-oriented, and twenty-four-hour pharmacy services.

~~((8))~~ (9) "Owner" shall mean a person who owns or operates a motorist service activity and who has authority to enter into and be bound by agreements relevant to matters covered by these regulations.

~~((9))~~ (10) "Qualified tourist-oriented business" means any lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

~~((10))~~ (11) "RV symbol" means a logo, for a business or destination that accommodates recreational vehicles, designed and attached to a business sign in accordance with WAC 468-70-060(4).

~~((11))~~ (12) "Supplemental directional panel" shall mean a motorist information sign panel located on, opposite, or at the terminus of an exit ramp bearing business sign for a qualified motorist service activity and directional information.

~~((12))~~ (13) "Tourist-oriented directional (TOD) sign" means a sign on a motorist information sign panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.

~~((13))~~ (14) "Trade name" shall mean any brand name, trade mark, distinctive symbol or other similar device or thing used to identify a particular motorist service.

~~((14))~~ (15) "Urban area" shall mean an area including and adjacent to a municipality or other place of five thousand or more population as shown by the latest available federal census.

AMENDATORY SECTION (Amending WSR 09-18-056, filed 8/27/09, effective 9/27/09)

WAC 468-70-050 Business eligibility. (1) To be eligible for placement of a business sign on a motorist information sign panel a motorist service activity must conform to the following standards:

(a) Gas activity:

(i) Provide vehicle services including fuel, oil, tire repair and water; and

(ii) Be in continuous operation at least sixteen hours a day, seven days a week; and

(iii) Provide restroom facilities, drinking water and a telephone access;

(iv) Motorist information sign panels may be installed and existing signing will not be removed when the motorist service activity is closed for a short period of time or when its hours of operation have been reduced as a result of a shortage of gasoline;

(v) Activities not meeting the tire repair requirement of (i) of this subsection but have gas, oil, and water may qualify for signing provided that the motorist information sign panel displays fewer than the full complement of business signs. A telephone must also be available at no cost for a person to use to acquire tire repair;

(vi) Business signs for card-lock gas activities may be installed, provided that the activities serve the general motoring public, without membership, and accept a variety of credit cards available to the general public. Card-lock gas activities must also meet the applicable requirements of (a)(i) through (v) of this subsection.

(b) Food activity:

(i) Be licensed or approved by the county health office; and

(ii) Food activities in fee zones 1 and 2 shall be in continuous operation to serve meals for a minimum of ten hours a day six days a week, and food activities in fee zone 3 shall be in continuous operation to serve meals for a minimum of eight hours a day six days a week; and

(iii) Have inside seating for a minimum of twenty patrons and parking facilities for a minimum of ten vehicles; and

(iv) If curb service is provided, have a minimum of ten drive-in service stalls; and

(v) Provide telephone and restroom facilities.

(c) Lodging activity:

(i) Be licensed or approved by the Washington department of health; and

(ii) Provide adequate sleeping and bathroom accommodations available without reservations for rental on a daily basis; and

(iii) Provide public telephone facilities.

(d) Camping activity (applicable only for activities available from interstate highways):

(i) Have a valid business license;

(ii) Consist of at least twenty camping spaces and have adequate parking, modern sanitary and drinking water facilities for such spaces; and

(iii) Have an attendant on duty to manage and maintain the facility twenty-four hours a day while in operation.

(e) Recreation activity (applicable only for activities available from noninterstate highways):

(i) Consist of activities and sports of interest to family groups and the public generally in which people participate for purposes of active physical exercise, collective amusement or enjoyment of nature; e.g., hiking, golfing, skiing, boating, swimming, picnicking, camping, fishing, tennis, horseback riding, ice skating and gun clubs; and

(ii) Be licensed or approved by the state or local agency regulating the particular type of business; and

(iii) When the recreational activity is a campground, it must meet the criteria specified in WAC 468-70-050 (1)(d)(i) thru (iii).

(iv) Activities must be open to the motoring public without appointment, at least six hours a day, five days a week including Saturday and/or Sunday.

(f) Tourist-oriented business activity:

(i) A natural, recreational, historical, cultural, educational, or entertainment activity, or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business seasons from motorists not residing in the immediate area of the activity.

(ii) Be listed as a historic district on the National Register of Historic Places, on the Washington Heritage Register, or as a National Historic Landmark with the state's office of archaeology and historic preservation. Signs on private property that mark the entrance to the historic district and a letter of support by the jurisdictional local agency are required.

(iii) Be a commercial district as adopted by a city ordinance or resolution with a minimum of one million square feet of leasable commercial space located within one square mile. The commercial district must provide a unique commercial activity where the majority of the district's customers do not reside in the city where the commercial district is located. The commercial district shall be located within one mile of the nearest state highway. Only the name of the commercial district will be displayed on the business sign. Corporate logos may not be displayed.

(iv) Activities must be open to the motoring public without appointment, at least six hours a day, five days a week including Saturday and/or Sunday.

(g) Twenty-four-hour pharmacy:

(i) Be open twenty-four hours a day, seven days a week.

(ii) Have a state-licensed pharmacist present and on duty at all times.

(2) To be eligible for a RV symbol on its business sign, the business or destination shall have amenities, designed to accommodate recreational and other large vehicles, including:

(a) A hard-surfaced access to and from the business, that is free of potholes and is at least twelve feet wide with minimum turning radii of fifty feet.

(b) The roadway access and parking facilities must be free of utility wires, tree branches, or other obstructions up to fourteen feet above the surfacing.

(c) Facilities having short-term parking, such as restaurants and tourist attractions, must have a minimum of two parking spaces that are at least twelve feet wide and sixty-five feet long with a minimum turning radius of fifty feet for entering and exiting.

(d) Fueling islands must be located to allow for pull-through with a minimum entering and exiting turning radius of fifty feet.

(e) Canopied fueling islands must have a fourteen-foot minimum overhead clearance.

(f) Fueling facilities selling diesel are required to have pumps with noncommercial nozzles.

(g) For campgrounds, a minimum of two parking spaces at least eighteen feet wide and forty-five feet long are required.

(h) Business activities must also post directional signing on the premises as needed to indicate RV-friendly parking spaces and other on-site RV-friendly services, so that the motorist is given additional guidance upon leaving the public highway and entering the property.

(3) Distances prescribed herein will be measured from the center of the interchange or intersection along the centerline of the most direct public road to the facility access.

(4) The maximum distance that gas, food, lodging, camping, recreational, or tourist-oriented activities can be located on either side of an interchange or intersection to qualify for a business sign shall be as follows:

(a) From an interstate highway, gas, food, and lodging activities shall be located within three miles in either direction. Camping or tourist-oriented activities shall be located within five miles in either direction;

(b) From a noninterstate highway, gas, food, lodging, recreation, or tourist-oriented activities shall be located within five miles in either direction.

(c) A twenty-four-hour pharmacy must be located within three miles of an interstate or noninterstate highway.

(d) Where there are fewer than the maximum number, as specified in WAC 468-70-060 (3)(a), of eligible services within the distance limits prescribed in (a) and (b) of this subsection, the distance limits may be increased up to a maximum of fifteen miles to complete the balance of allowable signs.

(i) In reference to WAC 468-70-040(3), the department may erect and maintain signs on an alternate route that is longer than fifteen miles if it is safer and still provides reasonable and convenient travel to an eligible activity.

(ii) The department may erect and maintain signs on a route up to a maximum of twenty miles if an activity qualifies as eligible and is located within a distressed area under the criteria set forth in chapter 43.168 RCW.

(5) Within cities and towns having a population greater than twenty-five thousand, the department shall obtain concurrence from the municipality of locations for installing

panels, and may request that the municipality install the panels.

(6) A gas, food, lodging, camping/recreational, tourist-oriented, or twenty-four-hour pharmacy activity visible from the mainline at least three hundred feet prior to an intersection shall not qualify for a business sign on such highway. The activity's on-premise sign is considered part of that activity in determining the three hundred foot visibility.

(7) When a multiple business activity qualifies for business sign placement on more than one type of motorist information sign panel, placement will be made on that type of panel which, as determined by the department, best describes the main product or service. Additional business signs for a qualifying multiple business activity may only be placed on more than one type of motorist information sign panel where the applicable panels display fewer than a full complement of business signs. Where these additional business signs complete the full complement of business signs on a motorist information sign panel, the most recently installed of such additional business signs shall be substituted for in the event that a qualifying single business activity applies to receive business signs.

(8) Motorist information sign panels will not be erected and maintained by the department until adequate follow-through signing, as specified by the department, is erected on local roads and/or streets. Written assurance that the follow-through signs will be maintained is required.

(9) Where operations are seasonal, business signs for each specific location shall be removed or covered during the appropriate period as determined by the department.

AMENDATORY SECTION (Amending WSR 09-18-056, filed 8/27/09, effective 9/27/09)

WAC 468-70-060 Signage details. (1) Specifications(-):

(a) All motorist information sign panels, supplemental directional panels, and business signs shall be constructed in accordance with the Washington state standard specifications(-) and standard plans, and amendments thereto. ~~((All business signs and RV symbols shall be constructed of a single piece of 0.063 inch thick aluminum. All panels, business signs, and RV symbols shall be fully reflectorized to show the same shape and color both by day and night.))~~

(b) All business signs and RV symbols shall be constructed of a single piece of 0.063 inch thick aluminum meeting the requirements of the Washington state standard specifications and amendments thereto.

(c) Reflective sheeting on business signs shall be Type II, Type III, or Type IV meeting the minimum requirements of the Washington state standard specifications and amendments thereto.

(d) Silk-screen paint for business signs shall meet the minimum requirements of the Washington state standard specifications and amendments thereto.

(e) All panels, business signs, and RV symbols shall be fully reflectorized to show the same color both by day and night.

(2) Color of panels, signs, and RV symbols:

(a) The background color for gas, food, lodging, camping, TOD, and twenty-four-hour pharmacy motorist information sign panels and supplemental directional panels shall be blue. The background color for recreation motorist information sign panels and supplemental directional panels shall be brown. The border and lettering on all such signs shall be white.

(b) The background and message colors of business signs shall be at the businesses' option, subject to the department's approval as prescribed by WAC 468-70-070(5).

(c) The background color of RV symbols shall be yellow, with the letters RV in black.

(3) Composition of motorist information sign panels:

(a) For interchanges, the maximum number of business signs which may be displayed on a motorist information sign panel are six for each gas, food, lodging, camping/recreation, TOD's, and twenty-four-hour pharmacy panel. For intersections, each panel is limited to six business signs. For combined motorist information sign panels on the mainline, the minimum number of business signs which may be displayed is two for each type of motorist service activity. For supplemental directional panels located along interchange ramps, there is no minimum number of business signs which may be displayed for each type of motorist service activity.

(b) Sign panel fabrication layouts, and business sign sizes, are provided in the Appendices of the Motorist Information Signs Booklet published by the Washington state department of transportation.

(i) The panel size shall be sufficient to accommodate the various sizes of business signs and directional information.

(ii) For qualifying businesses located more than one mile from an intersection the business sign shall show the mileage to the business to the nearest mile. For interchanges the mileage will be shown on the supplemental directional panel business signs installed along an interchange ramp or at a ramp terminal.

(4) RV symbol design and statutory mounting location:

(a) RV symbols installed on freeway/expressway size business signs shall be a round twelve-inch diameter plaque displaying eight-inch RV letters. RV symbols installed on conventional roadway size business signs shall be a round six-inch diameter plaque displaying four-inch RV letters.

(b) The RV symbol shall be displayed in the lower right corner of the gas, food, lodging, camping, or tourist activity business signs installed along the mainline of freeways/expressways and along conventional highways. The term lower right corner is exclusive of any panel displaying the mileage message referenced in subsection (3)(b)(ii) of this section. RV symbols shall not be installed on supplemental directional panel business signs installed along an interchange ramp or at a ramp terminal.

WSR 10-12-057

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed May 27, 2010, 10:58 a.m., effective July 1, 2010]

Effective Date of Rule: July 1, 2010.

Purpose: The purpose of the rules is to establish sterilization and infection control requirements for body artists and body piercers in addition to tattoo artists and electrologists. Sterilization and infection control requirements have been in place for tattooing and electrology since 2002. Sterilization and infection control requirements for body art, body piercing and tattooing will be enforced by the department of licensing through its licensing program.

Citation of Existing Rules Affected by this Order: Amending WAC 246-145-001, 246-145-010, 246-145-020, 246-145-030, and 246-145-040.

Statutory Authority for Adoption: RCW 70.54.340.

Adopted under notice filed as WSR 10-07-158 on March 24, 2010.

A final cost-benefit analysis is available by contacting Patti Rathbun, P.O. Box 47890, Olympia, WA 98504-7890, phone (360) 236-4067, fax (360) 586-7424, e-mail patti.rathbun@doh.wa.gov.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 5, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 5, Repealed 0.

Date Adopted: May 27, 2010.

Mary C. Selecky
Secretary

Chapter 246-145 WAC

BODY ART, BODY PIERCING, ELECTROLOGY AND TATTOOING STANDARDS FOR STERILIZATION PROCEDURES AND INFECTION CONTROL

AMENDATORY SECTION (Amending WSR 02-11-109, filed 5/20/02, effective 6/20/02)

WAC 246-145-001 Purpose and scope. These rules establish standard universal precautions for preventing the spread of diseases by using sterilization procedures and infection control in the (~~commercial~~) practices of electrology, body art, body piercing, and tattooing.

AMENDATORY SECTION (Amending WSR 02-11-109, filed 5/20/02, effective 6/20/02)

WAC 246-145-010 Definitions. For the purpose of these rules, the following words and phrases have the following meanings unless the context clearly indicates otherwise.

(1) "Antiseptic" means an agent that destroys disease causing microorganisms on human skin or mucosa.

(2) "Aseptic technique" means a procedure that prevents contamination of any object or person.

(3) "Bloodborne pathogens" means microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B virus (HBV), Hepatitis C virus (HBC) and human immunodeficiency virus (HIV).

(4) "Body art" means the practice of invasive cosmetic adornment including the use of branding and scarification. Body art also includes the intentional production of scars upon the body. Body art does not include any health-related procedures performed by licensed health care practitioners under their scope of practice.

(5) "Body piercing" means the process of penetrating the skin or mucous membrane to insert an object, including jewelry, for cosmetic purposes. Body piercing also includes any scar tissue resulting from or relating to the piercing. Body piercing does not include the use of stud and clasp piercing systems to pierce the earlobe in accordance with the manufacturer's directions and applicable FDA requirements. Body piercing does not include any health-related procedures performed by licensed health care practitioners under their scope of practice, nor does anything in this act authorize a person registered to engage in the business of body piercing to implant or embed foreign objects into the human body or otherwise engage in the practice of medicine.

(6) "Branding" means inducing a pattern of scar tissue by use of a heated material (usually metal) to the skin creating a serious burn which eventually results in a scar.

(7) "Department" means the department of licensing.

(8) "Disinfectant" means a substance or solution, registered with the United States Environmental Protection Agency (EPA) that kills or inactivates viruses and pathogenic microorganisms, but not necessarily their spores.

(9) "Disinfect" or "disinfection" means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

(10) "Electrologist" means a person who practices the business of electrology for a fee.

~~((2))~~ (11) "Electrology" means the process of permanently removing hair by using solid needle or probe electrode epilation, including:

(a) Thermolysis, being of shortwave, high frequency type;

(b) Electrolysis, being a galvanic type; or

(c) A combination of both which is accomplished by a superimposed or sequential blend.

~~((3))~~ (12) "FDA" means United States Food and Drug Administration.

(13) "Gloves" means single-use disposable medical grade gloves that are FDA approved.

~~((4))~~ "Sterilization" means a process that destroys all forms of microbial life, including highly resistant bacterial spores.

~~(5)~~ "Tattoo artist" means a person who practices the business of tattooing for a fee.

~~(6)~~ (14) "Hand sanitizer" means an alcohol-based sanitizer with a concentration of 60% to 95% ethanol or isopropanol.

(15) "Jewelry" means any personal ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium, or platinum, or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

(16) "Licensee" means a shop, business or individual licensed to practice body art, body piercing or tattooing.

(17) "Procedure(s)" means body art, body piercing, and tattooing procedures.

(18) "Sanitize" means a procedure that reduces the level of microbial contamination so that the item or surface is considered safe.

(19) "Scarification" means altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.

(20) "Sharps" means any objects (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, presterilized, single-use needles, scalpel blades, and razor blades.

(21) "Sharps container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the international biohazard symbol.

(22) "Single-use" means products, instruments or items that are intended for one-time use and are disposed of after each use including, but not limited to, cotton swabs or balls, tissue or paper products, paper or plastic cups, gauze and sanitary coverings, razors, needles, scalpel blades, stencils, ink cups and protective gloves.

(23) "Sterilization" means a process that destroys all forms of microbial life, including highly resistant bacterial spores.

(24) "Sterilizer" means an apparatus that is registered and listed with the FDA for destroying all forms of microbial life, including highly resistant bacterial spores.

(25) "Tattooing" means ~~(the)~~ to pierce or puncture the human skin with a needle or other instrument for the purpose of implanting an indelible mark, ~~((figure, or decorative design introduced by insertion of nontoxic dyes))~~ or pigment~~((s))~~ into ~~((or under the subcutaneous portion of))~~ the skin ~~((upon the body of a live human being for cosmetic or figurative purposes))~~.

(26) "Universal precautions" is an approach to infection control as defined by the Center for Disease Control (CDC). According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for human immunodeficiency virus (HIV), Hepatitis B virus (HBV) and other bloodborne pathogens.

NEW SECTION

WAC 246-145-015 Restrictions. (1) Electrologists, and individuals licensed to perform body piercing, body art and tattooing, shall not perform procedures:

(a) While under the influence of alcohol or drugs;

(b) If they have weeping dermatitis or draining sores;

(c) On a client who appears to be under the influence of alcohol or drugs; or

(d) On a client who has evident skin lesions or skin infections in the area of the procedure, including sunburn.

(2) Animals are not permitted in body art, body piercing and tattooing procedure areas, except for guide and service animals accompanying persons with disabilities. Aquariums are allowed in a waiting room and nonprocedural area. No animals are allowed in the sterilization area.

AMENDATORY SECTION (Amending WSR 02-11-109, filed 5/20/02, effective 6/20/02)

WAC 246-145-020 Standard universal precautions for preventing the spread of disease in electrology. ~~((+ Electrologists—))~~ The following universal precautions must be used by electrologists in the care of all clients.

~~((+))~~ (1) Wash hands with soap and water immediately before and after each client contact;

~~((+))~~ (2) Wash hands and other skin surfaces immediately and thoroughly if contaminated with blood or other body fluids;

~~((+))~~ (3) Wash hands immediately before ~~((fresh, unused))~~ single-use disposable gloves are put on and after gloves are removed;

~~((+))~~ (4) Clean the client's skin by applying an antiseptic or antibacterial solution prior to and following treatment;

~~((+))~~ (5) Wear ~~((fresh, unused))~~ new gloves with each client to prevent skin and mucous membrane exposure contact with blood or other body fluids of each client;

~~((+))~~ (6) Wear gloves for touching blood and body fluids, mucous membranes, or nonintact skin of all clients, and for handling items or surfaces soiled with blood or body fluids;

~~((+))~~ (7) Change gloves after contact with each client;

~~((+))~~ (8) Immediately remove gloves that are torn or have small pinholes, wash hands and put on ~~((fresh, unused))~~ new gloves;

~~((+))~~ (9) Take precautions to prevent injuries caused by needles and other sharp instruments or devices during procedures; when cleaning used instruments; during disposal of used needles; and when handling sharp instruments after procedures;

~~((+))~~ (10) Prevent needlestick injuries by not recapping needles ~~((, not bending))~~ or breaking needles by hand and by not otherwise manipulating contaminated needles by hand;

~~((+))~~ (11) Dispose of used disposable needles and other sharp items in puncture-resistant containers;

~~((+))~~ (12) Inspect hands for small cuts, sores and abrasions; if present, use a Seal-skin product or bandage. If the electrologist has weeping dermatitis or draining sores, the electrologist should avoid contact with clients and equipment until the weeping dermatitis or draining sores are healed;

~~((+))~~ (13) Regularly clean and disinfect countertops; regularly clean walls when visibly soiled; regularly vacuum and clean carpets and floors; and

~~((+))~~ (14) Clean and disinfect other frequently touched surfaces including, but not limited to, equipment and lamps between each client.

~~((2) Tattoo artists—The following universal precautions must be used by tattoo artists in the care of all clients:~~

~~(a) Wash hands with soap and water immediately before and after each client contact;~~

~~(b) Wash hands and other skin surfaces immediately and thoroughly if contaminated with blood or other body fluids;~~

~~(c) Wash hands immediately before fresh, unused gloves are put on and after gloves are removed;~~

~~(d) Clean the client's skin by applying an antiseptic or antibacterial solution prior to and following treatment;~~

~~(e) Wear fresh, unused gloves with each client to prevent skin and mucous membrane exposure contact with blood or other body fluids of each client;~~

~~(f) Wear gloves for touching blood and body fluids, mucous membranes, or nonintact skin of all clients, and for handling items or surfaces soiled with blood or body fluids;~~

~~(g) Change gloves after contact with each client;~~

~~(h) Immediately remove gloves that are torn or have small pinholes, wash hands and put on fresh, unused gloves;~~

~~(i) Take precautions to prevent injuries caused by needles and other sharp instruments or devices during procedures, when cleaning used instruments, during disposal of used needles, and when handling sharp instruments after procedures;~~

~~(j) Prevent needlestick injuries by not recapping needles, not bending or breaking needles by hand and by not otherwise manipulating by hand;~~

~~(k) Dispose of used disposable needles and other sharp items in puncture-resistant containers;~~

~~(l) Inspect hands for small cuts, sores, and abrasions; if present, use a Seal-skin product or bandage. If a tattoo artist has weeping dermatitis or draining sores, the tattoo artist should avoid contact with clients and equipment until the weeping dermatitis or draining sores are healed;~~

~~(m) Regularly clean and disinfect countertops; regularly clean walls when visibly soiled; and regularly vacuum and clean carpets and floors;~~

~~(n) Clean and disinfect other frequently touched surfaces such as, clip cords, pigment holders, pigment bottles, pens, equipment and lamps between each client; and~~

~~(o) Take other measures to prevent cross-contamination as included in national standards per RCW 70.54.340.)~~

AMENDATORY SECTION (Amending WSR 02-11-109, filed 5/20/02, effective 6/20/02)

WAC 246-145-030 Sterile procedures in electrology.

~~((1) Electrologist—)~~ To ensure that clients are not exposed to disease through needles or other instruments, electrologists must:

~~((a)) (1) Use single-use, presterilized disposable needles on one client and then dispose of the needle immediately in a puncture-resistant container;~~

~~((b)) (2) Not use reusable needles;~~

~~((c)) (3) Use single-use sharp items on only one client and dispose of the items immediately in a puncture-resistant container;~~

~~((d)) (4) Only reuse cleaned and sterilized sharp items and instruments that are intended for multiple use;~~

~~((e)) (5) Thoroughly clean and sterilize reusable sharp items and instruments between clients;~~

~~((f)) (6) Accumulate reusable sharp items and instruments in a holding container by submersion in a solution of a protein-dissolving enzyme detergent and water;~~

~~((g)) (7) Sterilize reusable items in a steam autoclave or dry-heat sterilizer, which is used, cleaned and maintained according to the manufacturer's instructions;~~

~~((h)) (8) Resterilize a reusable sterile instrument before using it on a client, if it is contaminated by dropping, by touching an unsterile surface, by a torn package, by the package being punctured, damaged, wet or by some other means;~~

~~((i)) (9) Immediately dispose of a single-use item in a puncture-resistant container, if it is contaminated by dropping, by touching an unsterile surface, by a torn package, by the package being punctured, damaged, wet or by some other means;~~

~~((j)) (10) Immediately dispose of an instrument in a puncture-resistant container if the expiration date has passed; and~~

~~((k)) (11) Monitor sterilizers to determine that all conditions of sterilization are met. This includes:~~

~~((i)) (a) Assuring that sterilizers have a thermometer and timer to indicate whether adequate heat has been applied to packaged equipment;~~

~~((ii)) (b) Using or checking chemical indicators on each package to assure the items have been exposed to the sterilization process;~~

~~((iii)) (c) Sterilizers must be tested by biological spore tests according to the manufacturer's instructions. In the event of a positive biological spore test, the electrologist must take immediate action to ensure all conditions of sterilization are met; and~~

~~((iv)) (d) Documentation of monitoring must be maintained either in the form of a log reflecting dates and person(s) conducting the testing or copies of reports from an independent testing entity. The documentation must be maintained at least three years.~~

~~((2) Tattoo artists—To ensure that clients are not exposed to disease through needles or other instruments, tattoo artists must:~~

~~(a) Use single-use, presterilized disposable needles on one client and then dispose of the needle immediately in a puncture-resistant container;~~

~~(b) Not use reusable needles;~~

~~(c) Use single-use sharp items on only one client and dispose of the items immediately in a puncture-resistant container;~~

~~(d) Only reuse cleaned and sterilized sharp items and instruments that are intended for multiple use;~~

~~(e) Thoroughly clean and sterilize reusable sharp items and instruments between clients;~~

~~(f) Accumulate reusable sharp items and instruments in a holding container by submersion in a solution of a protein-dissolving enzyme detergent and water;~~

~~(g) Sterilize reusable items in a steam autoclave or dry-heat sterilizer, which is used, cleaned and maintained according to the manufacturer's instructions;~~

~~(h) Resterilize a reusable sterile instrument before using it on a client, if it is contaminated by dropping, by touching~~

~~an unsterile surface, by a torn package, by the package being punctured, damaged, wet or by some other means;~~

~~(i) Immediately dispose of a single-use item in a puncture-resistant container, if it is contaminated by dropping, by touching an unsterile surface, by a torn package, by the package being punctured, damaged, wet or by some other means;~~

~~(j) Immediately dispose of an instrument in a puncture-resistant container if the expiration date has passed; and~~

~~(k) Monitor sterilizers to determine that all conditions of sterilization are met. This includes:~~

~~(i) Assuring that sterilizers have a thermometer and timer to indicate whether adequate heat has been applied to packaged equipment;~~

~~(ii) Using or checking chemical indicators on each package to assure the items have been exposed to the sterilization process;~~

~~(iii) Sterilizers must be tested by biological spore tests according to the manufacturer's instructions. In the event of a positive biological spore test, the tattoo artist must take immediate action to ensure all conditions of sterilization are met; and~~

~~(iv) Documentation of monitoring must be maintained either in the form of a log reflecting dates and person(s) conducting the testing or copies of reports from an independent testing entity. The documentation must be maintained at least three years.))~~

AMENDATORY SECTION (Amending WSR 02-11-109, filed 5/20/02, effective 6/20/02)

WAC 246-145-040 Penalty for not complying with rules. Any electrologist (~~or tattoo artist~~) out of compliance with the rules in this chapter will be guilty of a misdemeanor.

NEW SECTION

WAC 246-145-050 Standard universal precautions for preventing the spread of disease in body art, body piercing, and tattooing. The following universal precautions must be used by persons licensed to practice body art, body piercing, and tattooing:

(1) Use sterile instruments and aseptic techniques at all times during a procedure.

(2) Use only presterilized single-use disposable needles for body piercing and tattooing on one client and then dispose of the needles immediately in a sharps container.

(3) Wear a clean outer garment and prevent hair from coming into contact with the client. All necklaces, bracelets, or other personal items must be removed or covered by the outer garment or gloves to prevent the item coming in contact with the client.

(4) Wash hands and wrists thoroughly in warm running water with soap for at least twenty seconds, scrub around and under fingernails, rinse completely and dry with a clean single-use towel or hand dryer. Handwashing must be done immediately before and after performing a procedure.

(5) Inspect hands for small cuts, sores and abrasions. If present, use a Seal-skin product or bandage.

(6) Licensees with weeping dermatitis or draining sores must avoid contact with clients and equipment until the weeping dermatitis or draining sores are healed.

(7) Wear gloves during procedures and while assembling instruments. Licensees must wash hands immediately before single-use disposable gloves are put on and after gloves are removed.

(8) Wear gloves to prepare the client's skin (washing and shaving) and then discard the gloves after completing the preparation. A new pair of gloves must be put on before continuing the procedure.

(9) Remove gloves immediately, wash hands or use a hand sanitizer, and put on new gloves, when gloved hands break aseptic technique (e.g., touching eyes, nose or mouth, answering the phone, opening a door, or retrieving an item from the floor) during a procedure, or when gloves are torn or have small pinholes.

(10) If a licensee sustains a needle stick, they shall resume the procedure with clean and sterile equipment after rewashing hands and putting on new gloves.

(11) Change gloves after contact with each client.

(12) Clean and disinfect chairs, tables, work spaces, counters, and general use equipment in the procedure area between each client. Follow manufacturers' instructions for proper use of disinfecting (or detergent) products.

(13) Use appropriate barrier films to cover all items gloved hands would normally come into contact with during a procedure. These items include, but are not limited to, machine heads, clip cords, spray bottles, seat adjustment controls, power control dials or buttons and work lamps.

(14) Use single-use stencils. Petroleum jellies, soaps and other products used in the application of stencils must be dispensed and applied using aseptic technique and in a manner to prevent contamination of the original container and its contents. The applicator must be single-use.

(15) Use only single-use pigment or ink containers for each client. Pigments and ink shall be dispensed from containers in a manner to prevent contamination to the unused portion. Individual containers of ink or pigment must be discarded after use.

(16) Use single-use razors during procedures and dispose of them in a sharps container.

(17) In the event of blood flow, use products that are single-use to control or check the blood flow or absorb the blood. Used products must be disposed of immediately in appropriate covered container. The use of styptic pens or alum solids to control blood flow is prohibited.

(18) Inks or pigments must not be banned or restricted by the FDA and must not be mixed with improper ingredients. Information indicating the source of all inks and pigments shall be available to the department upon request.

(19) Use single-use marking instruments or instruments sanitized by design, such as alcohol based ink pens, on intact skin that has been treated with an antiseptic solution. Any marking instrument that comes in contact with mucous membranes or broken skin shall be single-use.

(20) All jewelry, as defined in WAC 246-145-010, must be obtained in presterilized packaging from the manufacturer or be sterilized on-site prior to the procedure.

(21) Cleanse the client's skin before and after a procedure by washing the skin with a FDA registered antiseptic solution applied with a clean, single-use product. A sanitary

covering must be placed over the procedure site when appropriate.

(22) Wearing new gloves open each package containing a sterile instrument in the presence of the client and handle each instrument in a manner to prevent contamination of the instrument.

(23) Prevent needlestick injuries by not recapping needles or breaking needles by hand and by not otherwise manipulating contaminated needles by hand.

(24) Disposal of sharps containers must comply with the local solid waste program through the licensee's local county health department.

NEW SECTION

WAC 246-145-060 Sterile procedures in body art, body piercing and tattooing. (1) To prevent clients from being exposed to diseases through needles or other instruments, licensees must:

(a) Use single-use, presterilized disposable needles on one client and then dispose of the needle immediately in a sharps container. Reusable needles must not be used.

(b) Use single-use sharps on only one client and dispose of the items immediately in a sharps container.

(c) Reuse only cleaned and sterilized instruments that are intended for multiple use between clients. A distinct, separate area must be used for cleaning instruments, wrapping/packaging the items and for handling and storing sterilized instruments. Prior to sterilizing and as soon as practical after use, instruments must be brushed or swabbed to remove foreign material or debris, rinsed, then either:

(i) Submersed and soaked in a protein dissolving detergent or enzyme cleaner; or

(ii) Immersed in detergent and water in an ultrasonic cleaning unit used according to the manufacturer's instructions; and

(iii) Rinsed and dried prior to packaging for sterilization. Ensure that the rinse step is adequate for removing cleaning residues to levels that will not interfere with the subsequent sterilization process.

(iv) Inspect instrument surface for breaks in integrity that would impair either cleaning or sterilization. Ensure that detergents or enzymatic cleaners are compatible with the metals and other materials used in the instruments.

(d) Seal cleaned instruments in bags/packing materials that are compatible with the sterilization process and are sufficiently strong to resist puncture and tears and are cleared by the FDA. Label sterilized instruments with a load number that indicates the sterilizer used, the cycle or load number, and the date of sterilization.

(e) Sterilize instruments using a monitored sterilizer. Follow the sterilization times, temperatures and other parameters recommended by the manufacturers of the instruments, sterilizer and packaging used.

(f) Arrange all items to be sterilized so all surfaces will be directly exposed to the sterilizing agent, which means loading procedures must allow for free circulation of steam (or another sterilant) around each item.

(g) Use mechanical, chemical and biologic monitors to ensure the effectiveness of the sterilization process.

(i) Monitor each load with mechanical (e.g., time, temperature, pressure) and chemical (internal and external) indicators. If the internal chemical indicator is visible, an external indicator is not needed.

(ii) At least monthly use biologic indicators to test effectiveness of sterilizer with an FDA cleared commercial preparation of spores intended specifically for the type and cycle parameters of the sterilizer.

(h) For each sterilization cycle, record the type of sterilizer and cycle used; the load identification number; the load contents; the exposure parameters (e.g., time and temperature); the operator's name or initials, and the results of the mechanical, chemical and biological monitoring. Records must be retained for three years and must be provided to the department upon request.

(i) Perform preventive maintenance of sterilizer as directed by the manufacturer's instructions.

(j) Handle sterilized instruments using aseptic technique to prevent contamination. Store in secure, dry, clean cabinets or other secure covered containers to prevent contamination and packaging being compromised (e.g., wet, punctured, torn).

(2) If a licensee only uses sterile single-use, disposable instruments, sharps and products, and uses sterile supplies, a sterilizer is not required.

WSR 10-12-059

PERMANENT RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Filed May 27, 2010, 1:37 p.m., effective July 1, 2010]

Effective Date of Rule: July 1, 2010.

Purpose: To establish an annual tariff for pilotage services in the Puget Sound pilotage district.

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 10-07-137 on March 23, 2010.

Changes Other than Editing from Proposed to Adopted Version: The proposed version reflected the tariff adjustment to be an amount in a range between a decrease of ten percent and an increase of ten percent across-the-board with the exception of the *training surcharge* and *transportation categories*. An alternative adjustment, in lieu of an increase of ten percent, was an increase to just the *boarding charge* category from the current \$47.00 to \$415.00.

The adopted version reflects a tariff increase of three percent across-the-board with the exception of the *training surcharge* and *transportation categories*. The *boarding charge* category was included in the three percent increase and not adjusted separately. There were no adjustments made to the *training surcharge* and *transportation categories*.

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

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: May 19, 2010.

Peggy Larson
Administrator

AMENDATORY SECTION (Amending WSR 09-12-072, filed 5/29/09, effective 7/1/09)

WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 hours July 1, (~~2009~~) 2010, through 2400 hours June 30, (~~2010~~) 2011.

CLASSIFICATION	RATE
Ship length overall (LOA)	
Charges:	
Per LOA rate schedule in this section.	
Boarding charge:	\$((47.00)) <u>48.00</u>
Per each boarding/deboarding at the Port Angeles pilot station.	
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift - Dead ship	Double LOA Zone I
Towing charge - Dead ship:	Double LOA Zone
LOA of tug + LOA of tow + beam of tow	

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Compass Adjustment	\$((339.00)) <u>349.00</u>
Radio Direction Finder Calibration	\$((339.00)) <u>349.00</u>
Launching Vessels	\$((509.00)) <u>524.00</u>
Trial Trips, 6 hours or less (minimum \$((954.00)) <u>984.00</u>)	\$((159.00)) <u>164.00</u> per hour
Trial Trips, over 6 hours (two pilots)	\$((318.00)) <u>328.00</u> per hour
Shilshole Bay – Salmon Bay	\$((199.00)) <u>205.00</u>
Salmon Bay – Lake Union	\$((154.00)) <u>159.00</u>
Lake Union – Lake Washington (plus LOA zone from Webster Point)	\$((199.00)) <u>205.00</u>
Cancellation Charge	LOA Zone I
Cancellation Charge – Port Angeles:	LOA Zone II

(When a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for a pilot or when a pilot order is canceled less than twelve hours prior to the original ETA.)

Waterway and Bridge Charges:

Ships up to 90' beam:
A charge of \$((250.00)) 258.00 shall be in addition to bridge charges for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$((119.00)) 123.00 per bridge.

Ships 90' beam and/or over:
A charge of \$((340.00)) 350.00 shall be in addition to bridge charges for any vessel movements both inbound and out-

bound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$((237.00)) 244.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

Two or three pilots required:

In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third

pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

Docking Delay After Anchoring:

Applicable harbor shift rate to apply, plus \$((~~258.00~~)) 266.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$((~~258.00~~)) 266.00 for every hour or fraction thereof.

Sailing Delay:

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$((~~258.00~~)) 266.00 for every hour or fraction thereof. The assessment of the standby charge shall not exceed a period of twelve hours in any twenty-four-hour period.

Slowdown:

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of \$((~~258.00~~)) 266.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Delayed Arrival – Port Angeles:

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of \$((~~258.00~~)) 266.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Tonnage Charges:

0 to 20,000 gross tons:

Additional charge to LOA zone mileage of \$((~~0.0080~~)) 0.0082 a gross ton for all gross tonnage up to 20,000 gross tons.

20,000 to 50,000 gross tons:

Additional charge to LOA zone mileage of \$((~~0.0821~~)) 0.0846 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:

In excess of 50,000 gross tons, the charge shall be \$((~~0.0983~~)) 0.1012 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Transportation to Vessels on Puget Sound:

March Point or Anacortes	\$195.00
Bangor	190.00
Bellingham	225.00
Bremerton	167.50
Cherry Point	260.00
Dupont	120.00
Edmonds	42.50
Everett	72.50
Ferndale	247.50
Manchester	162.50
Mukilteo	65.00
Olympia	155.00
Point Wells	42.50
Port Gamble	230.00
Port Townsend (Indian Island)	277.50
Seattle	18.75
Tacoma	87.50

(a) Intraharbor transportation for the Port Angeles port area: Transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.

(b) Interport shifts: Transportation paid to and from both points.

(c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is canceled on or before scheduled reporting time, transportation paid one way only.

(d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.

(e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$2.00 per mile.

Delinquent Payment Charge:

1 1/2% per month after 30 days from first billing.

Nonuse of Pilots:

Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage charges on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

British Columbia Direct Transit Charge:

In the event that a pilot consents to board or disembark a vessel at a British Columbia port, which consent shall not unreasonably be withheld, the following additional charges shall apply in addition to the normal LOA, tonnage and other charges provided in this tariff that apply to the portion of the transit in U.S. waters:

- Direct Transit Charge** \$((~~2,046.00~~)) 2,107.00
- Sailing Delay Charge.** Shall be levied for each hour or fraction thereof that the vessel departure is delayed beyond its scheduled departure from a British Columbia port, provided that no charge will be levied for delays of one hour or less and further provided that the charge shall not exceed a period of 12 hours in any 24 hour period. \$((~~275.00~~)) 283.00 per hour
- Slow Down Charge.** Shall be levied for each hour or fraction thereof that a vessel's arrival at a U.S. or BC port is delayed when a vessel chooses not to maintain its normal safe speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater from the arrival time had the vessel maintained its normal safe speed capabilities. \$((~~275.00~~)) 283.00 per hour
- Cancellation Charge.** Shall be levied when a pilot arrives at a vessel for departure from a British Columbia port and the job is canceled. The charge is in addition to the applicable direct transit charge, standby, transportation and expenses. \$((~~510.00~~)) 525.00
- Transportation Charge Vancouver Area.** Vessels departing or arriving at ports in the Vancouver-Victoria-New Westminster Range of British Columbia. \$((~~484.00~~)) 499.00
- Transportation Charge Outports.** Vessels departing or arriving at British Columbia ports other than those in the Vancouver-Victoria-New Westminster Range. \$((~~612.00~~)) 630.00

Training Surcharge:

A surcharge of \$10.00 for each pilot trainee then receiving a stipend pursuant to the training program provided in WAC 363-116-078 shall be added to each pilotage assignment.

LOA Rate Schedule:

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

(LOA (Length Overall))	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
UP to 449	248	384	655	977	1,315	1,706
450-459	258	391	659	991	1,336	1,715
460-469	260	395	670	1,008	1,354	1,722
470-479	269	407	678	1,028	1,358	1,725
480-489	277	414	681	1,047	1,367	1,733
490-499	281	419	691	1,066	1,383	1,742
500-509	295	427	701	1,078	1,394	1,752
510-519	297	435	708	1,094	1,409	1,759
520-529	301	450	718	1,099	1,421	1,773
530-539	310	456	727	1,112	1,444	1,793
540-549	315	462	744	1,123	1,466	1,810
550-559	321	478	749	1,140	1,478	1,827
560-569	333	497	763	1,150	1,491	1,844
570-579	340	501	766	1,155	1,507	1,856
580-589	354	509	784	1,164	1,516	1,875
590-599	371	520	789	1,170	1,538	1,897
600-609	384	536	800	1,174	1,557	1,906
610-619	406	541	814	1,179	1,572	1,923
620-629	421	548	821	1,193	1,590	1,946
630-639	441	557	830	1,196	1,604	1,962
640-649	458	570	839	1,198	1,617	1,977
650-659	490	580	854	1,208	1,637	1,997
660-669	500	587	861	1,215	1,655	2,013

(LOA (Length Overall))	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
670-679	518	602	870	1,237	1,674	2,025
680-689	525	612	882	1,247	1,688	2,045
690-699	541	621	895	1,269	1,706	2,087
700-719	565	642	912	1,285	1,739	2,111
720-739	598	659	935	1,303	1,773	2,146
740-759	621	691	953	1,315	1,810	2,184
760-779	646	713	977	1,336	1,844	2,213
780-799	678	745	991	1,354	1,875	2,252
800-819	705	766	1,011	1,361	1,906	2,286
820-839	727	794	1,034	1,383	1,946	2,313
840-859	758	826	1,054	1,399	1,975	2,352
860-879	786	854	1,073	1,435	2,013	2,386
880-899	814	879	1,094	1,468	2,045	2,421
900-919	838	908	1,113	1,506	2,087	2,454
920-939	864	935	1,140	1,538	2,109	2,488
940-959	895	959	1,156	1,572	2,146	2,518
960-979	916	987	1,177	1,604	2,184	2,556
980-999	946	1,011	1,197	1,637	2,213	2,589
1000-1019	1,004	1,076	1,250	1,724	2,317	2,701
1020-1039	1,031	1,108	1,289	1,773	2,387	2,780
1040-1059	1,062	1,135	1,327	1,827	2,455	2,862
1060-1079	1,094	1,175	1,366	1,882	2,532	2,947
1080-1099	1,127	1,208	1,406	1,936	2,606	3,036
1100-1119	1,159	1,245	1,449	1,996	2,684	3,127
1120-1139	1,195	1,284	1,493	2,054	2,765	3,220
1140-1159	1,229	1,320	1,536	2,116	2,849	3,318
1160-1179	1,266	1,358	1,584	2,180	2,933	3,416
1180-1199	1,305	1,400	1,630	2,245	3,022	3,519
1200-1219	1,345	1,442	1,678	2,313	3,113	3,623
1220-1239	1,383	1,485	1,727	2,382	3,204	3,732
1240-1259	1,424	1,529	1,778	2,452	3,301	3,843
1260-1279	1,466	1,574	1,832	2,526	3,401	3,958
1280-1299	1,510	1,622	1,888	2,602	3,500	4,078
1300-1319	1,556	1,668	1,943	2,679	3,606	4,198
1320-1339	1,603	1,719	2,003	2,759	3,713	4,325
1340-1359	1,649	1,771	2,062	2,841	3,824	4,455
1360-1379	1,699	1,822	2,123	2,928	3,937	4,586
1380-1399	1,749	1,877	2,188	3,014	4,056	4,726
1400-1419	1,802	1,934	2,251	3,103	4,177	4,867
1420-1439	1,855	1,992	2,319	3,197	4,304	5,013
1440-1459	1,913	2,052	2,390	3,292	4,432	5,162
1460-1479	1,966	2,112	2,460	3,390	4,565	5,315
1480-1499	2,026	2,175	2,533	3,491	4,700	5,475
1500 & Over	2,087	2,241	2,608	3,598	4,840	5,638))

<u>LOA</u> (Length Overall)	<u>ZONE</u> I Intra Harbor	<u>ZONE</u> II 0-30 Miles	<u>ZONE</u> III 31-50 Miles	<u>ZONE</u> IV 51-75 Miles	<u>ZONE</u> V 76-100 Miles	<u>ZONE</u> VI 101 Miles & Over
<u>UP to 449</u>	<u>255</u>	<u>396</u>	<u>675</u>	<u>1,006</u>	<u>1,354</u>	<u>1,757</u>
<u>450 - 459</u>	<u>266</u>	<u>403</u>	<u>679</u>	<u>1,021</u>	<u>1,376</u>	<u>1,766</u>
<u>460 - 469</u>	<u>268</u>	<u>407</u>	<u>690</u>	<u>1,038</u>	<u>1,395</u>	<u>1,774</u>
<u>470 - 479</u>	<u>277</u>	<u>419</u>	<u>698</u>	<u>1,059</u>	<u>1,399</u>	<u>1,777</u>
<u>480 - 489</u>	<u>285</u>	<u>426</u>	<u>701</u>	<u>1,078</u>	<u>1,408</u>	<u>1,785</u>
<u>490 - 499</u>	<u>289</u>	<u>432</u>	<u>712</u>	<u>1,098</u>	<u>1,424</u>	<u>1,794</u>
<u>500 - 509</u>	<u>304</u>	<u>440</u>	<u>722</u>	<u>1,110</u>	<u>1,436</u>	<u>1,805</u>
<u>510 - 519</u>	<u>306</u>	<u>448</u>	<u>729</u>	<u>1,127</u>	<u>1,451</u>	<u>1,812</u>
<u>520 - 529</u>	<u>310</u>	<u>464</u>	<u>740</u>	<u>1,132</u>	<u>1,464</u>	<u>1,826</u>
<u>530 - 539</u>	<u>319</u>	<u>470</u>	<u>749</u>	<u>1,145</u>	<u>1,487</u>	<u>1,847</u>
<u>540 - 549</u>	<u>324</u>	<u>476</u>	<u>766</u>	<u>1,157</u>	<u>1,510</u>	<u>1,864</u>
<u>550 - 559</u>	<u>331</u>	<u>492</u>	<u>771</u>	<u>1,174</u>	<u>1,522</u>	<u>1,882</u>
<u>560 - 569</u>	<u>343</u>	<u>512</u>	<u>786</u>	<u>1,185</u>	<u>1,536</u>	<u>1,899</u>
<u>570 - 579</u>	<u>350</u>	<u>516</u>	<u>789</u>	<u>1,190</u>	<u>1,552</u>	<u>1,912</u>
<u>580 - 589</u>	<u>365</u>	<u>524</u>	<u>808</u>	<u>1,199</u>	<u>1,561</u>	<u>1,931</u>
<u>590 - 599</u>	<u>382</u>	<u>536</u>	<u>813</u>	<u>1,205</u>	<u>1,584</u>	<u>1,954</u>
<u>600 - 609</u>	<u>396</u>	<u>552</u>	<u>824</u>	<u>1,209</u>	<u>1,604</u>	<u>1,963</u>
<u>610 - 619</u>	<u>418</u>	<u>557</u>	<u>838</u>	<u>1,214</u>	<u>1,619</u>	<u>1,981</u>
<u>620 - 629</u>	<u>434</u>	<u>564</u>	<u>846</u>	<u>1,229</u>	<u>1,638</u>	<u>2,004</u>
<u>630 - 639</u>	<u>454</u>	<u>574</u>	<u>855</u>	<u>1,232</u>	<u>1,652</u>	<u>2,021</u>
<u>640 - 649</u>	<u>472</u>	<u>587</u>	<u>864</u>	<u>1,234</u>	<u>1,666</u>	<u>2,036</u>
<u>650 - 659</u>	<u>505</u>	<u>597</u>	<u>880</u>	<u>1,244</u>	<u>1,686</u>	<u>2,057</u>
<u>660 - 669</u>	<u>515</u>	<u>605</u>	<u>887</u>	<u>1,251</u>	<u>1,705</u>	<u>2,073</u>
<u>670 - 679</u>	<u>534</u>	<u>620</u>	<u>896</u>	<u>1,274</u>	<u>1,724</u>	<u>2,086</u>
<u>680 - 689</u>	<u>541</u>	<u>630</u>	<u>908</u>	<u>1,284</u>	<u>1,739</u>	<u>2,106</u>
<u>690 - 699</u>	<u>557</u>	<u>640</u>	<u>922</u>	<u>1,307</u>	<u>1,757</u>	<u>2,150</u>
<u>700 - 719</u>	<u>582</u>	<u>661</u>	<u>939</u>	<u>1,324</u>	<u>1,791</u>	<u>2,174</u>
<u>720 - 739</u>	<u>616</u>	<u>679</u>	<u>963</u>	<u>1,342</u>	<u>1,826</u>	<u>2,210</u>
<u>740 - 759</u>	<u>640</u>	<u>712</u>	<u>982</u>	<u>1,354</u>	<u>1,864</u>	<u>2,250</u>
<u>760 - 779</u>	<u>665</u>	<u>734</u>	<u>1,006</u>	<u>1,376</u>	<u>1,899</u>	<u>2,279</u>
<u>780 - 799</u>	<u>698</u>	<u>767</u>	<u>1,021</u>	<u>1,395</u>	<u>1,931</u>	<u>2,320</u>
<u>800 - 819</u>	<u>726</u>	<u>789</u>	<u>1,041</u>	<u>1,402</u>	<u>1,963</u>	<u>2,355</u>
<u>820 - 839</u>	<u>749</u>	<u>818</u>	<u>1,065</u>	<u>1,424</u>	<u>2,004</u>	<u>2,382</u>
<u>840 - 859</u>	<u>781</u>	<u>851</u>	<u>1,086</u>	<u>1,441</u>	<u>2,034</u>	<u>2,423</u>
<u>860 - 879</u>	<u>810</u>	<u>880</u>	<u>1,105</u>	<u>1,478</u>	<u>2,073</u>	<u>2,458</u>
<u>880 - 899</u>	<u>838</u>	<u>905</u>	<u>1,127</u>	<u>1,512</u>	<u>2,106</u>	<u>2,494</u>
<u>900 - 919</u>	<u>863</u>	<u>935</u>	<u>1,146</u>	<u>1,551</u>	<u>2,150</u>	<u>2,528</u>
<u>920 - 939</u>	<u>890</u>	<u>963</u>	<u>1,174</u>	<u>1,584</u>	<u>2,172</u>	<u>2,563</u>
<u>940 - 959</u>	<u>922</u>	<u>988</u>	<u>1,191</u>	<u>1,619</u>	<u>2,210</u>	<u>2,594</u>
<u>960 - 979</u>	<u>943</u>	<u>1,017</u>	<u>1,212</u>	<u>1,652</u>	<u>2,250</u>	<u>2,633</u>
<u>980 - 999</u>	<u>974</u>	<u>1,041</u>	<u>1,233</u>	<u>1,686</u>	<u>2,279</u>	<u>2,667</u>
<u>1000 - 1019</u>	<u>1,034</u>	<u>1,108</u>	<u>1,288</u>	<u>1,776</u>	<u>2,387</u>	<u>2,782</u>
<u>1020 - 1039</u>	<u>1,062</u>	<u>1,141</u>	<u>1,328</u>	<u>1,826</u>	<u>2,459</u>	<u>2,863</u>
<u>1040 - 1059</u>	<u>1,094</u>	<u>1,169</u>	<u>1,367</u>	<u>1,882</u>	<u>2,529</u>	<u>2,948</u>

<u>LOA</u> (Length Overall)	<u>ZONE</u> I Intra Harbor	<u>ZONE</u> II 0-30 Miles	<u>ZONE</u> III 31-50 Miles	<u>ZONE</u> IV 51-75 Miles	<u>ZONE</u> V 76-100 Miles	<u>ZONE</u> VI 101 Miles & Over
<u>1060 - 1079</u>	<u>1,127</u>	<u>1,210</u>	<u>1,407</u>	<u>1,938</u>	<u>2,608</u>	<u>3,035</u>
<u>1080 - 1099</u>	<u>1,161</u>	<u>1,244</u>	<u>1,448</u>	<u>1,994</u>	<u>2,684</u>	<u>3,127</u>
<u>1100 - 1119</u>	<u>1,194</u>	<u>1,282</u>	<u>1,492</u>	<u>2,056</u>	<u>2,765</u>	<u>3,221</u>
<u>1120 - 1139</u>	<u>1,231</u>	<u>1,323</u>	<u>1,538</u>	<u>2,116</u>	<u>2,848</u>	<u>3,317</u>
<u>1140 - 1159</u>	<u>1,266</u>	<u>1,360</u>	<u>1,582</u>	<u>2,179</u>	<u>2,934</u>	<u>3,418</u>
<u>1160 - 1179</u>	<u>1,304</u>	<u>1,399</u>	<u>1,632</u>	<u>2,245</u>	<u>3,021</u>	<u>3,518</u>
<u>1180 - 1199</u>	<u>1,344</u>	<u>1,442</u>	<u>1,679</u>	<u>2,312</u>	<u>3,113</u>	<u>3,625</u>
<u>1200 - 1219</u>	<u>1,385</u>	<u>1,485</u>	<u>1,728</u>	<u>2,382</u>	<u>3,206</u>	<u>3,732</u>
<u>1220 - 1239</u>	<u>1,424</u>	<u>1,530</u>	<u>1,779</u>	<u>2,453</u>	<u>3,300</u>	<u>3,844</u>
<u>1240 - 1259</u>	<u>1,467</u>	<u>1,575</u>	<u>1,831</u>	<u>2,526</u>	<u>3,400</u>	<u>3,958</u>
<u>1260 - 1279</u>	<u>1,510</u>	<u>1,621</u>	<u>1,887</u>	<u>2,602</u>	<u>3,503</u>	<u>4,077</u>
<u>1280 - 1299</u>	<u>1,555</u>	<u>1,671</u>	<u>1,945</u>	<u>2,680</u>	<u>3,605</u>	<u>4,200</u>
<u>1300 - 1319</u>	<u>1,603</u>	<u>1,718</u>	<u>2,001</u>	<u>2,759</u>	<u>3,714</u>	<u>4,324</u>
<u>1320 - 1339</u>	<u>1,651</u>	<u>1,771</u>	<u>2,063</u>	<u>2,842</u>	<u>3,824</u>	<u>4,455</u>
<u>1340 - 1359</u>	<u>1,698</u>	<u>1,824</u>	<u>2,124</u>	<u>2,926</u>	<u>3,939</u>	<u>4,589</u>
<u>1360 - 1379</u>	<u>1,750</u>	<u>1,877</u>	<u>2,187</u>	<u>3,016</u>	<u>4,055</u>	<u>4,724</u>
<u>1380 - 1399</u>	<u>1,801</u>	<u>1,933</u>	<u>2,254</u>	<u>3,104</u>	<u>4,178</u>	<u>4,868</u>
<u>1400 - 1419</u>	<u>1,856</u>	<u>1,992</u>	<u>2,319</u>	<u>3,196</u>	<u>4,302</u>	<u>5,013</u>
<u>1420 - 1439</u>	<u>1,911</u>	<u>2,052</u>	<u>2,389</u>	<u>3,293</u>	<u>4,433</u>	<u>5,163</u>
<u>1440 - 1459</u>	<u>1,970</u>	<u>2,114</u>	<u>2,462</u>	<u>3,391</u>	<u>4,565</u>	<u>5,317</u>
<u>1460 - 1479</u>	<u>2,025</u>	<u>2,175</u>	<u>2,534</u>	<u>3,492</u>	<u>4,702</u>	<u>5,474</u>
<u>1480 - 1499</u>	<u>2,087</u>	<u>2,240</u>	<u>2,609</u>	<u>3,596</u>	<u>4,841</u>	<u>5,639</u>
<u>1500 & Over</u>	<u>2,150</u>	<u>2,308</u>	<u>2,686</u>	<u>3,706</u>	<u>4,985</u>	<u>5,807</u>

WSR 10-12-061**PERMANENT RULES****DEPARTMENT OF
FISH AND WILDLIFE**

[Order 09-108—Filed May 27, 2010, 2:09 p.m., effective June 27, 2010]

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

Purpose: Amends rules for commercial salmon fishing in Grays Harbor and Willapa Bay. Includes WAC 220-36-015, 220-36-020, 220-36-021, 220-36-023, 220-36-025, rules for commercial salmon fishing in Grays Harbor; WAC 220-40-020, 220-40-021, 220-40-027, rules for commercial salmon fishing in Willapa Bay; and WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits.

Citation of Existing Rules Affected by this Order: Amending WAC 220-36-015, 220-36-020, 220-36-021, 220-36-023, 220-36-025, 220-40-020, 220-40-021, 220-40-027, and 232-28-620.

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

Adopted under notice filed as WSR 10-06-102 on March 2, 2010.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-36-03001 and 220-40-030 were withdrawn on May 24, 2010, and filed as WSR 10-12-031.

1. The proposed rules incorporate the recommendations from the North of Falcon/Pacific Fishery Management Council process that included significant public input and an agreed-to fisheries package between the state and northwest treaty tribe comanagers. The agreed-to fisheries package meets conservation objectives and Endangered Species Act requirements, and is consistent with *U.S. vs. Oregon* and *U.S. vs. Washington* cases.

2. The only changes that occurred between the filing of the CR-102 and the rules as adopted are in WAC 220-36-023, 220-40-027, and 232-28-620. In WAC 220-36-023 and 220-40-027, the Washington department of fish and wildlife (WDFW) amended the proposals to require the release of wild coho, wild chinook, and chum. Forecasts of chum[,] wild coho, and wild chinook are not strong enough to allow significant directed fishing.

In WAC 232-28-620, Marine Areas 1 through 4, WDFW amended the proposal to allow additional hatchery chinook salmon fishing in June. The forecast of Columbia River chinook salmon is strong enough to allow additional opportu-

nity. Dates were adjusted accordingly. For Marine Area 2-1, WDFW amended the proposal to require release of chum, wild coho, and wild chinook salmon. Forecasts of chum, wild coho, and wild chinook are not strong enough to allow significant directed fishing. For Marine Area 2-2, WDFW amended the proposal to allow wild coho retention. The forecast of wild coho is strong enough to allow a harvest opportunity.

The department also withdrew WAC 220-36-03001 and 220-40-030 from the rule making because these WACs were changed in March 2010 with the filing of WSR 10-06-095. As changed, these WACs suit the needs of the department for this rule proposal.

3. A department-sponsored rule proposal hearing was held on April 9, 2010, in Olympia, to solicit input on the proposed regulatory changes and rule language. No members of the public attended the hearing, and no other testimony (e.g., written correspondence) was received.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 9, Repealed 0.

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

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

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

Date Adopted: May 27, 2010.

Philip Anderson
Director

AMENDATORY SECTION (Amending Order 89-71, filed 7/28/89, effective 8/28/89)

WAC 220-36-015 Gill net gear—Grays Harbor specifications. It is unlawful to fish for food fish in Grays Harbor for commercial purposes with gill net gear, or to possess food fish taken from those waters with gill net gear, unless:

(1) The gill net does not exceed 1,500 feet in length along the cork line; and

(2) Except as otherwise provided in this chapter, the mesh size of the gill net is not less than 5 inches or greater than 6-1/2 inches stretch measure.

AMENDATORY SECTION (Amending Order 89-71, filed 7/28/89, effective 8/28/89)

WAC 220-36-020 Grays Harbor salmon fishing—Lawful gear. It shall be unlawful to take, fish for, or possess salmon taken for commercial purposes in Grays Harbor fishing areas (~~except for~~), with the exception of salmon taken with gill net gear as provided for in this chapter.

AMENDATORY SECTION (Amending Order 01-104, filed 6/15/01, effective 7/16/01)

WAC 220-36-021 Salmon—Grays Harbor—Summer fishery. From July 5 through August 15, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes.

AMENDATORY SECTION (Amending Order 09-109, filed 8/4/09, effective 9/4/09)

WAC 220-36-023 Salmon—Grays Harbor fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods:

(1) Gill net gear may be used to fish for salmon and white sturgeon only according to the chart below. All nonlegal sturgeon (~~and nonlegal~~), all steelhead, and all other species including Chinook, coho, chum and white sturgeon must be handled with care to minimize injury and must be released immediately to the river/bay:

Time:	Areas:
6:00 p.m. (September 3) <u>August 31</u> through 6:00 p.m. September (4, 2009) <u>1, 2010</u> ;	Area 2C
6:00 p.m. September (8) <u>2</u> through 6:00 (p.m. September 9, 2009) <u>a.m. September 4, 2010</u> ;	
6:00 (a.m.) <u>p.m.</u> September (13) <u>6</u> through 6:00 (p.m.) <u>a.m.</u> September (14, 2009) <u>8, 2010</u> ;	
6:00 (a.m.) <u>p.m.</u> September (20) <u>9</u> through 6:00 p.m. September (21, 2009) <u>11, 2010</u> ;	
6:00 p.m. September 22 through 6:00 p.m. September 23, 2010;	
AND	
6:00 p.m. September (29) <u>27</u> through 6:00 p.m. September (30, 2009) <u>28, 2010</u> .	
<u>7:00 a.m. October 8 through 7:00 p.m. October 8, 2010;</u>	That portion of Area 2A upstream from the Highway 101 Bridge at Aberdeen, to a line projected from the Lakeside Industries asphalt plant tower at a right angle to the thread of the stream to the opposite shore.
AND	
<u>7:30 a.m. October 14 through 7:30 p.m. October 14, 2010.</u>	That portion of Area 2D lying easterly of a north-south line from the confluence of the Hoquiam and Chehalis rivers to Renney Island, then easterly to Range Marker G, then to the eastern boundary of Area 2D at the Highway 101 Bridge.

Gear

(2) Gill net gear restrictions: All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear. It is ~~((legal))~~ permissible to have on board a commercial vessel more than one net, provided the nets are of a mesh size ~~((that is))~~ legal for the fishery, and the length of any one net does not exceed one thousand five hundred feet in length.

Nets with a mesh size different from that being actively fished must be properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches or greater.

It is unlawful to use a gill net to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line, provided that it is lawful to have a gill net with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or in transiting through Grays Harbor.

(b) In Area 2C, mesh size must not exceed nine-inch maximum mesh ((size allowed)).

In Areas 2A and 2D, mesh size must not exceed six-inch maximum mesh. Nets may be no more than fifty-five meshes deep. Nets must hang straight from top to bottom. Strings may only be used to secure breakaway panels.

(c) Entire nets must be single mesh size. Only one net may be fished at a time; other nets must be properly stored.

(d) Soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water.

(e) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing Areas 2A, 2D, and 2C. Each box must be operating during any time the net is being retrieved or picked. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box: The inside length measurement must be at or within 39-1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(f) All wild (unmarked) coho, nonlegal sturgeon, chum, and all steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay or to an operating recovery box when fishing in Area 2C.

All wild (unmarked) Chinook, nonlegal sturgeon, chum, and all steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay or to an operating recovery box when fishing Areas 2A and 2D.

(g) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(h) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

Other

(3) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(12), reports must be made by 10:00 a.m. the day following landing.

(4) Fishers must take department observers if requested by department staff when participating in these openings. Pursuant to WAC 220-69-240, fishers also must provide notice of intent to participate by contacting Quick Reporting by phone, fax or e-mail. Notice of intent must be given prior to ~~((5:00))~~ 12:00 p.m. on August ~~((28, 2009))~~ 20, 2010, for the openings in Area 2C and prior to 12:00 p.m. October 1, 2010, for the openings in Area 2A and 2D.

(5) NOAA Fisheries has listed the southern population of green sturgeon as threatened under the Endangered Species Act, effective July 6, 2006. Most of the green sturgeon taken in Washington fisheries are from the Columbia River stock, which is part of the southern population. Therefore, the retention of green sturgeon is prohibited(=) to protect this federally listed stock.

AMENDATORY SECTION (Amending Order 86-55, filed 7/10/86)

WAC 220-36-025 Closed areas—Grays Harbor and tributaries. (1) It is unlawful to take, fish for, or possess salmon taken for commercial purposes from those waters at the mouth of Grays Harbor lying westerly of a line projected from the Point Chehalis Light at Westport through the Coast Guard tower to the shore at Point Brown, and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty.

(2) During the period March 1 through July 31, it is unlawful for any person, including treaty Indian fishermen, to take, fish for, or possess food fish taken for any purpose from the waters of the Chehalis River or any tributary of the Chehalis River upstream of the Porter Bridge.

(3) It is unlawful to fish for or possess salmon taken for commercial purposes from the Westport Boat Basin.

AMENDATORY SECTION (Amending Order 89-71, filed 7/28/89, effective 8/28/89)

WAC 220-40-020 Willapa Bay salmon—Seasons and lawful gear—Salmon. It ~~((shall be))~~ is unlawful to take, fish for, or possess salmon taken for commercial purposes in Willapa Bay fishing areas ~~((except for))~~, with the exception of salmon taken with gill net gear as provided for in this chapter.

AMENDATORY SECTION (Amending Order 01-104, filed 6/15/01, effective 7/16/01)

WAC 220-40-021 Willapa Bay salmon—Summer fishery. From July 5 through August 15, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes.

AMENDATORY SECTION (Amending Order 09-109, filed 8/4/09, effective 9/4/09)

WAC 220-40-027 Salmon—Willapa Bay fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods:

(1) Gill net gear may be used to fish for salmon and white sturgeon only as shown below. All nonlegal sturgeon ~~((and nonlegal))~~, all steelhead, and all other species including Chinook, coho, chum and white sturgeon, must be handled with care to minimize injury to the fish and must be released immediately to the river/bay:

Time:
6:00 p.m. ~~((September))~~
August 15 through 6:00 p.m.
~~((September 19, 2009))~~
August 16, 2010.

Area:
Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, except:
Closed Waters Area (Net Free Zone): That portion of SMCRA 2G lying within the following boundary lines. Western Boundary: Those waters east of a line drawn from the most waterward exposed end of the jetty at Toke Point (46°42.446'N, 123°57.973'W) to Willapa Marker 2 (46°41.529'N, 123°57.973'W) then 180 degrees true to Goose Point (46°38.184'N, 123°57.584'W). Eastern boundary that includes those waters west of a North-South line through Marker 29.

Time:

6:00 p.m. September 22 through 6:00 p.m. September 23, ~~((2009))~~ 2010;
AND
6:00 p.m. September ~~((28))~~ 27 through 6:00 p.m. September ~~((29))~~ 28, ~~((2009))~~ 2010.
6:00 p.m. September ~~((22))~~ 12 through ~~((6:00))~~ 5:59 p.m. ~~((October 7, 2009))~~ September 15, 2010.

Area:

Area 2H west of Willapa Channel Marker 40, **Area 2J** north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and **Area 2M.**
Area 2K
Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, except:
Closed Waters Area (Net Free Zone): That portion of the SMCRA 2G lying within the following boundary lines. Western Boundary: Those waters east of a line drawn from the most waterward exposed end of the jetty at Toke Point (46°42.446'N, 123°57.973'W) to Willapa Marker 2 (46°41.529'N, 123°57.973'W) then 180 degrees true to Goose Point (46°38.184'N, 123°57.584'W). Eastern boundary that includes those waters west of a North-South line (180 degrees true) through Range Marker "B" (46°42.564'N, 123°51.3'W) between Channel Markers 26 and 28.
Area 2H west of Willapa Channel Marker 40, **Area 2J** north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and **Area 2M.**

Time:

6:00 p.m. (~~October 10~~)
September 15 through 6:00
p.m. (~~October 14, 2009~~)
September 22, 2010.

~~((6:00))~~ 6:01 p.m. (November 10,)
September 22
through 6:00 p.m. (~~November 19, 2009~~)
September 30, 2010.

~~(Noon, November 6,~~
~~2009))~~ 6:00 p.m. October 1,
2010, through ~~(noon,~~
~~November 30, 2009))~~ 6:00
p.m. October 2, 2010.

12:00 p.m. November 6
through 12:00 p.m. Novem-
ber 30, 2010.

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in Salmon Management and Catch Reporting Area (SMCRA) 2G, described in this section. The Tokeland Boat basin is that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall, and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-seconds), to Tokeland Channel Marker "4," to the tip of the seawall.

Gear:

(3) Gill net gear restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear. It (~~will be legal~~) is permissible to have on board a commercial vessel more than one net, provided the nets are of a mesh size that is legal for the fishery, and the length of any

Area:

Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, **Area 2H** west of Willapa Channel Marker 40, **Area 2J** north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and **Area 2M.**

Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, **Area 2H** (~~west of the Willapa Channel Marker 40~~), **Area 2J** north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and **Area 2M.**

Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, **Area 2H, Area 2J** north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and **Area 2M.**

Areas 2G, 2H, 2J, and 2M.

one net does not exceed one thousand five hundred feet in length.

Nets with a mesh size different from that being actively fished must be properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches or greater.

It is unlawful to use a gill net to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line, provided that it is lawful to have a gill net with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or in transiting through Willapa Bay.

(b) From August 16 through August 31, 2010: Mesh size must not exceed six-inch minimum mesh to nine-inch maximum mesh.

~~(c) From September 1 through 6:00 p.m. September (21, 2009) 22, 2010: Mesh size must not exceed six-inch maximum mesh (, and net may be no more than fifty-five meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure breakaway panels).~~

~~((e))~~ (d) From 6:01 p.m. September 22 through October (31, 2009) 15, 2010: Mesh size must not exceed six and one-half inch maximum mesh.

~~((f))~~ (e) From November 6 through November 30, (2009) 2010: Mesh size must not exceed nine-inch minimum mesh (, except from 6:00 p.m. November 10 through 6:00 p.m. November 19, 2009 (coho directed), there are two alternatives:

(i) Use six-inch maximum mesh; and net may be no more than fifty-five meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure breakaway panels; or

(ii) Use nine-inch minimum mesh.

(iii) Only one net of either six-inch or nine-inch configuration, not exceeding fifteen hundred feet, may be used when in the act of fishing).

(f) Only one net may be fished at a time; other nets must be properly stored.

(g) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing in Willapa Bay Areas 2G, 2H, 2J, 2K, and 2M. Each box must be operating during any time the net is being retrieved or picked. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box: The inside length measurement must be at or within 39-1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement offi-

cers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(h) Soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water.

(i) From August 16 through September 30, 2010, all wild (unmarked) coho, wild (unmarked) Chinook, nonlegal sturgeon and all steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay or to an operating recovery box when fishing in Willapa Bay Areas 2G, 2H, 2J, 2K, and 2M.

From October 1 through October 15, 2010, all wild (unmarked) coho, nonlegal sturgeon, and all steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay or to an operating recovery box when fishing in Willapa Bay Areas 2G, 2H, 2J, 2K, and 2M.

(j) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(k) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

Other:

(4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(12), reports must be made by 10:00 a.m. the day following landing.

(5) NOAA Fisheries has listed the southern population of green sturgeon as threatened under the Endangered Species Act, effective July 6, 2006. Most of the green sturgeon taken in Washington fisheries are from the Columbia River stock, which is part of the southern population. Therefore, the retention of green sturgeon is prohibited; to protect this federally listed stock.

(6) It is unlawful to fish for salmon with gill net gear in Areas 2G, 2H, 2J, 2K, and 2M unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

AMENDATORY SECTION (Amending Order 09-133, filed 7/8/09, effective 8/8/09)

WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits. It ~~(shall be)~~ is unlawful to take, fish for, or possess salmon taken by angling for personal use except from the following coastal areas, during the following seasons, in the quantities~~(, for)~~ and the sizes provided for in WAC 220-56-180, and for the species designated in this section. An area is open when a daily limit is provided:

(1) Catch Record Card Area 1:

(a) May 1 through June ~~((27))~~ 11 - Closed.

(b) June ~~((28))~~ 12 through June 30 - Daily limit of 2 salmon. Release coho and wild Chinook.

(c) July 1 through September 30 - Daily limit of 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho.

(d) October 1 through April 30 - Closed.

(e) Closed in the Columbia River Mouth Control Zone 1 during all open periods~~(;)~~. See WAC 220-56-195.

(2) Catch Record Card Area 2:

(a) May 1 through June ~~((27))~~ 11 - Closed.

(b) ~~((June 28 through July 23—Open Sundays through Thursdays only. Daily limit 2 salmon plus 1 additional pink salmon, of which not more than one may be a Chinook salmon. Release wild coho.))~~ June 12 through June 30 - Daily limit of 2 salmon. Release coho and wild Chinook.

(c) July ~~((24))~~ 4 through September ~~((20))~~ 19 - Open Sundays through Thursdays only. Daily limit 2 salmon ~~((plus 1 additional pink salmon))~~, of which not more than one may be a Chinook salmon. Release wild coho.

(d) September ~~((21))~~ 20 through April 30 - Closed.

(e) Closed to salmon fishing August 1 through September ~~((20))~~ 19 in the Grays Harbor Control Zone described in WAC 220-56-195(11).

(3) Willapa Bay (Catch Record Card Area 2-1):

(a) May 1 through ~~((June 27))~~ July 3 - Closed.

(b) ~~((June 28))~~ July 4 through July 31 - Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 1 through ~~((August 15))~~ January 31 - Daily limit of six salmon, not more than ~~((two))~~ three of which may be adult salmon. Release chum, wild coho and wild Chinook.

~~((d) ((August 16 through January 31—Daily limit 6 salmon, not more than 3 of which may be adult salmon, and of the adult salmon, not more than 2 may be Chinook. Release chum.~~

~~((e)))~~ February 1 through April 30 - Closed.

(4) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

(a) May 1 through September 15 - Closed.

(b) September 16 through November 30 - Daily limit of 2 salmon~~(; of which only 1 may be a wild adult coho))~~. Release chum and ~~((adult))~~ Chinook.

(c) December 1 through April 30 - Closed.

(d) Notwithstanding the provisions of this subsection, Westport Boat Basin and Ocean Shores Boat Basin: Open only August 16 through January 31 - Daily limit of six salmon, not more than four of which may be adult salmon.

(5) Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line) - Closed.

(6) Catch Record Card Area 3:

(a) May 1 through June ~~((26))~~ 11 - Closed.

~~((b) ((June 27 through July 17—Open Tuesdays through Saturdays only. Daily limit of 2 salmon plus 2 additional pink salmon, of which not more than one may be a Chinook salmon. Release wild coho.))~~ June 12 through June 30 - Daily limit of 2 salmon. Release coho and wild Chinook.

(c) July ~~((18))~~ 1 through September ~~((20))~~ 19 - Open Tuesdays through Saturdays only. Daily limit of 2 salmon ~~((plus 2 additional pink))~~, of which not more than one may be a Chinook salmon. Release wild coho.

(d) September ~~((21))~~ 20 through April 30 - Closed.

(e) Notwithstanding the provisions of this subsection, waters north of 47°50'00"N latitude and south of 48°00'00"N latitude also open September 26 through October 11 - Daily limit two salmon, of which not more than one may be a Chinook salmon. Release wild coho.

(7) **Catch Record Card Area 4:**(a) May 1 through June ((26)) 11 - Closed.

(b) (~~June 27 through July 17 — Open Tuesdays through Saturdays only. Daily limit of 2 salmon plus 2 additional pink, of which not more than one may be a Chinook salmon. Release wild coho salmon.~~) June 12 through June 30 - Daily limit of 2 salmon. Release coho and wild Chinook. Waters east of a true north-south line through Sail Rock closed.

(c) July ((48)) 1 through September ((20)) 19 - Open Tuesdays through Saturdays only. Daily limit of 2 salmon (~~plus 2 additional pink~~), of which not more than one may be a Chinook salmon. Release wild coho salmon. Waters east of a true north-south line through Sail Rock closed ((~~June 27~~)) July 1 through July 31. Release Chinook salmon caught east of the Bonilla-Tatoosh line beginning August 1. Release chum salmon beginning August 1.

(d) September ((24)) 20 through April 30 - Closed.

WSR 10-12-062
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 10-137—Filed May 27, 2010, 2:11 p.m., effective June 27, 2010]

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

Purpose: Amend statewide rules for recreational salmon fishing except in Marine Areas 1 through 4.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619 and 232-28-621.

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

Adopted under notice filed as WSR 10-06-113 on March 3, 2010.

Changes Other than Editing from Proposed to Adopted Version: **WAC 220-56-124 Unlawful provisions—Hood-sport Hatchery.**

This proposal was withdrawn as WSR 10-12-030 on May 24, 2010.

WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules.

Bear River: The Washington department of fish and wildlife (WDFW) amended this proposal to require the release of wild jack chinook salmon. Additional protection was necessary for wild chinook salmon in this river.

Blue Creek: WDFW amended this proposal so that ventral fin-clipped steelhead can be retained.

Camas Slough: WDFW amended this proposal to require release of wild chinook and coho salmon. Additional protection was necessary for wild chinook and coho.

Capitol Lake: WDFW amended this proposal to close salmon fishing. The invasive New Zealand mud snail has recently been discovered in the lake. Closing fishing will prevent spreading of the snail.

Cedar Creek (tributary of N.F. Lewis): WDFW amended this proposal to close all fishing in September and October to protect wild fall chinook and coho salmon.

Chehalis River: WDFW amended this proposal to allow wild coho retention in September and October, to open two

weeks earlier, and to require release of wild jack chinook. Late run wild coho have not met spawning goals in some recent years. Wild chinook forecast was below spawning goal and additional protection was necessary.

Columbia River, buoy 10 to Rocky Point—Tongue Point Line: WDFW amended this proposal to reduce the coho daily limit because the coho forecast was not strong enough to allow three per day, and to increase summer chinook opportunity because the forecast was strong enough to allow additional harvest.

Columbia River, Rocky Point—Tongue Point Line to Priest Rapids Dam: WDFW amended this proposal to increase summer chinook opportunity because the forecast was strong enough to allow additional harvest, to reduce the number of days fall chinook may be retained in order to comply with Endangered Species Act harvest rate limitations, and to require release of sockeye because the Wenatchee River forecast was below the escapement goal.

Columbia River, Priest Rapids Dam to Wanapum Dam: WDFW amended this proposal to implement a partial mark-selective chinook fishery to protect natural origin spawners, and adjusted seasons to align regulations with summer and fall chinook run-timing.

Cowlitz River: WDFW amended this proposal to require release of wild chinook, to correct gamefish season error, and to allow retention of ventral fin-clipped steelhead. Provides additional protection for wild chinook salmon.

Dewatto River: WDFW amended this proposal to close all fishing during September in order to protect summer chum.

Elk River: WDFW amended this proposal to have one season and reduced the daily limit to two fish for chinook and wild coho protection.

Elochoman River: WDFW amended this proposal to align the night closure, stationary gear restriction, and anti-snagging rules with the salmon season.

Grays River: WDFW amended this proposal to align the night closure, stationary gear restriction, and antisnagging rules with the salmon season; and to add additional time and locations for salmon fishing to harvest surplus hatchery coho and chinook.

Green River (Cowlitz County): WDFW amended this proposal to require release of wild chinook. Additional protection was necessary for wild chinook salmon in this river.

Green River (King County): WDFW amended this proposal to require release of chinook. The Green River chinook salmon forecast was not strong enough to allow as much fishing as last year. While some fishing opportunity was retained in Elliott Bay, chinook fishing opportunity was eliminated in the river.

Hoh River: WDFW amended this proposal to remove the selective gear rule during salmon seasons. This allows the use of bait while salmon fishing.

Hoquiam River: WDFW amended this proposal to require the release of wild jack chinook salmon. Additional protection was necessary for wild chinook salmon in this river.

Humptulips River: WDFW amended this proposal to extend the boundary to include from Highway 101 to the con-

fluence of the east and west forks to increase fishing opportunity.

Johns River: WDFW amended this proposal to simplify the dates into one season and reduced the daily limit to two salmon for chinook and wild coho protection.

Kalama River: WDFW amended this proposal to correct an error that required wild cutthroat release.

Klickitat River: WDFW amended this proposal to increase the daily limit for chinook to two as intended last year, and to align the antisnagging rule and night closure with the fishing seasons to protect salmon.

Lacamas Creek: WDFW amended this proposal to close all fishing beginning September 1 to protect fall chinook from illegal activities.

Little White Salmon River: WDFW amended this proposal to allow retention of hatchery chinook caught during July.

Methow River: WDFW amended this proposal to clarify the language defining section boundaries.

Mill Creek (Lewis County): WDFW amended this proposal to allow retention of ventral fin-clipped steelhead.

Naselle River: WDFW amended this proposal to clarify restrictive gear regulations, to open the season earlier, to allow an additional hatchery chinook to be retained, and to allow an additional wild coho to be retained.

Nemah River: WDFW amended this proposal to require release of wild chinook and wild coho to increase protection of these stocks.

Newaukum River: WDFW amended this proposal to allow wild coho retention through November and to require the release of jack chinook salmon.

Niawiakum River: WDFW amended this proposal to require release of wild chinook and wild coho.

Nisqually River: WDFW amended this proposal to reduce the daily limit to two salmon beginning October 1 and to require the release of wild jack chinook. This prevents anglers from continuing to fish for a third fish that had to be a chinook, when chinook were not in the river and reduces handling of wild chinook when anglers were measuring fish.

North River: WDFW amended this proposal to allow wild coho retention and to allow retention of hatchery chinook.

Okanogan River: WDFW amended this proposal to implement a partial mark-selective chinook fishery to protect natural-origin spawners, and adjusted seasons to align regulations with summer and fall chinook run-timing.

Palix River: WDFW amended this proposal to require release of wild chinook and wild coho, and to clarify the section boundaries.

Puyallup River: WDFW amended this proposal to (1) close the lower portion of the river during days in August and September when tribal fishing is scheduled, to increase safety for anglers and tribal fishers; and (2) opened the upper portion earlier to provide additional opportunity while meeting harvest rate goals.

Quinault River: WDFW amended this proposal to allow only jack retention from July through September, to require single-point barbless hooks, and to require the release of sockeye, pink and chum salmon.

Satsop River: WDFW amended this proposal to modify the dates into one season for chinook and wild coho protection.

Similkameen River: WDFW amended this proposal to utilize permanent regulations that implement a partial mark-selective chinook fishery to protect natural-origin spawners, and adjusted seasons to align regulations with summer and fall chinook run-timing.

Skagit River: WDFW amended this proposal to eliminate the summer chinook fishery, since the forecast of summer chinook is not strong enough to support a river fishery, and to increase the coho daily limit to three because the forecast is strong enough to support additional harvest within the harvest rate goal.

Skokomish River: WDFW amended this proposal to (1) close the upper portion of the river during days in August and September when tribal fishing is scheduled, to reduce conflict between anglers and tribal fishers; (2) require release of wild chinook to meet new harvest rate goals; (3) prohibit retention of fish hooked anywhere other than in the mouth, to reduce snagging and disorderly fishery problems; and (4) require anglers to retain the first two salmon caught, if legal to do so, to remove excess hatchery fish from the river.

Skookumchuck River: WDFW amended this proposal to open the river earlier, allow retention of wild coho through November, and to require the release of jack chinook.

Skykomish River: WDFW amended this proposal to allow retention of coho salmon only in the fall fisheries, because only coho were forecast strong enough to allow harvest.

Smith Creek: WDFW amended this proposal to allow retention of wild coho and hatchery chinook.

Snohomish River: WDFW amended this proposal to allow retention of coho salmon only in the fall fisheries, because only coho were forecast strong enough to allow harvest.

Snoqualmie River: WDFW amended this proposal to allow retention of coho salmon only, because only coho were forecast strong enough to allow harvest.

Stillaguamish River: WDFW amended this proposal to allow retention of coho salmon only in the fall fisheries, because only coho were forecast strong enough to allow harvest.

Tahuya River: WDFW amended this proposal to close all fishing during September in order to protect summer chum.

Toutle River: WDFW amended this proposal to require release of wild chinook to provide additional protection for wild chinook salmon.

Wallace River: WDFW amended this proposal to close salmon fishing from September 1 through September 15 to protect chinook from illegal activities.

Washougal River: WDFW amended this proposal to require release of wild chinook and to allow hatchery chinook retention in the upper river.

White Salmon River: WDFW amended this proposal to require release of wild chinook and to allow hatchery chinook retention during July.

Willapa River: WDFW amended this proposal to require release of wild chinook and wild coho.

Wind River: WDFW amended this proposal to require release of wild chinook, to allow hatchery chinook retention in additional areas, and to modify the dates of the antisnagging rule and night closure to align with protection needs.

Wishkah River: WDFW amended this proposal to require chinook and wild coho release, to clarify the upper section boundary, and to correct an error of previous commission intent to prohibit fishing from a floating device equipped with an internal combustion engine in the lower section.

Wynoochee River: WDFW amended this proposal to require release of chinook and wild coho, and to prohibit bait from September 16 through October 31.

WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits.

Marine Area 5: WDFW amended this proposal to close the October but extend the September wild coho fishery by three days and reopen it in November. The forecast of Strait of Juan de Fuca wild coho was low and required a lower exploitation rate than last year. The exploitation rate goal was met by these changes.

Marine Area 7: WDFW amended this proposal to allow retention of wild coho retention during October. State and tribal fisheries were below the ten percent exploitation rate goal for upper Fraser River coho, allowing additional harvest opportunities on wild coho in this area.

Marine Area 9: WDFW amended this proposal to close fishing south of a line from Olele Point to Foulweather Bluff during July 16 through August 31, except while fishing from the shore between the Hood Canal Bridge and Salsbury Point Park. WDFW was unable to negotiate a full opening for this area, but did secure the opening for the beach fishery.

Marine Area 10: WDFW amended this proposal to reduce fishing in Elliott Bay and to simplify verbiage. The Green River chinook salmon forecast was not strong enough to allow as much fishing as last year, and therefore fishing opportunity was reduced.

Marine Area 13: WDFW amended this proposal to open the month of February. State and tribal fisheries were below the exploitation rate goal for Dungeness River chinook salmon, allowing additional harvest opportunities in this area.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 2, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

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

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

Date Adopted: May 27, 2010.

Philip Anderson
Director

AMENDATORY SECTION (Amending Order 10-64, filed 3/19/10, effective 5/1/10)

WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules. (1) All freshwater streams and lakes not listed as open for salmon fishing are closed to fishing for salmon.

(2) Freshwater terminal gear restrictions: In all waters with freshwater terminal gear restrictions, including, but not limited to, selective gear rules, whitefish gear rules, single point barbless hooks required, fly-fishing only, and anti-snagging rules, violation of the gear rules is an infraction, punishable under RCW 77.15.160. It is unlawful to possess fish taken with gear in violation of the freshwater terminal gear restrictions. Possession of fish while using gear in violation of the freshwater terminal gear restrictions is a rebuttable presumption that the fish were taken with such gear. Possession of such fish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree.

(3) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Saturday before Memorial Day through October 31 season. Trout: Daily limit 5, no minimum size.

(d) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(e) Kitsap County and Mason County east of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: First Saturday in June through October 31 season. Trout: No minimum length.

(4) Rivers, streams, and beaver ponds that drain into Puget Sound or the Strait of Juan de Fuca are closed to fishing unless listed as open below.

(5) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season. Trout: No more than two over 15 inches in length may be retained per day.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: The first Saturday in June through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

From Abernathy falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek and Middle Fork from the A2000 Road Bridge at Tree Phones Campground downstream to the A2000 Spur Road Bridge in NE Section 34: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Alder Lake (Thurston County): Kokanee not included in trout daily limit. Kokanee daily limit 10.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

All Creek (Skagit County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Alma Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Amon Creek (Benton County): Selective gear rules.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Additional season October 1 through November 30 and March 1 through Friday before last Saturday in April. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

American Lake (Pierce County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee. Chumming permitted.

American River (Yakima County): Closed waters: From Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8 July 16 through September 15. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Anderson Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Anderson Creek (Whatcom County) (Nooksack River tributary): First Saturday in June through October 31 season. Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and trout: Release all trout.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

Bacon Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Bacus Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Bainbridge Island - all streams (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: September 1 through October 31 season. Anti-snagging rule and night closure. Trout: Minimum length fourteen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters.

From fish barrier dam to headwaters, including all tributaries and their tributaries except Channel Creek: First Saturday in June through October 31 season.

Banks Lake (Grant County): Chumming allowed. Perch: Daily limit twenty-five. Crappie: Daily limit 10, minimum size 9 inches in length.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of reduced fee licenses or designated harvester cards, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): The first Saturday in June through March 31 season. Anti-snagging rule and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. All species: Release all fish except salmon and except up to two hatchery steelhead may be retained each day. From the Lime Quarry Road to the Longview Fiber Bridge: Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June through March 31. All species: Release all fish, except up to two hatchery steelhead may be retained per day. Salmon: Open only September 1 through November 30 from mouth to Lime Quarry Road. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release chum and ~~(adult)~~ wild Chinook. Upstream of Longview Fiber Bridge: Closed waters.

Beaver Creek (Pierce County) (South Prairie Creek tributary): First Saturday in June through October 31 season.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Maximum size 12 inches in length.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beaver Lake (King County): Trout: Daily limit 5, no more than 2 over 15 inches in length.

Beda Lake (Grant County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish. Unlawful to fish from a floating device equipped with an internal combustion motor.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Benson Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Bertrand Creek (Whatcom County) (Nooksack River tributary): First Saturday in June through October 31 season. Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): The first Saturday in June through August 31 season. Juveniles only.

Big Beaver Creek (Whatcom County):

From one-quarter mile upstream of closed water markers on Ross Lake upstream including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Big Beef Creek (Kitsap County) from Seabeck Highway Bridge to Lake Symington: The first Saturday in June through August 31 season. Closed waters August 1 through August 31: Waters within 100 feet of the Seabeck Highway NW Bridge. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

From Lake Symington upstream: First Saturday in June through October 31 season. All species: Selective gear rules. Release all trout.

Big Creek (Skagit County) (Suiattle River tributary): From TeePee falls to source: First Saturday in June through October 31 season. Selective gear rules.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches. Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Mission Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Big Quilcene River (Jefferson County): See Quilcene River.

Big River (Clallam County): The first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches.

Big Scandia Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Big Tiffany Lake (Okanogan County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Release all cutthroat.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Blackjack Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Blackbird Island Pond (Chelan County): July 1 through September 30 season. Juveniles only.

Black Lake (Okanogan County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black Lake (Thurston County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee. Crappie: Daily limit ten, minimum length nine inches.

Black Lake Ditch (Thurston County) from the confluence with Percival Creek upstream to Black Lake: First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Blackman's Lake (Snohomish County): Trout: Daily limit 3.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. Anti-snagging rule and night closure. Only anglers who permanently use a wheelchair may fish from posted

signs above rearing pond to posted signs approximately 40 feet downstream at fence including the rearing pond outlet. Trout: Daily limit five. Minimum size 12 inches no more than two fish over 20 inches. Release wild cutthroat (~~wild steelhead and hatchery steelhead with clipped right ventral fin~~).

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: The first Saturday in June through April 30 season. The first Saturday in June through November 30, selective gear rules and December 1 through April 30, selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit three steelhead downstream from Highway 101 Bridge. February 16 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. July 1 through August 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult salmon, and of the 4 adult salmon, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon.

Boise Creek (King County) (White River tributary) upstream of Highway 410 crossing: First Saturday in June through October 31 season.

Bonaparte Creek (Okanogan County): Closed Waters from mouth to falls one mile upstream.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boulder Creek and tributaries (Okanogan County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten, no minimum size. Release all cut-throat.

Boulder Creek (Skagit County) (Cascade River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

Boulder River (Snohomish County) (NF Stillaguamish River tributary): Mouth to Boulder Falls. First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

From Boulder Falls upstream: First Saturday in June through October 31 season.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to waterfall approximately 2 miles upstream (including the portion flowing through the dry lakebed): Closed waters. From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Boxley Creek (North Bend) (King County), from the falls located at approximately river mile 0.9 upstream: First Saturday in June through October 31 season.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply. May 15 through the last day of Free Fishing Weekend (as defined in WAC 220-55-160): Juveniles only.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Creek (Skagit County) (Suiattle River tributary): From upstream boundary of Buck Creek campground to source: First Saturday in June through October 31 season. Selective gear rules.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June through October 31. Whitefish: Additional December 1 through March 31 season. Whitefish gear rules apply.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Buzzard Lake (Okanogan County): Last Saturday in April through October 31 season. All species: Selective gear rules. Trout: Daily limit 1.

Cadet Creek (Snohomish County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: The first Saturday in June through April 30 season. December 1 through April 30, selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor from Highway 101 to forks. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit three steelhead from mouth to Highway 101 Bridge. February 16 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. July 1 through August 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult salmon, and of the 4 adult salmon, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: The first Saturday in June through last day in February season. First Saturday in June through last day in February, selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor December 1 through last day in February. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

California Creek (Whatcom County): First Saturday in June through October 31 season. Selective gear rules.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Calispell Creek and tributaries: Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Camas Slough: Waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island. Season: Open when the adjacent mainstem Columbia or Washougal rivers are open to fishing for salmon. Daily limit same as most liberal regulation of either area, except for salmon, only hatchery Chinook and hatchery coho may be retained.

Camp Creek (Snohomish County) (Whitechuck River tributary): First Saturday in June through October 31 season. Selective gear rules.

Campbell Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish. Unlawful to fish from a floating device equipped with an internal combustion motor.

Campbell Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: The first Saturday in June through February 15 season. Release all fish except up to two hatchery steelhead may be retained.

Canyon Creek (Whatcom County) (North Fork Nooksack River): From Canyon Creek Road Bridge upstream: First Saturday in June through October 31 season. Selective gear rules.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. Year-round season. Selective gear rules (~~((except bait and barbless hooks allowed while fishing for salmon September 1 through October 15))~~). Anti-snagging rule and night closure August 1 through November 30. Trout: Release all trout. ~~((Salmon: Open only July 1 through October 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.))~~

Carbon River (Pierce County), from its mouth to Voight Creek: September 1 through last day in February season. Anti-snagging rule, night closure and single point barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches September 1 through November 30. December 1 through last day of February selective gear rules and release all fish except up to two hatchery steelhead may be retained. Voight Creek to Highway 162 Bridge: November 1 through last day in February season: Selective gear rules and release all fish except up to two hatchery steelhead may be retained. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be adult hatchery Chinook. Release chum and wild adult Chinook salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: June 1 through July 15 and September 16 through last day in February season. All species: Anti-snagging rule and night closure June 1 through July 15 and September 16 through November 30. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open June 1 through July 15. Daily limit 4 hatchery Chinook, of which no more than 2 may be adult hatchery Chinook. Open September 16 through November 30. Daily limit 4 coho salmon.

From the Rockport-Cascade Road Bridge upstream: The first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead may be retained per day.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cassidy Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Castle Lake (Cowlitz County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cayada Creek (Pierce County)(Carbon River tributary): First Saturday in June through October 31 season.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to ~~((100 feet upstream of the falls))~~ Grist Mill Bridge: First Saturday in June through August 31 and November 1 through March 15 seasons. Trout: Release all fish except up to two hatchery steelhead may be retained per day. From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. From 100 feet upstream of the falls upstream: The first Saturday in June through ~~((March 15))~~ August 31 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cedar Creek (Jefferson County): The first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches.

Cedar Creek (Mason County): First Saturday in June through October 31 season.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other

than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Landsburg Road: The first Saturday in June through August 31 season. Selective gear rules and night closure. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout.

Cedar River (Pacific County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Chain Lake (Pend Oreille County): Last Saturday in April through October 31 season. Release kokanee.

Chambers Creek (Pierce County): July 1 through November 15 season. All species: Selective gear rules and night closure. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout.

Chambers Creek from the mouth to markers 400 feet below the Boise-Cascade Dam (Pierce County): July 1 through November 15 season. Night closure and anti-snagging rule. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

From Boise-Cascade Dam to Steilacoom Lake: July 1 through October 31 season. Night closure and anti-snagging rule. Selective gear rules. Trout: Minimum size fourteen inches.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout.

Channel Creek (Skagit County) (Baker River tributary): First Saturday in June through September 15 season.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): The first Saturday in June through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: From mouth to Fuller Bridge: Open September 16 through January 31. September 16 through October 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum and Chinook. November 1 through January 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho. From ~~((mouth))~~ Fuller Bridge to Porter Bridge: Open September

16 through January 31. September 16 through ~~((October 15))~~ November 30, daily limit 6 fish, of which no more than 2 may be adult salmon ~~((, and of the 2 adult salmon, only 1 may be a wild adult coho))~~. Release chum and ~~((adult))~~ Chinook. ~~((October 16))~~ December 1 through January 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho ~~((, and adult Chinook))~~. From Porter Bridge to high bridge on Weyerhaeuser 1000 line: Open ~~((October 1))~~ September 16 through January 31. ~~((October 1))~~ September 16 through ~~((October 15))~~ November 30, daily limit 6 fish, of which no more than 2 may be adult salmon ~~((, and of the 2 adult salmon, only 1 may be a wild adult coho))~~. Release chum and ~~((adult))~~ Chinook. ~~((October 16))~~ December 1 through January 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho ~~((, and adult Chinook))~~. Sturgeon: Open year-round, and no night closure from mouth to high bridge on Weyerhaeuser 1000 line.

From the High Bridge on Weyerhaeuser 1000 line, upstream, including all forks and tributaries: The first Saturday in June through April 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish, except up to two hatchery steelhead may be retained per day.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort School: The first Saturday in June through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit 5. Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit 10, no minimum length. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All game fish: Release all fish except lake trout. Salmon and lake trout: Open year-round: Salmon daily limit 1, minimum length 15 inches.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: August 1 through September 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release wild cutthroat.

Chelan River (Chelan County): From the railroad bridge to the Chelan P.U.D. safety barrier below the power house: May 15 through August 31 season. Anti-snagging rule. Trout: Release all trout.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: The first Saturday in June through August 15 season. Selective gear rules. Unlawful to

fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters the first Saturday in June through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Whitefish gear rules apply.

Chikamin Creek (Chelan County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Chiliwack River (Whatcom County) including all tributaries and their tributaries: First Saturday in June through October 31 season.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: The first Saturday in June through August 31 season. Selective gear rules and release all fish.

From Ness's Corner Road to headwaters: First Saturday in June through October 31 season. Selective gear rules and release all fish.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Church Creek (Mason County) upstream of bridge on U.S. Forest Service Road #2361: First Saturday in June through October 31 season.

Cispus River (Lewis County), from mouth to North Fork: Trout: Release all cutthroat. Additional season November 1 through the Friday before the first Saturday in June. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Salmon: Open year around. Salmon minimum size 8 inches. January 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild coho and wild Chinook. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release wild coho.

Cispus River, North Fork (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): The first Saturday in June through October 31 season. Selective gear rules and release all fish. Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Clear Creek (Chelan County): Closed waters.

Clear Creek (Snohomish County) (Sauk River tributary): From Asbestos Creek Falls to source: First Saturday in June through October 31 season.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Clearwater River (Jefferson County):

From mouth to Snahapish River: The first Saturday in June through April 15 season. Trout: Minimum length fourteen inches. February 16 through April 15, one wild steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Clearwater River (Pierce County): July 1 through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Year-round season. Unlawful to fish from a floating device equipped with an internal combustion motor. Selective gear rules, except December 1 through March 31 bait and one single point barbed hook three-sixteenths or smaller point to shank may be used. Trout: Release all trout. Above Cle Elum Lake to outlet of Hyas Lake except Tucquala Lake: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clover Creek (Pierce County) upstream of Steilacoom Lake, including all tributaries: July 2 through October 31 season.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: The first Saturday in June through August 31 and November 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Coal Creek (tributary of Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

From Highway I-90 upstream. First Saturday in June through October 31 season.

Coffee Pot Lake (Lincoln County): March 1 through September 30 season. Selective gear rules. Trout: Daily limit one, minimum length eighteen inches. Crappie: Daily limit ten, minimum length nine inches.

Coldwater Lake (Cowlitz County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Collins Lake (Mason County): Last Saturday in April through October 31 season.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with Rocky Coulee Wasteway: April 1 through September 30 season. Juveniles and holders of reduced fee licenses or designated harvester cards only. Trout: No minimum size, daily limit three.

Columbia Park Pond (Benton County): Juveniles and holders of reduced fee licenses or designated harvester cards only. All species: Daily limit of five fish combined.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Below McNary Dam: Daily limit five fish, bass 12 to 17 inches in length may be retained. Up to but not more than three of the daily limit may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Whitefish: Daily limit 15 fish. All other game fish: No daily limit, except release all grass carp. Effective January 1, 2011: Salmon and steelhead - barbless hooks required from mouth to McNary Dam.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to

fish on the Washington shore, or in the sloughs or tributaries in Washington except Camas Slough, where the license of either state is valid when fishing from a floating device.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10, upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank: Trout: Release all trout except hatchery steelhead. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during both Area 1 and Buoy 10 salmon season openings, (barbed hooks allowed through December 31, 2010) and the daily limit is the more liberal if both areas are open. Salmon and steelhead: Open only ~~((August 1))~~ June 16 through March 31. June 16 through July 31, daily limit 6 fish, of which no more than 2 may be adult hatchery Chinook or hatchery steelhead, or one of each. Release all salmon other than hatchery Chinook. Closed to fishing for salmon and steelhead from Buoy 10 to the Megler-Astoria Bridge. August 1 through August 31, daily limit 2 salmon or 2 hatchery steelhead or one of each; only 1 may be a Chinook. Release all salmon except Chinook and hatchery coho. Chinook minimum length 24 inches. Coho minimum length 16 inches. September 1 through September 30, daily limit ~~((3))~~ 2 hatchery coho ~~((and))~~ or 2 hatchery steelhead ~~((combined, of which no more than 2 may be hatchery steelhead))~~ or one of each. Release all salmon other than hatchery coho. Coho minimum length 16 inches. October 1 through December 31, daily limit 6 fish, of which no more than ~~((3))~~ 2 may be ~~((a combination of))~~ adult hatchery coho or hatchery steelhead, ~~((and of these 3, only 2 may be hatchery steelhead))~~ or one of each. Release all salmon except hatchery coho. January 1 through March 31, daily limit 6 fish, of which no more than 2 may be adult hatchery Chinook salmon or hatchery steelhead or one of each. Release all salmon except hatchery Chinook. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings, (barbed hooks allowed through December 31, 2010) and the daily limit is the more liberal if both areas are open. Sturgeon: Release sturgeon May 1 through May 8, June 29 through July 1, and July 6 through December 31. Minimum size when open to retain sturgeon is 38 inches fork length January 1 through April 30, and 41 inches fork length May 9 through July 5. Bottomfish: Daily limits, seasons, size restrictions and gear restrictions are the same as those in the adjacent portion of Marine Area 1.

From a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank, upstream to the I-5 Bridge: Trout: Release all trout except hatchery steelhead and hatchery cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon and steelhead: Open only May 16 through March 31. May 16 through July 31, daily limit 6 fish, of which no more than 2 may be adult ~~((salmon))~~ hatchery Chinook or hatchery steel-

head or one of each. Release all salmon except ~~((jack))~~ hatchery Chinook ~~((and sockeye, except adult Chinook may be retained June 22 through July 5)).~~ May 16 through June 15, release adult Chinook. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each; of the adult salmon, only 1 may be a Chinook. Release all salmon except Chinook and hatchery coho. September ~~((13))~~ 12 through December 31, release Chinook downstream of a line projected from the Warrior Rock Lighthouse, through Red Buoy #4, to the orange marker atop the dolphin on the Washington shore. January 1 through March 31, daily limit 6 fish, of which no more than 2 may be adult hatchery Chinook or hatchery steelhead or one of each. Release all salmon except hatchery Chinook. (1) Release sturgeon May 1 through May 8, June 29 through July 1, and July 6 through December 31 downstream from the Wauna powerlines. Minimum size when open to retain sturgeon is 38 inches fork length January 1 through April 30, and 41 inches fork length May 9 through July 5; (2) I-5 Bridge downstream to Wauna powerlines, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from January 1 through July 31, and October 1 through December 31. Release sturgeon on other days and during other time periods.

From the I-5 Bridge to the Highway 395 Bridge at Pasco: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder, and closed to fishing from a floating device or fishing by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. August 1 through October 15: Salmon and steelhead: Anti-snagging rule from Bonneville Dam to McNary Dam and ~~((all species=))~~ night closure from Bonneville Dam to The Dalles Dam. Trout: Release all trout except hatchery steelhead. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Snake River Confluence Protection Area: From the first powerline crossing the Columbia upstream of Sacajawea State Park to the railroad bridge between Burbank and Kennewick: All species: Daily limits, seasons, size restrictions and gear restrictions are the same as those in the adjacent portion of the Snake River. Sturgeon: (1) Sturgeon fishing is closed from Bonneville Dam to a line from a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island (the Cascade Island - Bradford Island line). (2) It is unlawful to fish for sturgeon from May 1 through July 31 from Cas-

cade Island - Bradford Island line downstream to a line from navigation marker 85 on the Washington shore at a right angle to the thread of the river to the Oregon shore, from 400 feet below McNary Dam to the Highway 82 Bridge and from John Day Dam downstream to a line crossing the Columbia at a right angle to the thread of the river from the west end of the grain silo at Rufus, Oregon. (3) Cascade Island - Bradford Island line downstream to I-5 Bridge, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from January 1 through July 31 and October 1 through December 31, except for May 1 - July 31 closure downstream to the navigation marker 85 line. Release sturgeon on other days and during other time periods. (4) Release sturgeon August 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. (5) From the Hamilton Island boat launch (USACE boat restricted zone boundary) to Bonneville Dam, anglers must stop fishing for sturgeon once a daily limit has been retained. (6) Release sturgeon from August 1 through January 31 from McNary Dam to Priest Rapids Dam. Closed to fishing for sturgeon from May 1 through July 31 from the trolley cableway 2.5 miles downstream from Priest Rapids Dam to Priest Rapids Dam. Salmon and steelhead: From I-5 Bridge to Bonneville Dam: Open June 16 through December 31 except salmon closed November 1 through December 31 from Beacon Rock to Bonneville Dam. June 16 through July 31, daily limit 6 fish, of which no more than 2 may be adult (~~(salmon)~~) hatchery Chinook or hatchery steelhead or one of each. Release all salmon except (~~jack~~) hatchery Chinook (~~(and sockeye, except adult Chinook may be retained June 22 through July 5)~~). August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each; of the adult salmon, only 1 may be a Chinook. Release all salmon except Chinook and hatchery coho. Steelhead: Additional season January 1 through March 31. Daily limit 2. From Bonneville Dam to (~~McNary Dam~~) Highway 395 Bridge at Pasco: Open June 16 through December 31. June 16 through July 31, daily limit 6 fish, of which no more than 2 may be adult (~~(salmon)~~) hatchery Chinook or hatchery steelhead or one of each. Release all salmon except (~~jack~~) hatchery Chinook (~~(and sockeye, except adult Chinook may be retained July 1 through July 31)~~). August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each. Release all salmon except Chinook and coho. Release wild coho from Bonneville Dam to Hood River Bridge. Steelhead: Additional season January 1 through March 31. Daily limit 2. (~~From McNary Dam to the Highway 395 Bridge at Pasco: Open only June 16 through December 31. June 16 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each. Release all salmon except jack Chinook and sockeye, except adult Chinook may be retained July 1 through July 31. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each. Release all salmon except Chinook and coho. Steelhead: Additional season January 1 through March 31. Daily limit 2.~~)

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec.

30, T13N, R28E except Ringold Area Bank Fishery waters: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout, except up to two hatchery steelhead having both adipose and ventral fin clips may be retained per day, October 1 through October 31. Release all trout, except up to two hatchery steelhead may be retained per day, November 1 through March 31. Salmon: Open (~~(only July 1 through October 22)~~) June 16 through July 31. Daily limit 6 fish, of which no more than 2 may be adult (~~(salmon. Release sockeye.)~~) hatchery Chinook. Release all salmon other than hatchery Chinook. Open August 1 through October 22. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release sockeye. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Ringold Area Bank Fishery waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet, to WDFW markers 1/2 mile upstream from Spring Creek): Open only April 1 through April 15, except closed for salmon fishing. Fishing allowed only from the bank and only on the hatchery side of the river. Trout: Release all trout, except hatchery steelhead. Salmon: Open only May 1 through (~~May 31~~) June 30. Fishing allowed only from the bank and only on the hatchery side of the river. Daily limit two hatchery Chinook. Night closure (~~(and anti-snagging rule)~~).

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): February 1 through October 22 season. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open (~~(only July 1 through October 22)~~) June 16 through July 31. Daily limit 6 fish of which no more than 2 fish may be adult (~~(salmon)~~) hatchery Chinook. Release (~~(sockeye)~~) all salmon except hatchery Chinook. Open August 1 through October 22. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release sockeye.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open (~~(only July 1 through October 22)~~) June 16 through July 31. Daily limit 6 fish of which no more than 2 may be adult hatchery salmon. Release all salmon except hatchery Chinook. Open August 1 through October 22. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release sockeye.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet

downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. All species: Anti-snagging rule and night closure from Rocky Reach Dam to the most upriver edge of Turtle Rock. Salmon: ~~((Daily limit 6 fish, of which no more than 2 may be adult salmon. Release coho and sockeye. From Priest Rapids Dam to Wells Dam, open only July 1 through October 15. From Wells Dam to Chief Joseph Dam, open only July 1 through July 15 and September 1 through October 15 from Highway 173 Bridge at Brewster to Highway 17 Bridge at Bridgeport, and July 16 through August 31 from Wells Dam to Highway 17 Bridge at Bridgeport.))~~ From Priest Rapids Dam to Wanapum Dam, open July 1 through October 22. July 1 through August 31, daily limit 6 fish, of which no more than 3 may be adult salmon, and of the 3 adult salmon, only 1 may be a wild adult salmon. Release coho and sockeye. September 1 through October 22, daily limit 6 fish, of which no more than 2 may be adult salmon. Release coho and sockeye. From Wanapum Dam to Wells Dam, open July 1 through October 15. Daily limit 6 fish, of which no more than 3 may be adult salmon, and of the 3 adult salmon, only 1 may be a wild adult salmon. Release coho and sockeye. From Wells Dam to Highway 173 Bridge at Brewster: Open July 16 through August 31. Daily limit 6 fish, of which no more than 3 may be adult salmon, and of the 3 adult salmon, only 1 may be a wild adult salmon. Release coho and sockeye. From Highway 173 Bridge at Brewster to Highway 17 Bridge at Bridgeport: Open July 1 through October 15. Daily limit 6 fish, of which no more than 3 may be adult salmon, and of the 3 adult salmon, only 1 may be a wild adult salmon. Release coho and sockeye. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: Daily limit 8 fish. No minimum size. Not more than one walleye greater than 22 inches may be retained. Sturgeon: Unlawful to fish for or retain sturgeon.

From bridge at Valley upstream and tributaries: Saturday before Memorial Day through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Coot Lake (Grant County): April 1 through September 30 season.

Copalis River (Grays Harbor County): The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and adult Chinook.

Corral Canyon Creek (Benton County): Selective gear rules.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cottonwood Creek (Walla Walla County): Closed waters.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): The first Saturday in June through August 31 season.

Cougar Lake (Pasayten Wilderness) (Okanogan County): All species: Selective gear rules.

Cougar Lake (near Winthrop) (Okanogan County): April 1 through August 31 - all species: Release all fish.

Coulter Creek (Kitsap/Mason counties): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

County Line Ponds (Skagit County): Closed waters.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: The first Saturday in June through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. From Mulholland Creek upstream: The first Saturday in June through August 31 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cowiche Creek (Yakima County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus

arms. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Release rainbow trout except rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: Open only June 1 through last day in February. January 1 through last day in February and June 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild coho and wild Chinook. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release wild coho.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Closed waters: (1) From 400 feet or posted markers below Cowlitz salmon hatchery barrier dam to boundary markers near the Cowlitz salmon hatchery water intake approximately 1,700 feet upstream of the Cowlitz salmon hatchery barrier dam. (2) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam. (3) Within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure except anglers who permanently use a wheelchair may fish within posted markers when adjacent waters are open. Year-round season except closed to fishing from south bank May 1 through June 15 from Mill Creek to the Cowlitz salmon hatchery barrier dam. Lawful to fish up to four hundred feet or the posted deadline at the Cowlitz salmon hatchery barrier dam. Lawful to fish up to Tacoma Power safety signs at Onion Rock below Mossyrock Dam. Lawful to fish up to Lewis County P.U.D. safety signs below Cowlitz Falls Dam. From the Cowlitz salmon hatchery barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. Anti-snagging rule and night closure April 1 through October 31 from mouth of Mill Creek to the Cowlitz salmon hatchery barrier dam. All game fish: Release all fish except steelhead April 1 through ~~((May 31))~~ the Friday before the first Saturday in June. Trout: ~~((Daily))~~ The first Saturday in June through March 31, daily limit five, minimum length twelve inches, no more than two over twenty inches((-Release)), except release wild cutthroat. ~~((Release all steelhead missing right ventral fin.))~~ Salmon: Open year-round. January 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release all salmon except hatchery Chinook and hatchery coho. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release all salmon except hatchery coho and hatchery Chinook. ~~((Release wild jack Chinook.))~~ Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

From posted PUD sign on Peters Road to mouth of Ohanepecosh River and mouth of Muddy Fork: Trout: Release cutthroat. Additional November 1 through Friday before the first Saturday in June season. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Salmon: Open year-round from upstream boundary of Lake Scanewa. Salmon minimum size 12 inches. January 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild coho and wild Chinook. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release wild coho.

Cowlitz River, Clear and Muddy Forks (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release cutthroat.

Coyote Creek and Ponds (Adams County): April 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: April 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln/Grant counties) and tributaries: Year-round season. In those waters from Grant County Road 7 to the fountain buoy and shoreline markers or 150 feet downstream of the Alder Street fill March 1 through May 31 terminal gear restricted to one single hook measuring 3/4 inch or less point to shank. Year-round: Daily limits and size limits same as Moses Lake. From Moses Lake downstream to the confluence of the outlet streams March 1 through May 31 terminal gear restricted to one single-point hook measuring 3/4 inch or less point to shank. Year-round: Daily limits and size limits same as Potholes Reservoir.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Dakota Creek (Whatcom County): First Saturday in June through October 31 season. Selective gear rules. Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Dalton Lake (Franklin County): Trout: No more than two over 13 inches in length may be retained.

Damon Lake (Grays Harbor County): The first Saturday in June through October 31 season.

Dan's Creek (Snohomish County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles, anglers with reduced-fee licenses or designated harvesters only. Trout: No more than 2 trout over 13 inches in length may be retained.

Deadman Lake (Adams County): April 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Land-locked salmon rules apply.

Deep Creek (Clallam County): December 1 through last day in February season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained per day.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Deep River (Wahkiakum County): Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round only from mouth to town bridge. January 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild Chinook and wild coho. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult Chinook. Release chum and wild coho. Sturgeon:

Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

Deer Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): March 1 through October 31 season. Trout: No more than two over thirty inches in length may be retained.

De Roux Creek (Kittitas County): Mouth to the USFS Trail #1392 (De Roux Cr. Trail) stream crossing (approximately one river mile): Closed waters. Upstream of USFS Trail #1392 stream crossing: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Deschutes River (Thurston County): From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park: The first Saturday in June through October 15 season. Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through October 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout. Salmon: Open only July 1 through October 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): First Saturday in June through ~~August 15 and October 1~~ through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Night closure (~~September 16~~) October 1 through October 31 from mouth to Dewatto-Holly Road Bridge. Game fish: Release all fish. Salmon: Open only (~~September 16~~) October 1 through October 31 mouth to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (Clallam County): The first Saturday in June through April 30 season in mainstem Dickey outside Olympic National Park and East Fork Dickey upstream to D5200 road and the first Saturday in June through March 15 in East Fork Dickey upstream from D5200 road and West Fork Dickey. Trout: Minimum length fourteen inches. February 16 through April 30, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey. July 1 through August 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult salmon, and of the 4 adult salmon, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon.

Dillacort Creek (Klickitat County): Trout: Release all trout.

Diobsud Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Dog Lake (Yakima County): Trout: Daily limit may contain no more than 1 fish over 14 inches in length.

Dogfish Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Donovan Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: The first Saturday in June through August 31 season mouth to park boundary and November 1 through December 15 season mouth to Highway 101 Bridge. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June through August 31. All species: Release all fish except salmon may be retained November 1 through December 15. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downey Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Downs Lake (Lincoln/Spokane counties): March 1 through September 30 season. Crappie: Daily limit ten, minimum length nine inches.

Dry Creek (Walla Walla County): Upstream from the middle Waitsburg Road: Closed waters.

Dry Falls Lake (Grant County): April 1 through November 30 season. Selective gear rules. Unlawful to fish from a float-

ing device equipped with an internal combustion motor. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Crappie: Daily limit ten, minimum length nine inches.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: The first Saturday in June through August 31 season mouth to park boundary and November 1 through December 15 season mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June through August 31. All species: Release all fish except salmon may be retained November 1 through December 15. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dune Lake (Grant County): All species: Selective gear rules. Trout: Daily limit 1.

Dungeness River (Clallam County):

From mouth to forks at Dungeness Campground: October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 4 coho salmon.

From junction of Gold Creek upstream to headwaters: First Saturday in June through October 31 season.

Dusty Lake (Grant County): March 1 through November 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one fish.

Dyes Inlet (Kitsap County) - all streams: First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Eaton Creek (Thurston County) (Lake St. Clair tributary): First Saturday in June through October 31 season. Selective gear rules.

Early Winters Creek (Okanogan County): Closed waters.

East Little Walla Walla River (Walla Walla County): Closed waters.

East Twin River (Clallam County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through October 31 season.

Eglon Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: The first Saturday in June through last day in February season. Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from Highway 105 Bridge to the confluence of the East and Middle Branches. ~~((October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the 2 adult fish, only 1 may be an adult wild coho. Release adult Chinook, and chum. October 16 through November 30,))~~ Daily limit ~~((6))~~ 2 fish ~~((, of which no more than 2 may be adult salmon))~~. Release chum, Chinook, and wild coho ~~((, and adult Chinook))~~.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season. All species: Catch and release except up to five rainbow trout may be retained.

Elliot Creek (Snohomish County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: The first Saturday in June through March 15 season. Anti-snagging rule ~~((and))~~, night closure ~~((September 1 through October 31,))~~, and stationary gear restriction ~~((September))~~ August 1 through October 31. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only from the first Saturday in June through December 31. First Saturday in June through July 31, daily limit 6 hatchery Chinook, of which no more than 2 may be adults. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release chum, wild coho, and wild Chinook.

Eloika Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Elwha River (Clallam County): From mouth to two hundred feet below the south spillway on the Aldwell Dam: October 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to Olympic National Park boundary, including all tributaries: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout except Eastern brook trout: Minimum length twelve inches. Eastern brook trout: No minimum size.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Whitefish gear rules apply. Above Entiat Falls: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit 5 trout, not more than one of which may be greater than 12 inches in length. Eastern brook trout not included in trout daily limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Ephrata Lake (Grant County): Closed waters.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Evans Creek (Pierce County) (Carbon River tributary) from Carbon River-Fairfax Road upstream: First Saturday in June through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season. Trout: No more than two over 15 inches in length may be retained per day.

Falls Creek (Snohomish County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained. Perch: Daily limit 25.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County): Mouth to I-5 Bridge: First Saturday in June through October 31 season. Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: First Saturday in June through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Fiske Creek (Pierce County) (Puyallup River tributary) upstream from Fiske Road: First Saturday in June through October 31 season.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Found Creek (Skagit County) (Cascade River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Fox Creek (Pierce County) (Puyallup River tributary) upstream from Fiske Road: First Saturday in June through October 31 season.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Friday Creek (Whatcom County) (Samish River tributary): First Saturday in June through October 31 season. Selective gear rules.

Fulton Creek (Mason County) from mouth to falls at river mile 0.8: First Saturday in June through October 31 season. Selective gear rules and release all fish.

From falls at river mile 0.8 upstream: First Saturday in June through October 31 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Gale Creek (Pierce County) (South Prairie Creek tributary) upstream of confluence with Wilkeson Creek: First Saturday in June through October 31 season.

Gamble Creek (Kitsap County): First Saturday in June through October 31 season: Selective gear rules and release all fish.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): The first Saturday in June through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Gibbs Lake (Jefferson County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Pond, North (Snohomish County): Juveniles only.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): The first Saturday in June through March 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Golf Course Pond (Asotin County): Trout: No more than 2 trout over 13 inches in length may be retained.

Goodell Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Goodman Creek (Jefferson County) outside Olympic National Park: The first Saturday in June through last day in February season. Trout, minimum length fourteen inches.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of reduced fee licenses or designated harvester cards only.

Goose Lake, Lower (Adams County): Crappie: Daily limit ten, minimum length nine inches. Bluegill: Not more than five over six inches in length.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grade Creek (Snohomish County) (Suittle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches. Channel catfish: No daily limit mouth to Oregon state line.

From County Road Bridge upstream to Oregon state line and all tributaries: Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June through August 31 and barbless hooks required September 1 through October 31. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From bridge at river mile 1.0 upstream: First Saturday in June through October 31 season. All species: Selective gear rules and release all fish. Unlawful to fish from a floating device equipped with an internal combustion motor.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: First Saturday in June through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: First Saturday in June through October 15 and December 1 through March 15 season. Anti-snagging rule, night closure and stationary gear restriction (~~September~~) August 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: (~~Open only from first Saturday in June through October 15 from mouth~~) From mouth to Highway 4 Bridge: Open first Saturday in June through October 15 and November 15 through December 31. First Saturday in June through July 31, daily limit 6 hatchery Chinook, of which no more than 2 may be adults. August 1 through October 15 and November 15 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release chum,

wild coho, and unmarked Chinook. Unmarked Chinook are Chinook without either a clipped ventral fin or a clipped adipose fin. From Highway 4 Bridge to South Fork(-): Open first Saturday in June through October 15 and December 1 through December 31. First Saturday in June through July 31, daily limit 6 hatchery Chinook, of which no more than 2 may be adults. August 1 through October 15 and December 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release chum, wild coho and unmarked Chinook. Unmarked Chinook are Chinook without either a clipped ventral fin or a clipped adipose fin.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake/footbridge: The first Saturday in June - October 15 season. (~~All species: Release all fish except up to two hatchery steelhead may be retained per day. Trout: August 1 through October 15: Anti-snagging rule, night closure and stationary gear restriction.~~) Additional December 1 through March 15 season downstream from hatchery intake footbridge. Release all fish other than hatchery steelhead. Salmon: Open only from first Saturday in June through October 15 and December 1 through December 31. (~~September 1 through October 15: Anti-snagging rule, night closure and stationary gear restriction-~~) First Saturday in June through July 31, daily limit 6 hatchery Chinook, of which no more than 2 may be adults. August 1 through October 15 and December 1 through December 31, daily limit 6 fish of which not more than 2 may be adult Chinook. Release chum, wild coho and unmarked Chinook. Unmarked Chinook are Chinook without either a clipped ventral fin or a clipped adipose fin.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules, and unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: The first Saturday in June through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet or posted signs above and below the salmon hatchery rack when the rack is installed in the river. Anti-snagging rule and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All species: When anti-snagging rule in effect, only fish hooked inside the mouth may be retained. Trout: Release all trout except hatchery steelhead. Salmon: Open August 1 through November 30. Daily limit 6 fish, of which not more than 2 may be adult Chinook. Release chum, wild

coho, and wild ((jack)) Chinook ((October 1 through November 30, release adult Chinook)).

From 2800 Bridge to Miner's Creek: Closed waters.

From Miner's Creek upstream: All species: Catch and release and selective gear rules.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to Tukwila International Boulevard/Old Highway 99: The first Saturday in June through July 31 and September 1 through February 15 season. In years ending in odd numbers, additional season August 22 through August 31((;)) with the following restrictions: Night closure, bait prohibited, only 1 single-point hook may be used, and hook must measure less than 1/2 inch from point to shank. Anti-snagging rule and night closure September 16 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. Salmon: In years ending in odd numbers, open August 22 through December 31. Daily limit 6 salmon, no more than 3 may be any combination of adult coho and adult chum. Release Chinook. In years ending in even numbers, open September 1 through December 31. Daily limit 6 salmon, no more than 3 may be adult salmon. Release Chinook.

From Tukwila International Boulevard/Old Highway 99 to the Interstate 405 Bridge: The first Saturday in June through July 31 and September 1 through February 15 season. Anti-snagging rule and night closure September 1 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. In years ending in odd numbers, daily limit 6 salmon, no more than 3 may be any combination of adult coho and adult chum, ((and only 1 may be a)) release Chinook. In years ending in even numbers, daily limit 6 salmon, no more than 3 may be adult salmon, and only 1 may be a Chinook.

From the Interstate 405 Bridge to South 277th Street Bridge in Auburn: Open only the first Saturday in June through July 31 and October 1 through February 15. In years ending in odd numbers, additional season September 1 through September 30((;)) with the following restrictions: Night closure, bait prohibited, only 1 single-point hook may be used, and hook must measure less than 1/2 inch from point to shank. Anti-snagging rule and night closure October 1 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. Salmon: In years ending in odd numbers, open September 1 through December 31. Daily limit 6 salmon, no more than 3 may be any combination of adult coho and adult chum. Release Chinook. In years ending in even numbers, open October 1 through December 31. Daily limit 6 salmon, no more than 3 may be adult salmon. Release Chinook.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: Open only the first Saturday in June through August 15 and October 16 through last day in February. In years ending in odd numbers, additional season September 16 through October 15((;)) with the following restrictions: Night closure, bait prohibited, only 1 single-point hook may be used, and hook must measure less than 1/2 inch from point

to shank. Anti-snagging rule and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through last day in February. Trout, minimum length fourteen inches. Salmon: In years ending in odd numbers, open September 16 through December 31. Daily limit 6 salmon, no more than 3 may be any combination of adult coho and adult chum. Release Chinook. In years ending in even numbers, open October 16 through December 31. Daily limit 6 salmon, no more than 3 may be adult salmon. Release Chinook.

From the Auburn-Black Diamond Road Bridge to the water pipeline walk bridge (1/2 mile downstream of Tacoma Headworks Dam): The first Saturday in June through last day in February season. Anti-snagging rule and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. Salmon: Open only November 1 through December 31. In years ending in odd numbers, daily limit 6 salmon, no more than 3 may be any combination of adult coho and adult chum. Release Chinook. In years ending in even numbers, daily limit 6 salmon, no more than 3 may be adult salmon. Release Chinook.

From Friday Creek upstream, including all tributaries and their tributaries: First Saturday in June through October 31 season.

Greenwater River (King County), from mouth to Greenwater Lakes: November 1 through January 31 season. Release all fish except whitefish. Whitefish gear rules.

From Greenwater Lakes upstream: First Saturday in June through October 31 season.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Groves Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Halfmoon Lake (Adams County): April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hamilton Creek (Skamania County): Trout: Release all fish except up to two hatchery steelhead may be retained per day. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: The first Saturday in June through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

From falls upstream: First Saturday in June through October 31 season.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): Last Saturday in April through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Hansen Creek (Skagit County) including all tributaries and their tributaries: First Saturday in June through October 31 season. Selective gear rules.

Harris Lake (Grant County): All species: Selective gear rules. Trout: Daily limit 1.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Hatch Lake (Stevens County): December 1 through March 31 season. All species: Catch and release except up to five rainbow trout may be retained.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Haven Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): April 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of reduced fee licenses or designated harvester cards only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Hilt Creek (Skagit County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Hog Canyon Creek (Spokane County): Hog Canyon Dam to Scroggie Road: Year-round season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), outside of Olympic National Park:

From Olympic National Park boundary upstream to DNR Oxbow Campground Boat Launch: May 16 through April 15 season. May 16 through the Friday before the first Saturday in June, open Wednesday through Sunday only each week, and catch and release, except up to two hatchery steelhead may be retained on open days. First Saturday in June through April 15, trout: Minimum length fourteen inches. November 1 through February 15, daily limit may include 1 additional hatchery steelhead. February 16 through April 15, one wild steelhead per day may be retained. Salmon: Open May 16 through August 31, Wednesday through Sunday only each week, daily limit 6 fish of which no more than 1 may be an adult salmon, and release wild Chinook. Open September 1 through November 30, daily limit 6 fish of which no more than 2 may be adult salmon.

From DNR Oxbow Campground Boat Launch to Willoughby Creek: May 16 through April 15 season. Selective gear rules August 1 through October 15 and December 1 through April 15, and unlawful to fish from a floating device equipped with an internal combustion motor. Release all game fish except up to two hatchery steelhead may be retained. May 16 through the Friday before the first Saturday in June, open Wednesday through Sunday only each week. Salmon: Open May 16 through August 31, Wednesday through Sunday only each week, daily limit 6 fish of which no more than 1 may be an adult salmon, and release wild Chinook. Open October 16 through November 30, daily limit 6 fish of which no more than 2 may be adult salmon.

From Willoughby Creek to Morgan's Crossing boat launch site: First Saturday in June through April 15 season. Selective gear rules August 1 through October 15 and December 1 through April 15, and unlawful to fish from a floating device equipped with an internal combustion motor. Release all game fish except up to two hatchery steelhead may be retained. Salmon: Open October 16 through November 30, daily limit 6 fish of which no more than 2 may be adult salmon.

From Morgan's Crossing boat launch site upstream to Olympic National Park boundary below mouth of South Fork Hoh River: First Saturday in June through April 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Release all fish except up to two hatchery steelhead may be retained.

Hoh River South Fork (Jefferson County), outside Olympic National Park: The first Saturday in June through April 15 season. Selective gear rules. Unlawful to fish from a floating

device equipped with an internal combustion motor. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): From mouth to upper Hoko Bridge: First Saturday in June through March 15 season. Fly fishing only September 1 through October 31. Trout: Minimum length fourteen inches.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): The first Saturday in June through March 31 season. Fly fishing only. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Homestead Lake (Grant County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): The first Saturday in June through last day of February season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to mouth of Berryman Creek. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho(~~and adult Chinook~~).

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howe Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Howell Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County): From mouth to Ocean Beach Road: The first Saturday in June through March 31 season, except closed September 1 through September 30. Night closure and single-point barbless hooks required August 16 through August 31 and October 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open October 1 through January 31. Daily limit of 6 salmon, of which no more than two may be adult salmon, and of the 2 adult salmon, only one may be ~~((an adult))~~ a Chinook. Release chum and wild coho. From Ocean Beach Road to Highway 101: The first Saturday in June through March 31 season, except closed September 1 through September 15. Night closure and single-point barbless hooks required August 16 through August 31 and September 16 through November 30. All species: Bait prohibited September 16 through September 30. Trout: Minimum length fourteen inches. Salmon: Open September 16 through January 31. Daily limit of 6 salmon, of which no more than two may be adult salmon, and of the 2 adult salmon, only one may be ~~((an adult))~~ a Chinook. Release chum and wild coho. From Highway 101 Bridge to the confluence of the East and West forks: The first Saturday in June through last day in February season. Night closure and single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Additional season March 1 through March 31 ~~((-))~~ with the following restrictions: Selective gear rules ~~((-))~~ and unlawful to fish from a floating device equipped with an internal combustion motor. ((All species)) March 1 through March 31, game fish: Release all fish except up to two hatchery steelhead may be retained. Salmon: Open September 16 through January 31. Daily limit of 6 salmon, of which no more than two may be adult salmon, and of the 2 adult salmon, only one may be a Chinook. Release chum and wild coho. Bait prohibited September 16 through September 30.

Humptulips River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Gridale: Anti-snagging rule and night closure August 16 through October 31. Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County), from mouth to Donkey Creek: The first Saturday in June through last day in February season. Anti-snagging rule and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Additional season March 1 through March 31. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead may be retained.

Hutchinson Creek (Whatcom County) (SF Nooksack tributary): First Saturday in June through October 31 season. All species: Selective gear rules. Trout: Minimum size fourteen inches.

Hutchinson Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion motors prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: First Saturday in June through September 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Illabot Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

Illahhee Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Indian Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Indian Creek (Yakima County): From mouth to waterfall approximately six miles upstream (including the portion of the creek that flows through the dry lakebed): Closed waters. Upstream of waterfall: Eastern brook trout do not count as part of trout daily limit. Eastern brook trout: No minimum size and no daily limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Isabella Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Island Lake (Kitsap County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Island Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Issaquah Creek (King County): The first Saturday in June through August 31 season. Juveniles only.

Jackman Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

Jackson Lake (Pierce County): Last Saturday in April through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Creek (Mason County): First Saturday in June through October 31 season.

Jefferson Park Pond (Walla Walla County): Juveniles only. Trout: No more than 2 trout over 13 inches in length may be retained.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County) mouth to confluence with East Fork: The first Saturday in June through August 31 season. Selective gear rules and release all fish.

From confluence with East Fork upstream, including East Fork: First Saturday in June through October 31 season.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: The first Saturday in June through November 30 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release adult Chinook, and chum.

Johns Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Johns River (Grays Harbor County): Mouth to Ballon Creek: The first Saturday in June through last day in February season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30. ~~((October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the 2 adult salmon, only 1 may be an adult wild coho. Release chum and adult Chinook. October 16 through November 30.))~~ Daily limit ~~((6))~~ 2 fish ~~((5 of which no more than 2 may be adult salmon))~~. Release chum, ~~Chinook, and wild coho~~ ~~((, and adult Chinook))~~.

Ballon Creek upstream, including North and South Forks: The first Saturday in June through September 30 and December 1 through last day in February season. Trout: Minimum length 14 inches.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: First Saturday in June through October 31 season. Juveniles only.

Jones Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

Jordan Creek (Skagit County) (Cascade River tributary): First Saturday in June through October 31 season. Selective gear rules.

Jorsted Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. From Kachess Lake (Reservoir) upstream to waterfall approximately one-half mile above Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: Closed waters: Those waters within the section posted as the Olympic National Park water supply the first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches.

Kalama River (Cowlitz County): ~~((Release wild cutthroat.))~~

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year-round season except during the period the temporary fish rack is installed. Waters from Modrow Bridge downstream to one thousand five hundred feet below the rack are closed waters when the rack is installed. Anti-snagging rule and night closure April 1 through October 31 from the mouth to the intake at the lower salmon hatchery. Stationary gear restriction September 1 through October 31 from mouth to the natural gas pipeline at Mahaffey's Campground. All species: When anti-snagging rule in effect only fish hooked inside the mouth may be retained. Fishing from a floating device equipped with an internal combustion motor prohibited upstream of Modrow Bridge. September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. All game fish: Release all fish year-round except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31, daily limit 6 hatchery Chinook of which no more than 1 may be an adult salmon. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult Chinook. Release chum, wild Chinook, and wild coho.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year-round season. Fishing from a floating device equipped with a motor prohibited. Selective gear rules. All species: Release all fish.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: The first Saturday in June through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. All species: Release all fish.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Kapowsin Lake (Pierce County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained.

Kelsey Creek (tributary of Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Kendall Creek (Whatcom County) (NF Nooksack tributary) above the hatchery grounds: First Saturday in June through October 31 season. Selective gear rules.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: The first Saturday in June through last day in February season. Selective gear rules. Anti-snagging rule and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

From falls upstream: First Saturday in June through October 31 season. Selective gear rules.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

The Saturday before Memorial Day through October 31 season. All species: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. Whitefish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kindy Creek (Skagit County) (Cascade River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

King's Creek (Pierce County) (Puyallup River tributary): First Saturday in June through October 31 season.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kitsap Lake (Kitsap County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Kiwanis Pond (Kittitas County): Juveniles and holders of reduced fee licenses or designated harvester cards only.

Klaus Lake (King County): Last Saturday in April through October 31 season. Closed waters: The inlet and outlet to first Weyerhaeuser spur.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: April 1 through January 31 season. Anti-snagging rule and night closure (~~(May)~~) April 1 through May 31. Anti-snagging rule August 1 through January 31. Game fish: Closed December 1 through January 31. Release game fish other than hatchery steelhead April 1 through May 31. Trout: Minimum length twelve inches. Steelhead and salmon: Open April 1 through May 31 on Sundays, Mondays, Wednesdays and Saturdays only; daily limit ((+)) 2 hatchery steelhead or ((+)) 2 salmon, or 1 of each. Release wild Chinook. Salmon: Open June 1 through January 31. June 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild Chinook. August 1 through January 31, daily limit 6 fish of which no more than 2 may be adult Chinook.

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Additional December 1 through March 31 season. Whitefish gear rules apply. Salmon: Open only June 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. June 1 through July 31, daily limit 6 salmon. Release adult salmon and release wild Chinook. August 1 through October 31, daily limit 6 fish of which no more than 2 may be adult Chinook. November 1 through November 30, daily limit 6 fish. Release Chinook.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Kokanee Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater may be retained. Salmon: Landlocked salmon rules apply.

Lacamas Creek (Clark County): From mouth to footbridge at lower falls: First Saturday in June through August 31 season. From footbridge at lower falls upstream: Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): Trout: Release all trout except up to two hatchery steelhead may be retained per day.

Ladder Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Closed waters.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

Lawrence Lake (Thurston County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

LeBar Creek (Mason County) from the falls at river mile one upstream: First Saturday in June through October 31 season.

Le Clerc Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than one over 14 inches in length.

Leland Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Leland Lake (Jefferson County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Lemna Lake (Grant County): April 1 through September 30 season.

Lena Creek (Mason County): First Saturday in June through October 31 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. Unlawful to fish from a floating

device equipped with an internal combustion motor. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish. Additional season the first Saturday in June through November 30: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31, daily limit six hatchery Chinook of which no more than 1 may be an adult salmon. August 1 through September 30, daily limit 6 hatchery salmon, of which no more than 2 may be adult hatchery Chinook. Release all salmon except hatchery Chinook and hatchery coho. October 1 through December 31, daily limit 6 hatchery coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream including all tributaries above Horseshoe Falls.

Mouth to 400 feet below Horseshoe Falls: The first Saturday in June through March 15 season. Trout: Release all trout except up to two hatchery steelhead per day may be retained. Mouth to top boat ramp at Lewisville Park: Additional April 16 through the Friday before the first Saturday in June season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Release all fish except up to two hatchery steelhead may be retained per day.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year-round season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Anti-snagging rule and night closure April 1 through November 30 from Johnson Creek to Colvin Creek. When anti-snagging rule is in effect, only fish hooked inside the mouth may be retained. October 1 through December 15, fishing from any floating device prohibited from Johnson Creek to Colvin Creek. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31, daily limit 6

hatchery Chinook of which only 1 may be an adult salmon. August 1 through September 30, daily limit 6 hatchery salmon, of which no more than 2 may be adult hatchery Chinook. Release all salmon except hatchery Chinook and hatchery coho. October 1 through December 31, daily limit 6 hatchery coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in waters of mainstem Columbia River adjacent to mouth of Lewis River.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: May 1 through September 30 and December 16 through April 30 season. Anti-snagging rule and night closure April 1 through September 30. When anti-snagging rule is in effect, only fish hooked inside the mouth may be retained. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only January 1 through September 30 and December 16 through December 31. January 1 through July 31, daily limit 6 hatchery Chinook of which only 1 may be an adult salmon. August 1 through September 30, daily limit 6 hatchery salmon, of which no more than 2 may be adult hatchery Chinook. Release all salmon except hatchery Chinook and hatchery coho. December 16 through December 31, daily limit 6 hatchery coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in waters of mainstem Columbia River adjacent to mouth of Lewis River.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal: From the fishing pier to the access road at Swift Dam: Last Saturday in April through October 31 season. Fishing from a floating device prohibited. Trout: No minimum size, daily limit 5.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Liberty Lake (Spokane County): March 1 through October 31 season.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: The first Saturday in June through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

From falls upstream: First Saturday in June through October 31 season.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Lime Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only.

Lions Park Pond (Walla Walla County): Juveniles only. Trout: No more than 2 trout over 13 inches in length may be retained.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): The first Saturday in June through August 31 season. Juveniles only.

Little Hoko River (Clallam County): First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Mission Creek (Mason County) from falls upstream: First Saturday in June through October 31 season. Selective gear rules and release all fish.

Little Naches River (Yakima County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Little Nisqually River (Lewis County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length ten inches.

Little Pend Oreille River (Stevens County) from the Little Pend Oreille wildlife refuge boundary about 1 mile downstream from the refuge headquarters office to Crystal Falls: Saturday before Memorial Day through October 31 season. Selective gear rules, and unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to five Eastern brook trout may be retained.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road: First Saturday in June through October 31 season. All species: Selective gear rules, unlawful to fish from a floating device equipped with an internal combustion motor, and release all fish. Closed waters: Mouth to Highway 101 Bridge September 1 through October 31.

From Little Quilcene River Bridge on Penny Creek Road upstream: First Saturday in June through October 31 season.

Little Scandia Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year-round season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Additional December 1 through March 31 season. Whitefish gear rules apply.

Upstream from bridge at Friderger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery): ~~((May 1 through March 31 season, except for hatchery steelhead and Chinook season in April, and except closed Wednesdays beginning the second Wednesday in April through May 31 and from 6 p.m. Tuesday through 6 p.m. Wednesday, October 1 through October 31.))~~ Night closure March 16 through June 30. The area west of a line projected from the easternmost pillar of the Highway 14 Bridge to a posted marker on the north shore - open only to bank fishing from April 16 through June 30. Anti-snagging rule August 1 through December 31. ~~((March 16 through June 30 daily limit of two fish, of which one or both may be hatchery steelhead or one or both may be Chinook salmon. Release wild Chinook. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and Chinook salmon. Trout: July 1 through March 15 release all fish except up to two hatchery steelhead may be retained per day.))~~ Year-round season, except closed Wednesdays beginning the second Wednesday in April through May 31, closed from 6 p.m. Tuesdays through 6 p.m. Wednesdays during October, closed for game fish other than trout during April, release all trout except hatchery steelhead, and trout other than steelhead closed March 16 through July 31. Trout: August 1 through March 15, daily limit of two hatchery steelhead. Salmon and steelhead: March 16 through July 31, daily limit of two hatchery steelhead or two hatchery Chinook, or one of each. Salmon: Open ~~((only))~~ August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon. Release wild coho and wild ~~((jaek))~~ Chinook.

Lone Lake (Island County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Thurston County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Kittitas County): Trout: Not more than 1 fish over 14 inches in length.

Lost Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucky Duck Pond (Stevens County): Juveniles only.

Ludlow Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Ludlow Lake (Jefferson County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Lyle Lake (Adams County): April 1 through September 30 season.

Lyle Creek (King County) (White River tributary): First Saturday in June through October 31 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

From falls to source: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish

from a floating device equipped with an internal combustion motor. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee. Salmon: Landlocked salmon rules apply.

Maple Creek (Whatcom County) (NF Nooksack tributary): First Saturday in June through October 31 season. Selective gear rules.

Marble Creek (Skagit County) (Cascade River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

Malaney Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Mayfield Lake (Reservoir) (Lewis County): Mayfield Dam to 400 feet below Mossyrock Dam: Closed waters: Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Release rainbow trout except rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

McAllister Creek (Thurston County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

McLane Creek (Thurston County): First Saturday in June through October 31 season. Selective gear rules. Night closure August 1 through October 31. Trout: Minimum length fourteen inches.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): March 1 through October 31 season. Selective gear rules. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only.

Mercer Slough (tributary of Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Merrill Lake (Cowlitz County): All species: Fly fishing only and release all fish. Unlawful to fish from a floating device equipped with an internal combustion engine.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to County Road 1535 (Burma Road) Bridge: Closed waters. County Road 1535 (Burma Road) Bridge to the Hwy 153 Bridge at McFarland Creek: The first Saturday in June through September 15 season: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish. Highway 153 Bridge at McFarland Creek to Foghorn Dam: The first Saturday in June through September 30 season. Selective gear rules. Unlawful to fish from a floating device

equipped with an internal combustion motor. All species: Release all fish. Foghorn Dam to Weeman Bridge: The first Saturday in June through August 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters the first Saturday in June through October 31. Additional season Gold Creek to falls above Brush Creek: December 1 through March 31. Whitefish gear rules apply.

Methow River tributaries not otherwise provided for: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): The first Saturday in June through October 31 season.

Milk Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): The first Saturday in June through August 31 and November 1 through March 15 seasons. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Anti-snagging rule and night closure. All species: Release all fish except that up to two hatchery steelhead (~~(with intact ventral fins)~~) may be retained per day.

Mill Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Mill Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Mill Creek (Walla Walla County):

From mouth to Bennington Dam: Closed waters.

From Bennington Dam upstream: All tributaries: Closed waters. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all steelhead.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only except open to all ages during Free Fishing Weekend (as defined in WAC 220-56-160).

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Night closure. Daily limit 4 chum.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Moclips River (Grays Harbor County), from mouth to the Quinault Indian Reservation: The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

Molson Lake (Okanogan County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Monte Cristo Lake (Snohomish County): The first Saturday in June through August 31 season. All species: Selective gear rules and catch and release except up to two hatchery steelhead may be retained. Unlawful to fish from a floating device equipped with an internal combustion motor.

Mooses Pond (Pacific County): The first Saturday in June through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: December 1 through last day in February season. Trout: Minimum length fourteen inches.

From Port Angeles Dam upstream: First Saturday in June through October 31 season.

Moses Lake (Grant County): Crappie: Daily limit ten, only crappie more than nine inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained. Walleye: Daily limit 8 walleye. Minimum length twelve inches. No more than one walleye over 22 inches in length may be retained. Yellow perch: Daily limit 25 yellow perch.

Mosquito Creek (Jefferson County), outside Olympic National Park: The first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from

a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches.

Mountain Lake (San Juan County): Trout: Daily limit may not contain more than one trout over 18 inches in length.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): All species: Selective gear rules, unlawful to fish from a floating device equipped with an internal combustion motor, and release all fish.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches, maximum length twenty inches. Release trout the first Saturday in June through October 31 from confluence with Tieton River to mouth of Rattle Snake Creek. Additional December 1 through March 31 season. Whitefish gear rules apply.

Nahwatzel Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Naneum Creek (Kittitas County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

~~((Nahwatzel Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.))~~

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and from attraction channel downstream four hundred feet. Waters from the ~~((North Valley Road Bridge (Big Hill Bridge))~~) temporary hatchery weir downstream to Highway 4 closed August 16 through October 15.

~~((Mainstem)) From Highway 101 Bridge to North Fork: The first Saturday in June through April 15 season, except sturgeon. ((Single point barbless hooks required August 16 through November 30 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Anti snagging rule and night closure August 16 through November 30 downstream from North Fork. Stationary gear restrictions above mouth of South Fork August 16 through November 30. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor March 1 through April 15 above mouth of South Fork.)) From Highway 101 Bridge to the Highway 4 Bridge: Night closure and anti-snagging rule August 16 through November 15, stationary gear restriction above mouth of South Fork August 16 through November 30, and selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor above mouth of South Fork March 1 through April 15. From Highway 4 Bridge to Crown Main Line Bridge: Night closure, single point barbless hooks required, and stationary gear restriction August 16 through November 15; and selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor March 1 through April 15. From Crown Main Line Bridge to North Fork: Night closure and anti-snagging rule August 16 through November 30, and selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor March 1 through April 15. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 from Highway 101 Bridge to Highway 4 Bridge and October ~~((16))~~ 1 through January 31 from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit 6 fish, of which no more than 3 may be adult salmon and of these 3 adult fish, no more than 2 may be wild adult Chinook and no more than ~~((4))~~ 2 may be ~~((a))~~ wild adult coho. Release chum.~~

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

From mouth of North Fork to source: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork, from mouth to Bean Creek: The first Saturday in June through last day in February season, except sturgeon. Anti-snagging rule and night closure August 16 through November 30. Game fish: Release game fish except up to two hatchery steelhead per day may be retained. Sturgeon: Open year-round.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to the fish barrier dam at Fishtrap Lake.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: The first Saturday in June through March 31 season, except closed August 1 through September 30 on North Nemah from Highway 101 Bridge upstream to Nemah Hatchery. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road October 1 through November 30, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road August 16 through November 30, and on South Nemah upstream to confluence with Middle Nemah August 16 through November 30. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor on Middle Nemah above DNR Bridge and South Nemah above confluence with Middle Nemah. Night closure August 16 through November 30 on South Nemah to the confluence with Middle Nemah and Middle Nemah and October 1 through November 30 on North Nemah. Anti-snagging rule on North Nemah upstream from bridge on dead end lower Nemah Road and the Middle Nemah from the DNR Bridge on A-line Road upstream August 16 through November 30. On the North Nemah from the mouth to the lower bridge on dead end lower Nemah Road, stationary gear restriction during the period ~~((August 16))~~ October 1 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah, and open October 1 through January 31 on North Nemah from mouth to the lower bridge on dead end Lower Nemah Road. Middle and South Nemah: Daily limit 6 fish, of which no more than 2 may be adult salmon ~~((and of the two adult fish, no more than one may be a wild adult coho))~~. Release chum, wild coho, and wild Chinook. North Nemah: Daily limit 6 ~~((salmon))~~ fish of which no more than 3 may be adult salmon ~~((, and of the 3 adult fish, no more than one may be a wild adult coho and no more than two may be adult Chinook))~~. Release chum, wild coho, and wild Chinook.

Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (Lewis County): The first Saturday in June through March 31 season. Night closure and single point barbless hooks required August 16 through November 30 from mouth to Leonard Road. Trout: Minimum length fourteen inches from mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only ~~((October))~~ September 16 through last day in February from mouth to Leonard Road. September 16 through November 30, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, ~~((wild coho,))~~ and ~~((adult))~~ Chinook. December 1 through last day in February, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): The first Saturday in June to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: The first Saturday in June through March 31 season. Trout: Minimum length fourteen inches.

From 400 feet below Chehalis city water intake upstream: Closed waters.

Newhalem Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Newhalem Ponds (Whatcom County): Closed waters.

New Pond Creek (Pierce County) (South Prairie Creek tributary): First Saturday in June through October 31 season.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure and single point barbless hooks required August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from Highway 101 Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish, of which no more than 2 may be adult salmon (~~and of the 2 adult fish, only one may be a wild adult coho~~). Release chum, wild coho, and (~~adult~~) wild Chinook.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to Military Tank Crossing Bridge: July 1 through January 31 season. Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches. All species: Release all species except salmon December 1 through January 31. Salmon: Open only July 1 through January 31 from mouth to Military Tank Crossing Bridge. July 1 through October 31, daily limit 6 fish of which no more than 3 may be adult salmon, and of the adult salmon only 2 may be any combination of (~~pink~~) chum and coho. Release wild (~~adult~~) Chinook. November 1 through January 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild Chinook.

From Military Tank Crossing Bridge to four hundred feet below LaGrande Powerhouse: July 1 through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead may be retained per day.

From Alder Reservoir upstream: July 1 through October 31 season. Selective gear rules.

Nookachamps Creek (Skagit County) including all tributaries and their tributaries: First Saturday in June through October 31 season. Selective gear rules.

Nooksack River (Whatcom County), from mouth to forks: The first Saturday in June through February 15 season except closed the first Saturday in June through September 30 from yellow marker at the FFA High School barn at Deming to confluence of the North and South Forks. Anti-snagging rule and night closure the first Saturday in June through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 from Lummi Indian Reservation boundary to yellow marker at the FFA High School barn in Deming. Open only October (~~46~~) 1 through December 31 from the FFA barn to the confluence of the North and South Forks. Daily limit 2 salmon, plus 2 addi-

tional hatchery coho, except release wild coho(~~5~~) and release wild Chinook (~~from mouth to FFA barn, and release Chinook from FFA barn to forks~~)). In years ending in odd numbers, release pink salmon.

Nooksack River, North Fork (Whatcom County): From mouth to Nooksack Falls: First Saturday in June through February 15 season. November 1 through February 15 - unlawful to fish from a floating device equipped with a motor. First Saturday in June through November 30 night closure and anti-snagging rule from mouth to Maple Creek. Salmon: Open only October 1 through (~~October 31~~) November 30 from mouth to Maple Creek. Minimum size twelve inches, daily limit 2, plus 2 additional hatchery coho. Release wild Chinook and wild coho. In years ending in odd numbers, release pink salmon. From Maple Creek to Nooksack Falls: Selective gear rules.

Above Nooksack Falls including all tributaries and their tributaries: First Saturday in June through October 31 season.

Nooksack River, Middle Fork (Whatcom County) mouth to city of Bellingham diversion dam: First Saturday in June through February 15 season. Selective gear rules. Trout minimum size 14 inches. November 1 through February 15 - motors prohibited.

Above diversion dam, including all tributaries and their tributaries: First Saturday in June through October 31 season.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: The first Saturday in June through February 15 season. Selective gear rules. Release all game fish except up to two hatchery steelhead may be retained. Unlawful to fish from a floating device equipped with an internal combustion motor. Night closure the first Saturday in June through November 30. Salmon: Open only October (~~46~~) 1 through December 31. Daily limit 2 salmon, plus 2 additional hatchery coho, except release chum, wild Chinook and wild coho. In years ending in odd numbers, release pink salmon.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (Okanogan County): From mouth to falls at river mile 0.8: Closed waters.

North Creek (tributary of Sammamish River) (Snohomish/King counties): The first Saturday in June through August 31 season. Juveniles only.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: The first Saturday in June through last day in February season, except sturgeon. Night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. Anti-snagging rule and night closure from Salmon Creek to Falls River August 16 through November 30. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish, of which no more than 2 may be adult salmon (~~(, and of the 2 adult fish, only one may be a wild adult coho)~~). Release chum and (~~(adult)~~) wild Chinook. Sturgeon: Open year-round from Highway 105 Bridge to Salmon Creek.

Upstream from Falls River: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Ohop Creek (Pierce County): July 1 through October 31 season. All species: Selective gear rules, unlawful to fish from a floating device equipped with an internal combustion motor, and release all fish except up to two hatchery steelhead per day may be retained.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Okanogan River (Okanogan County):

From the mouth to the (~~highway bridge at Malott~~) Highway 97 Bridge immediately upstream of mouth: Year-round season. Anti-snagging rule and night closure July 1 through October 15. Trout: Release all trout. Salmon: Open July 1 through October 15. Daily limit 6 fish, of which no more than 3 may be adult salmon, and of these three salmon no more than one may be a wild adult salmon. Release coho and sockeye.

From the Highway 97 Bridge immediately upstream of mouth to the highway bridge at Malott: Year-round season. Anti-snagging rule and night closure July 1 through September 15. Trout: Release all trout. Salmon: Open July 1 through September 15. Daily limit 6 fish, of which no more than 3 may be adult salmon, and of these three salmon no

more than one may be a wild adult salmon. Release coho and sockeye. Upstream from the highway bridge at Malott: The first Saturday in June through August 31 season. Anti-snagging rule and night closure July 1 through September 15. Trout: Release all trout. Salmon: Open (~~(only)~~) July 1 through (~~(October)~~) September 15 (~~(from mouth to Highway 97 Bridge immediately upstream of mouth)~~). Daily limit 6 fish of which no more than (~~(2)~~) 3 may be adult salmon, and of these three salmon no more than one may be a wild adult salmon. Release coho and sockeye. (~~(All species: Anti-snagging rule and night closure July 1 through October 15)~~)

Closed waters: From Zosel Dam downstream to first Highway 97 Bridge.

Olalla Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Old Mill Stream (Chelan County): Closed waters.

Olequa Creek (Lewis County): Trout: Release all trout except up to two hatchery steelhead may be retained per day.

Olson Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): The first Saturday in June through October 31 season.

Owl Creek (Snohomish County) (Whitechuck River tributary): First Saturday in June through October 31 season. Selective gear rules.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): The first Saturday in June through March 31 season, except sturgeon. Single point barbless hooks and night closure August 16 through November 30 upstream to the (~~(confluence)~~) mouth of the (~~(South and)~~) Middle Fork (~~(s)~~). All game fish: Release all fish except up to two hatchery steelhead per day may be retained. (~~(Above the confluence of the)~~) South (~~(and)~~) Fork and all waters upstream of the mouth of Middle Fork (~~(s)~~): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Anti-snagging rule and night closure August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from the Highway 101 Bridge to the

~~((confluence))~~ mouth of the ~~((South and))~~ Middle Fork~~((s))~~. Daily limit 6 fish, of which no more than 2 may be adult salmon~~((, and of the 2 adult salmon, only one may be a wild adult coho))~~. Release chum, wild coho, and ~~((adult))~~ wild Chinook. Sturgeon: Open year-round from the Highway 101 Bridge to the ~~((confluence))~~ mouth of the ~~((South and))~~ Middle Fork~~((s))~~.

Palouse River and tributaries, except Rock Creek (Whitman County): Year-round season. Mainstem from mouth to base of Palouse Falls. Trout: Daily limit 6 fish, minimum length 10 inches, no more than 3 trout over 20 inches may be retained, except release all trout April 1 through June 15 and release steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Walleye: Daily limit 10 fish, no minimum size. No more than 5 walleye over 18 inches in length may be retained, and no more than 1 walleye over 24 inches in length may be retained. Channel catfish: No daily limit.

Palouse River mainstem above Palouse Falls and tributaries except Rock Creek: Year-round season.

Pampa Pond (Whitman County): March 1 through September 30 season. Fishing from any floating device prohibited. Trout: No more than two over 13 inches in length may be retained.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Para-Juvenile Lake (Adams/Grant counties): April 1 through September 30 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Peabody Creek (Clallam County): First Saturday in June through October 31 season. Juveniles only.

Penny Creek (Jefferson County): First Saturday in June through October 31 season.

Perry Creek (Thurston County) from mouth to falls: First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year-round season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Phelps Creek (Chelan County): From mouth to falls at river mile 1: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Phillips Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: The first Saturday in June through February 15 season. Trout: Minimum length 14 inches. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June through November 30.

From Highway 9 Bridge to Pilchuck Falls: First Saturday in June through October 31 season. Selective gear rules. Trout minimum size 14 inches.

From Pilchuck Falls upstream, including all tributaries and their tributaries and all tributaries to Lake Cavanaugh: First Saturday in June through October 31 season.

Pilchuck River (Snohomish County):

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through February 15 season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Creek (Mason County): First Saturday in June through October 31 season.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Ping Pond (Grant County): Third Saturday in April through Labor Day season. Juveniles and holders of reduced fee licenses or designated harvester cards only. Game fish: Daily limit of five fish in the aggregate. No minimum or maximum size for any species.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pit Lake (Douglas County): Juveniles only.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): April 1 through September 30 season.

Potholes Reservoir (Grant County): Crappie: Minimum length nine inches. Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish. Walleye: Minimum size 12 inches in length. Daily limit 8 walleye, not more than 1 of which may be greater than 22 inches in length.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Powerline Lake (Franklin County): Trout: Daily limit 2.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Prices Lake (Mason County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Promised Land Pond (Grays Harbor County): The first Saturday in June through October 31 season.

Pugh Creek (Snohomish County) (Whitechuck River tributary): First Saturday in June through October 31 season. Selective gear rules.

Puyallup River (Pierce County):

From mouth to city of Puyallup outfall structure near junction of Freeman Road and North Levee Road: Game fish season is open only when salmon fishing is open. Single-point barbless hooks, anti-snagging rule and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only August 16 through

December 31 from mouth to Carbon River, except closed August 22, 29, and 30, and September 5, 6, 7, 12, 13 and 14 from mouth to city of Puyallup outfall structure near junction of Freeman Road and North Levee Road. In years ending in even numbers, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild adult Chinook. In years ending in odd numbers, daily limit 6 fish, of which no more than 4 may be adult salmon, and of the adult salmon, no more than 2 may be any combination of Chinook, coho, and chum. Release wild adult Chinook.

From city of Puyallup outfall structure near junction of Freeman Road and North Levee Road to the Electron power plant outlet: Game fish season is open only when salmon fishing is open. Single-point barbless hooks, anti-snagging rule and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only August ((46)) 1 through December 31 ((from mouth to Carbon River, except closed August 23 from mouth to city of Puyallup outfall structure near junction of Freeman Road and North Levee Road)). In years ending in even numbers, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild adult Chinook. In years ending in odd numbers, daily limit 6 fish, of which no more than 4 may be adult salmon, and of the adult salmon, no more than 2 may be any combination of Chinook, coho, and chum. Release wild adult Chinook.

From Carbon River upstream: September 1 through last day of February season. Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Pyramid Creek (King County) upstream of Forest Service Road 7000: First Saturday in June through October 31 season.

Pysht River (Clallam County): The first Saturday in June through October 31 season. Selective gear rules and release all fish. Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Quigg Lake (Grays Harbor County): The first Saturday in June through April 15 season. Trout: Daily limit 2. Minimum length fourteen inches. Salmon: Open only October 1 through January 31. Daily limit 6 hatchery coho salmon of which no more than 4 may be adult hatchery coho.

Quilcene River (Jefferson County):

From mouth to Rodgers Street: First Saturday in June through August 15 season. Selective gear rules and release all fish. Unlawful to fish from a floating device equipped with an internal combustion motor.

From Rodgers Street to Highway 101 Bridge: First Saturday in June through October 31 season. Release all game fish. First Saturday in June through August 15. Selective gear rules. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Night clo-

sure and only one single point barbless hook may be used. Daily limit 4 coho salmon. Only coho salmon hooked inside the mouth may be retained.

From electric weir at Quilcene National Fish Hatchery to upper boundary of Falls View Campground: First Saturday in June through October 31 season. Selective gear rules and release all fish. Unlawful to fish from a floating device equipped with an internal combustion motor.

From upper boundary of Falls View Campground upstream: First Saturday in June through October 31 season.

Quillayute River (Clallam County): Open year-round outside of Olympic National Park only. May 1 through the Friday before the first Saturday in June release all game fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit three steelhead. February 16 through April 30, one wild steelhead per day may be retained. Salmon: Open only February 1 through November 30. February 1 through August 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult salmon, and of the 4 adult salmon, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: The first Saturday in June through April 15 season. Trout: Minimum length fourteen inches. February 16 through April 15, one wild steelhead per day may be retained. Salmon: Open only July 1 through October 31. July 1 through September 30, daily limit 6 jack salmon only. Single-point barbless hooks required. October 1 through October 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release sockeye, pink, and chum.

Quincy Lake (Grant County): March 1 through July 31 season.

Racehorse Creek (Whatcom County) (NF Nooksack tributary): First Saturday in June through October 31 season. Selective gear rules.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: The first Saturday in June through February 15 season. Trout: Minimum length fourteen inches.

From Highway 18 Bridge upstream: First Saturday in June through October 31 season.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Rattlesnake Lake (King County): Selective gear rules and catch and release. Unlawful to fish from a floating device equipped with an internal combustion motor.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit two, minimum length twelve inches.

Red Creek (King County) (White River tributary): First Saturday in June through October 31 season.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Rendsland Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): Mossyrock Dam to 400 feet below Cowlitz Falls Dam. Closed waters: Lewis County PUD safety signs approximately 800 feet below Cowlitz Falls Dam to Dam. Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit two, minimum length twelve inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Ripley Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Robbins Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Chelan County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Rock Creek (Klickitat County): Mouth to the Army Corps of Engineers Park: Year-round season. Daily limits, size restrictions and gear restrictions are the same as those in the adjacent portion of the Columbia River.

Rock Creek (Skamania County): Mouth to falls. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Above falls, additional November 1 through March 15 season.

Rocky Brook Creek (Jefferson County)(Dosewallips River tributary): From falls 1000 feet upstream of mouth upstream: First Saturday in June through October 31 season.

Rocky Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Rocky Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Roesiger Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed waters: (1) March 1 through the Friday immediately preceding Memorial Day weekend from the Little Dalles power line crossing upstream approximately one mile to marked rock point, and from Northport power line crossing upstream to most upstream point of Steamboat Rock; (2) January 1 through May 31 in San Poil arm upstream from outlet of French Johns Lake; and (3) April 1 through Friday before Memorial Day in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. Kokanee daily limit six, no more than two with intact adipose fins. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 22 inches. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon from Roosevelt Lake and tributaries. Carp: Unlawful to fish for carp with bow and arrow.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: From one mile above their mouths to headwaters: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Rufus Woods Lake (Douglas County): Chumming allowed. Trout: Daily limit two. Only uninjured trout caught using artificial lures or flies with single barbless hooks may be released. Sturgeon: Unlawful to fish for or retain sturgeon from Rufus Woods Lake and tributaries.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): April 1 through September 30 season.

Saint Clair Lake (Thurston County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: The first Saturday in June through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Salmon Creek (tributary of Naselle River) (Pacific County): The first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Salmon River (Jefferson County) outside of Olympic National Park and Quinalt Indian Reservation: The first Saturday in June through last day in February season. Trout:

Minimum length fourteen inches. Hatchery steelhead in this river are steelhead with a dorsal fin height of less than 2-1/8 inches or with an adipose or ventral fin clip. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult Chinook salmon.

Salmonberry Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Salt Creek (Clallam County): From mouth to bridge on Highway 112: First Saturday in June through last day in February season. Selective gear rules. Release all fish except November 1 through the last day in February up to 2 hatchery steelhead may be retained.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the I-5 Bridge: The first Saturday in June through December 31 season. Stationary gear restriction, anti-snagging rule, and night closure August 1 through December 31. Additional season January 1 through March 31. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

From the I-5 Bridge to the Hickson Bridge: Closed waters from the old Highway 99 Bridge to the WDFW salmon rack. First Saturday in June through March 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

From Hickson Bridge upstream: First Saturday in June through October 31 season. Selective gear rules.

Sammamish Lake (King County): Closed to fishing within 100 yards of the mouth of Issaquah Creek August 16 through November 30. Trout: Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length. Salmon: Open only August 16 through November 30. Daily limit four salmon, of which only two may be Chinook. Release sockeye.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: January 1 through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

San Poil River (Ferry County): Unlawful to fish for or retain sturgeon.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of reduced fee licenses or designated harvester cards only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River (Grays Harbor County): Trout: Minimum length 14 inches in mainstem and all forks. Mainstem and East Fork, single point barbless hooks and night closure August 16 through November 30 except only August 16 through October 31 on East Fork upstream from bridge at Schafer State Park. Middle and West forks downstream from Cougar Smith Road anti-snagging rule and night closure August 16 through November 30. Middle and West Forks upstream from Cougar Smith Road anti-snagging rule and night closure August 16 through October 31.

From mouth to bridge at Schafer Park: The first Saturday in June through March 31 season. Salmon: Open only October 1 through January 31 (~~October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the 2 adult salmon, only 1 may be an adult wild coho. Release chum and adult Chinook. October 16 through January 31~~), daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho (~~and adult Chinook~~).

Middle Fork (Turnow Branch), from mouth to Cougar Smith Road: The first Saturday in June through last day in February season.

West Fork, from mouth to Cougar Smith Road: The first Saturday in June through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: The first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead may be retained per day.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead may be retained per day.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot Creek: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead may be retained per day.

South Fork upstream from Elliot Creek: The first Saturday in June through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead may be retained per day.

Sawyer, Lake (King County): Chumming permitted. Crappie: Daily limit ten, minimum length nine inches.

Scatter Creek (King County) (White River tributary): First Saturday in June through October 31 season.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Schneider Creek (Thurston County) from mouth to falls: First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Scooteney Reservoir (Franklin County): Walleye: Minimum size 12 inches.

Sedge Lake (Grant County): All species: Selective gear rules. Trout: Daily limit 1.

Sekiu River (Clallam County):

From mouth to forks: First Saturday in June through October 31 season. Selective gear rules and release all fish. Additional November 1 through last day in February season. Trout minimum length 14 inches.

From forks upstream: First Saturday in June through October 31 season. Selective gear rules and release all fish.

Serene Lake (Snohomish County): Last Saturday in April through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except first Saturday in June through October 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Sherwood Creek Mill Pond (Mason County): The first Saturday in June through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shine Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Shiner Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): The first Saturday in June through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: First Saturday in June through October 31 season. Selective gear rules and release all fish.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Silesia Creek (Chiliwack River tributary) (Whatcom County): First Saturday in June through October 31 season.

Silvas Creek (Klickitat County): Trout: Release all trout.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Silver Creek (Skagit County) (Samish River tributary): First Saturday in June through October 31 season. Selective gear rules.

Silver Creek (Whatcom County)(Nooksack River tributary): First Saturday in June through October 31 season. Selective gear rules.

Silver Lake (Cowlitz County): Crappie: Daily limit ten crappie. Minimum size nine inches in length.

Silver Lake (Pierce County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Silver Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Silver Lake, North (Spokane County): March 1 through September 30 and November 1 through December 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. March 1 through September 30: Trout: Daily limit 2 fish, minimum length 14 inches, except release fish with clipped adipose fin. November 1 through December 31: All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Silver Nail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Whitefish gear rules apply. Salmon: Open only July 1 through September 15. Daily limit 6 fish, of which no more than 3 may be adult salmon, and of these three adult salmon no more than one may be a wild adult salmon. Release coho and sockeye. Anti-snagging rule and night closure July 1 through September 15.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season. Whitefish gear rules apply.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: The first Saturday in June through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Additional December 1 through March 31 season. Whitefish gear rules apply.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year-round season. Selective gear rules February 15 through May 31. ~~((Night closure July 9 through August 9.))~~ Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: ~~((Open July 9 through August 9, open 12:01 p.m. Thursday through Sunday only each week. Daily limit 2 Chinook salmon, only one of which may be an adult Chinook.))~~ In years ending in even numbers, open September 1 through December 31. Daily limit ~~((2))~~ 3 salmon. Release Chinook and chum. In years ending in odd numbers, open August 16 through December 31. Daily limit 2 salmon plus 2 additional pink. Release Chinook and chum.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: June 1 through February 15 season. Night closure rule July 1 through November 30. Anti-snagging rule August 16 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Additional February 16 through March 15 season. All species: Release all fish except up to 2 hatchery steelhead may be retained. Selective gear rules. Unlawful to fish from a floating device while under power. Salmon: ~~((Open July 9 through August 9, open 12:01 p.m. Thursday through Sunday only each week. Daily limit 2 Chinook salmon, only one of which may be an adult Chinook.))~~ In years ending in even numbers, open September 1 through December 31. Daily limit ~~((2))~~ 3 salmon. Release Chinook and chum. In years ending in odd numbers, open August 16 through December 31. Daily limit 2 salmon plus 2 additional pink. Release Chinook and chum.

From Gilligan Creek to the Dalles Bridge at Concrete: June 1 through February 15 season. Anti-snagging rule and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit; minimum length twenty inches. Salmon: In years ending in even numbers, open September 16 through December 31. Daily limit ~~((2))~~ 3 salmon. Release Chinook and chum. In years ending in odd numbers, open August 16 through December 31. Daily limit 2 salmon plus 2 additional pink. Release Chinook and chum. Additional season February 16 through March 15. All species: Release all fish except up to 2 hatchery steelhead may be retained. Selective gear rules. Unlawful to fish from a floating device while under power.

From the Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport: June 1 through February 15 season,

except closed June 1 through August 31, between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Anti-snagging rule and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit; minimum length twenty inches. Salmon open September 16 through December 31. In years ending in even numbers, daily limit ~~((2))~~ 3 salmon. Release Chinook and chum. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook and chum. Additional season: February 16 through April 30. Selective gear rules. Unlawful to fish from a floating device while under power. All species: Release all fish except up to two hatchery steelhead may be retained.

From the Highway 530 Bridge at Rockport to the Cascade River: June 1 through February 15 season. Anti-snagging rule and night closure June 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit; minimum length twenty inches. Salmon open June 1 through July 15. Daily limit four hatchery Chinook salmon, of which only two may be adult hatchery Chinook. Salmon open September 16 through December 31. In years ending in even numbers, daily limit ~~((2))~~ 3 salmon. Release Chinook and chum. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook and chum. Additional season: February 16 through April 30. Selective gear rules. Unlawful to fish from a floating device while under power. All species: Release all fish except up to two hatchery steelhead may be retained.

From Cascade River to Gorge Powerhouse: June 1 through March 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead may be retained per day.

From Gorge Dam to Ross Dam and all tributaries to this section except Stettall Creek: First Saturday in June through October 31 season.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: June 1 through October 31 season. Trout: Release all trout except up to two hatchery steelhead may be retained.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat. Release rainbow trout except rainbow trout having a clipped adipose fin and a healed scar at the site of the clipped fin.

Skokomish River (Mason County), mouth to Highway ~~((404))~~ 106 Bridge: Night closure, anti-snagging rule and single point barbless hooks required August 1 through November 30. The first Saturday in June through July 31 and October ~~((34))~~ 1 through December 15 season. All game fish: Release all fish. Salmon: Open only August 1 through December 15. Terminal gear restricted to no closer than 25 feet of a tribal gill net. ~~((Daily limit 1 salmon August 1 through September 30. Release chum salmon.))~~ August 1 through September 30: Daily limit 2 salmon, except release chum and wild Chinook; only fish hooked inside the mouth

may be retained; and anglers must keep the first 2 salmon, if legal to do so and stop fishing for the day. Daily limit 6 salmon October 1 through December 15, except daily limit may contain no more than 4 adult fish and release Chinook. October 1 through October 15 release chum salmon.

From Highway 106 Bridge to Highway 101 Bridge: Night closure, anti-snagging rule and single point barbless hooks required August 1 through November 30. The first Saturday in June through July 31 and October 1 through December 15 season. All game fish: Release all fish. Salmon: Open only August 1 through December 15, except closed August 2, 9, 16, 23, and 30, and September 13. Terminal gear restricted to no closer than 25 feet of a tribal gill net. August 1 through September 30: Daily limit 2 salmon, except release chum and wild Chinook; only fish hooked inside the mouth may be retained; and anglers must keep the first 2 salmon, if legal to do so and stop fishing for the day. October 1 through December 15, daily limit 6 salmon, except daily limit may contain no more than 4 adult fish and release Chinook. October 1 through October 15 release chum salmon.

From Highway 101 Bridge to forks: First Saturday in June through October 31 season. Selective gear rules and release all fish.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: The first Saturday in June through October 31 season. All species: Release all fish. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Above Lake Cushman, mouth to Olympic National Park boundary: The first Saturday in June through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Release all fish.

Skokomish River, South Fork (Mason County):

From mouth to mouth of LeBar Creek: First Saturday in June through October 31 season. All species: Release all fish. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

From mouth of Rule Creek to headwaters: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Skookum Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Skookum Lake, North (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Creek (Klickitat County): Trout: Release all trout.

Skookumchuck Reservoir (Thurston County): The first Saturday in June through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to (~~four~~) one hundred feet below the outlet of the (~~PP&L/WDFW~~) Trans Alta steelhead rearing pond located at the base of the Skookumchuck Dam: The first Saturday in June through April 30 season. Single point barbless hooks and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only (~~October~~) September 16 through last day in February. September 16 through November 30, daily limit 6 fish of which no more than 2 may be adult salmon, and of the adult salmon, only 1 of which may be wild adult coho. Release chum and Chinook. December 1 through last day in February, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho(~~, and adult Chinook~~).

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Wallace River: June 1 through February 15 season. Anti-snagging rule and night closure August 1 through November 30 mouth to Lewis Street Bridge in Monroe and June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River. Fishing from any floating device prohibited November 1 through February 15 from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open June 1 through July 31 (~~Lewis Street Bridge in Monroe~~) mouth to Wallace River. Daily limit 2 hatchery Chinook. In years ending in even numbers, open September 1 through December 31 mouth to Wallace River. Daily limit 2 (~~salmon. Release Chinook and pink~~) coho only. In years ending in odd numbers, open August 16 through December 31 mouth to Lewis Street Bridge in Monroe and open September 1 through December 31 Lewis Street Bridge to Wallace River. Daily limit 2 salmon plus 2 additional pink. Release Chinook.

From the mouth of the Wallace River to the forks: June 1 through February 15 season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Anti-snagging rule and night closure August 1 through November 30. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds August 1 through February 15. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. In years ending in even numbers, daily limit 2 (~~salmon. Release Chinook and pink~~) coho only. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: The first Saturday in June through February 15 season. Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

From Deer Falls (about 1/4 mile upstream of Goblin Creek) upstream: First Saturday in June through October 31 season.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: The first Saturday in June through February 15 season. Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From Sunset Falls to source including all tributaries and their tributaries: The first Saturday in June through November 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish. All tributaries: Closed waters.

Slate Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Sloan Creek (Snohomish County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

Smith Creek (near North River) (Pacific County): The first Saturday in June through last day in February season, except sturgeon. Single point barbless hooks, and night closure August 16 through November 30 upstream to the Highway 101 Bridge. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon (~~and of the adult salmon not more than one may be an adult wild coho~~). Release chum and (~~adult~~) wild Chinook. Sturgeon: Open year-round from mouth to Highway 101 Bridge.

Smith Creek (Whatcom County)(Nooksack River tributary): First Saturday in June through October 31 season. Selective gear rules.

Snake River: Year-round season. Closed to the taking of all trout April 1 through June 15. All species: April 24 through June 15 from Texas Rapids boat launch upstream to the Corps of Engineers boat launch approximately 1 mile upstream of Little Goose Dam: Night closure, barbless hooks only, and hooks must measure 5/8 inch or less from point to shank. Trout: Daily limit six, minimum length ten inches, no more than three over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Sturgeon: Release all sturgeon from August 1 through January 31 from the mouth to Ice Harbor

Dam. Closed to fishing for sturgeon from May 1 through July 31 from the downstream end of Goose Island to Ice Harbor Dam. Unlawful to retain sturgeon in mainstem and tributaries upstream from Lower Granite Dam. Walleye: Daily limit 10 fish. No minimum size. No more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Channel catfish: No daily limit. Salmon: Open only April 24 through June 15 from Texas Rapids boat launch upstream to the Corps of Engineers boat launch approximately 1 mile upstream of Little Goose Dam. Daily limit 1 hatchery Chinook.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): April 1 through September 30 season.

Snipes Creek (Benton County): Selective gear rules.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: The first Saturday in June through February 15 season, except sturgeon. Anti-snagging rule and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: In years ending in even numbers, open only September 1 through December 31. Daily limit 2 (~~salmon. Release Chinook and pink~~) coho only. In years ending in odd numbers: Open only August 16 through December 31. Daily limit 2 salmon plus 2 additional pink. Release Chinook. Sturgeon: Open year-round from mouth to Highway 2 Bridge.

Snoqualmie River (King County):

From mouth to the falls: The first Saturday in June through last day in February season, except the first Saturday in June through February 15 from the mouth to the boat launch at Plumb. Waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. The first Saturday in June through November 30 selective gear rules. Fishing from any floating device prohibited November 1 through last day in February from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Night closure September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 (~~fish. Release Chinook and pink~~) coho only.

From Snoqualmie Falls upstream, including the North and South Forks: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length ten inches. Additional November 1 through the Friday before the first Saturday in June season. Selective gear rules. All species: Release all fish. All tributaries except

Tate, Sunday and Phillapa creeks: First Saturday in June through October 31 season.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: Year-round season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Snyder Creek (Klickitat County): Trout: Release all trout.

Sol Duc River (Clallam County):

From mouth to concrete pump station at the Sol Duc Hatchery: Open year-round. May 1 through the Friday before the first Saturday in June, release all game fish except up to two hatchery steelhead per day may be retained. First Saturday in June through April 30, trout: Minimum length fourteen inches. November 1 through last day in February, daily limit may include 1 additional hatchery steelhead. February 16 through April 30, one wild steelhead per day may be retained. Salmon: Open only February 1 through November 30. February 1 through August 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult salmon, and of the 4 adult salmon, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon.

From concrete pump station at Sol Duc Hatchery to Highway 101 Bridge downstream of Snider Creek: First Saturday in June through April 30 season. Trout: Minimum length fourteen inches. November 1 through April 30: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

From Highway 101 Bridge downstream of Snider Creek to Olympic National Park boundary: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Release all fish except up to two hatchery steelhead may be retained.

Sooes River (Suez River) (Clallam County): The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to hatchery rack: The first Saturday in June through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), from city of Buckley diversion dam upstream: First Saturday in June through October 31 season.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year-

round season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): April 1 through September 30 season.

Spencer Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the upstream boundary at Plese Flats Day Use Area (Riverside State Park), except Long Lake, formed by Long Lake Dam (see also Long Lake): Year-round season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit eight, no minimum length, no more than one over twenty-two inches in length. April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From the upstream boundary at Plese Flats Day Use Area (Riverside State Park) upstream to the Monroe Street Dam: June 1 through March 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: The first Saturday in June through March 15 season. Selective gear rules. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties): Closed waters: Waters of Cow Creek, the marsh at the southwest end of the lake from the lakeside edge of the reeds to Danekas Road, the small bay at the southeast end of the lake, and those waters within 50 feet of Harper Island. All other waters southwest of the southwest tip of Harper Island: Closed waters from October 1 through April 30. Trout: No more than two over twenty inches in length may be retained. Crappie and bluegill: Combined daily limit twenty-five fish. Crappie: Minimum length nine inches.

Spring Creek (Benton County): Selective gear rules.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Hill Reservoir (Black Lake, Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Creek (Whatcom County): First Saturday in June through October 31 season. Selective gear rules.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Squire Creek (Snohomish County) (NF Stillaguamish River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fifteen inches. Release cutthroat. Additional March 1 through June 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Steilacoom Lake (Pierce County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Stetattle Creek (Whatcom County) above the mouth of Bucket Creek (one and one-half miles upstream): First Saturday in June through October 31 season.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: The first Saturday in June through September 30 and December 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Marine Drive, including all sloughs: Year-round season. Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. In years ending in even numbers, daily limit 2 (~~salmon. Release Chinook and pink salmon~~) coho only. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook.

From Marine Drive to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: The first Saturday in June through February 15 season. Night closure August 1 through November 30. Selective gear rules the first Saturday in June through November 30. Game fish: The first Saturday in June through November 30 release all fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches December 1 through last day in February. Salmon: Open only September 1 through December 31. In years ending in even numbers, daily limit 2 (~~salmon. Release Chinook and pink salmon~~) coho only. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: The first Saturday in June through February 15 season. Anti-snagging rule and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. The first Saturday in June through November 30: All species: Release all fish except hatchery steelhead. The first Saturday in June through November 30 fly fishing only. December 1 through February 15: Trout: Minimum length fourteen inches.

From Swede Heaven Bridge to falls approximately one mile upstream of Cascade Creek: First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Upstream of falls: First Saturday in June through October 31 season.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: The first Saturday in June through February 15 season. Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

Stimson Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Straight Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout daily limit 5, no more than 2 over 15 inches in length.

Suiattle River (Skagit County): First Saturday in June through October 31 season. Selective gear rules. Trout:

Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream and tributaries: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Sullivan Lake (Pend Oreille County): Trout: Daily limit 2 trout, except kokanee not counted in daily trout limit. Kokanee daily limit ten.

Sulphur Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: The first Saturday in June through February 15 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Upstream of the diversion dam to Culmback Dam: First Saturday in June through October 31 season.

Sumas River (Whatcom County) including all tributaries except Johnson Creek: First Saturday in June through October 31 season.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Susan Lake (Thurston County): Selective gear rules and release all fish.

Sutherland Lake (Clallam County): Chumming permitted.

Swale Creek (Klickitat County): Trout: Release all trout.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): The first Saturday in June through August 31 season. Juveniles only.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): The first Saturday in June through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Swift Reservoir (Skamania County): Last Saturday in April through November 30 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Sylvia Lake (Grays Harbor County): Trout: No more than two over 15 inches in length may be retained per day.

Symington Lake (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Tacoma Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Tahuya River (Mason County) from mouth to marker approximately 1 mile upstream of North Shore Road Bridge: First Saturday in June through August 15 and October 1 through October 31 season. Selective gear rules, unlawful to fish from a floating device equipped with an internal combustion motor, and release all fish except salmon. Night closure (~~September 16~~) October 1 through October 31. Salmon: Open only (~~September 16~~) October 1 through October 31. Daily limit 2 coho salmon.

From marker approximately one mile upstream of North Shore Road Bridge upstream: First Saturday in June through October 31 season. Selective gear rules and release all fish.

Taneum Creek (Kittitas County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Tanwax Creek (Thurston County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee. Crappie: Daily limit ten, minimum length nine inches.

Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year-round season.

Tarboo Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Tarboo Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Fishing from a floating device equipped with an internal combustion engine prohibited. Selective gear rules. Trout daily limit one fish.

Teanaway River (Kittitas County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout.

Teanaway River, North Fork (Kittitas County): Mouth to Beverly Creek including all tributaries: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout. Beverly Creek to impassable waterfall at the end of USFS Road 9737 (about 8 river miles): Closed waters.

Tee Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Tenas Creek (Skagit County) (Suitttle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Ten Mile Creek (Whatcom County) (Nooksack River tributary): First Saturday in June through October 31 season. Selective gear rules.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Tern Lake (Grant County): All species: Selective gear rules. Trout: Daily limit 1.

Terrell Creek (Whatcom County): First Saturday in June through October 31 season. Selective gear rules.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 31 except fishing from floating dock permitted.

Thomas Creek (Skagit County) (Samish River tributary): First Saturday in June through October 31 season. Selective gear rules.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thorndyke Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Thornton Creek (tributary to Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Thorton Creek (Skagit County): First Saturday in June through October 31 season. All species: Release all fish except up to two hatchery steelhead may be retained.

Thread Lake (Adams County): April 1 through September 30 season.

Tibbetts Creek (tributary to Lake Sammamish) (King County): The first Saturday in June through August 31 season. Juveniles only.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June through October 31. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County): Closed waters: Clear Lake spillway channel and the river within 400' of Clear Lake Dam. Entire river, including that portion of the river that flows through the dry lakebed of Rimrock Reservoir: The first Saturday in June through August 15 season.

Tieton River, South Fork (Yakima County): From the bridge on USFS Road 1200 to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Tilton River (Lewis County), from mouth to West Fork: The first Saturday in June through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat. Release rainbow trout except rainbow trout having a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: Open only first Saturday in June through December 31. Minimum length eight inches. First Saturday in June through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild coho. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the Fish Hatchery Road Bridge: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Anti-snagging rule. Trout: Minimum length fourteen inches.

From Fish Hatchery Road Bridge to posted cable boundary marker located approximately four hundred feet downstream of the hatchery intake: January 15 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Anti-snagging rule. Trout: Minimum length 14 inches.

From the posted cable boundary marker located approximately four hundred feet downstream of the hatchery intake to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: The first Saturday in June through February 15 season. The first Saturday in June through November 30, selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches.

From falls upstream on North Fork: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

From dam upstream on South Fork: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all steelhead. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek the first Saturday in June through August 31 season.

South Fork: Upstream from Griffin Creek the first Saturday in June through August 31 season.

Wolf Fork: Upstream from Coates Creek the first Saturday in June through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through March 31. Barbless hooks required. All species: Release all fish except hatchery steelhead and brown trout. Trout: Daily limit three fish.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: The first Saturday in June through November 30 season. Anti-snagging rule and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult Chinook. Release chum, wild coho, and wild ((jack)) Chinook. ((October 1 through November 30, release Chinook from Kidd Valley Bridge near Hwy. 504 upstream.))

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. The first Saturday in June through November 30 season. All species: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except hatchery steelhead.

Trail's End Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): The first Saturday in June through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional November 1 through March 31 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Turner Road Bridge upstream to the Tucannon Hatchery Bridge: Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June through October 31. Additional season November 1 through March 31. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Tucannon Hatchery Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tucquala Lake (Kittitas County): The first Saturday in June through October 31 season.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: The first Saturday in June through August 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls the first Saturday in June through October 31 season: All species: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Mini-

imum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. All tributaries to this section and their tributaries: First Saturday in June through October 31 season.

From Alpine falls upstream including all tributaries: First Saturday in June through October 31 season.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Uncle John Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County) Mouth to North Shore Road Bridge: First Saturday in June through August 15 season. All species: Release all fish.

From North Shore Road Bridge to lower bridge on Old Belfair Highway: The first Saturday in June through August 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

From lower bridge on Old Belfair Highway upstream to watershed boundary: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): First Saturday in June through October 31 season. Juveniles only.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department reduced fee license or a designated harvester card only. Trout: No more than two over 15 inches in length may be retained per day. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Trout: No more than two over 15 inches in length may be retained per day. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: All species: Anti-snagging rule and night closure August 16 through November 30. Game fish: Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish, of which no more than 2 may be adult fish. Release chum, (~~adult~~) Chinook and wild (~~adult~~) coho.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From falls under powerline upstream: First Saturday in June through October 31 season.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Wahkiacus Creek (Klickitat County): Trout: Release all trout.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to 200 feet upstream of the water intake of the salmon hatchery: The first Saturday in June through last day in February season. Closed waters: From 363rd Avenue S.E./Reece Road to a point two hundred feet upstream of the water intake of the salmon hatchery during the period the first Saturday in June through (~~August 31~~) September 15. Fishing from any floating device prohibited November 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September (~~(+)~~) 16 through November 30. Daily limit 2 coho.

From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From Wallace Falls upstream: First Saturday in June through October 31 season.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Trout: Release trout April 1 through May 31. Daily limit three hatchery steelhead. Channel catfish: No daily limit.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Channel catfish: No daily limit. Additional season November 1 through March 31. All species: Barbless hooks required and release all fish except hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington Creek (Mason County): First Saturday in June through October 31 season.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February, daily limit 5, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit 5, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye less than fifteen inches in length are kokanee while those fifteen inches and over in length are sockeye salmon. Salmon: Open only September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit four coho salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in

length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County): Night closure year-round.

From mouth to bridge at Salmon Falls: The first Saturday in June through March 15 season. Anti-snagging rule and stationary gear restriction July 1 through October 31. When anti-snagging rule is in effect, only fish hooked inside the mouth may be retained. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained. Salmon: Open only August 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult Chinook. Release chum, wild coho, and wild ((jaek)) Chinook. (~~Upstream of Little Washougal River, release adult Chinook October 1 through November 30.~~)

From mouth to Mt. Norway Bridge: Additional April 16 through the Friday before the first Saturday in June season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: The first Saturday in June through March 15 season. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Waughop Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Wenaha River tributaries within Washington: The first Saturday in June through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all steelhead.

Wenatchee Lake (Chelan County): Selective gear rules. Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River, including Lake Jolanda (Chelan County): December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. Whitefish gear rules apply.

Wentworth Lake (Clallam County): Unlawful to fish from a floating device equipped with an internal combustion engine.

West Evans Pond (Asotin County): Trout: No more than 2 trout over 13 inches in length may be retained.

West Twin River (Clallam County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: The first Saturday in June through last day in February season. Anti-snagging rule and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon. Anglers fishing lawfully, within 50 yards of the Bellingham Technical College Hatchery Collection Tube, and on the hatchery side of the creek, that hook and land chum salmon, may remove those chum salmon from the water and immediately place them unharmed into the Hatchery Collection Tube.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Anti-snagging rule and night closure August 1 through October 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

Wheeler Creek (Klickitat County): Trout: Release all trout.

White Creek (Skagit County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: October 1 through October 31 all species: Fly fishing only and release all fish. November 1 through last day in February. Selective gear rules. Trout: Minimum length fourteen inches. Anti-snagging rule and night closure October 1 through November 30.

From R Street Bridge to Highway 410 Bridge at Buckley: October 1 through October 31 season. Closed waters: Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin. Anti-snagging rule and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: July 1 through October 31 season. Anti-snagging rule and night closure October 1 through October 31. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor July 1 through October 31. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through January 31 season. Whitefish gear rules apply.

Whitechuck River (Snohomish County): First Saturday in June through October 31 season. Trout: Legal to retain

Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: (~~Open year round~~) Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Anti-snagging rule. Year-round season, except game fish other than steelhead closed April 1 through July 31. Trout: Minimum length fourteen inches. Salmon and steelhead: Open April 1 through (~~June 30~~) July 31, daily limit (~~two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead~~) 2 salmon or 2 hatchery steelhead or one of each. Release wild Chinook. Salmon: Open (~~July~~) August 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho and wild (~~jack~~) Chinook. (~~October 1 through December 31, release adult Chinook upstream of posted markers 0.5 miles upstream of Highway 14 Bridge.~~)

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season, except salmon and steelhead, and trout closed April 1 through April 30. Trout: Minimum length fourteen inches. (~~Release trout April 1 through April 30.~~) Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho and wild (~~jack~~) Chinook. (~~November 16 through December 31, release adult Chinook.~~) Salmon and steelhead: Open April 1 through June 15, daily limit two (~~fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead~~) salmon or two hatchery steelhead or one of each. Release wild Chinook.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Juveniles only.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Wilkeson Creek (Pierce County) (South Prairie Creek tributary) upstream of confluence with Gale Creek: First Saturday in June through October 31 season.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Highway 6 Bridge: The first Saturday in June through March 31 season. All game fish: Release all game fish except that up to two hatchery steelhead may be retained per day. All species: August 16 through November 30 night closure and single point barbless hooks required. August 16 through November 30 above the WDFW access at the mouth of Ward/Wilson Creek stationary gear restriction. Highway 6 Bridge to Fork Creek: The first Saturday in June through July 15 and October 16 through March 31 season. Night closure, single point barbless hooks, and stationary gear restriction October 16 through November 30. All game fish: Release all fish except that up to two hatchery steelhead may be retained. Salmon: Open only August 1 through January 31 from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek and open October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish, of which no more than 3 may be adult salmon (~~(, and of the 3 adult salmon, only one may be a wild adult coho and no more than two may be adult Chinook)~~). Release chum, wild coho, and wild Chinook.

Sturgeon: Open year-round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. August 16 through October 31, anti-snagging rule and night closure. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork: The first Saturday in June through last day in February season. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June through October 31. Anti-snagging rule and night closure August 16 through November 30. All species: Release all fish except up to two hatchery steelhead may be retained.

Williams Creek (Pacific County): The first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season. All species: Catch and release except up to five rainbow trout may be retained.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Juveniles only.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: July 1 through March 15 season, except salmon and steelhead. Trout: Minimum length fourteen inches. Night closure March 16 through June 30. May 1 through June 30: Anti-snagging rule from Burlington Northern Railroad Bridge upstream. August 1 through October 31: Anti-snagging rule

~~((and night closure)).~~ When anti-snagging rule is in effect, only fish hooked in the mouth may be retained. Salmon and steelhead: Open March 16 through June 30 daily limit ~~((2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead))~~ 2 salmon or 2 hatchery steelhead or one of each. Release wild Chinook. ~~((Trout: Minimum length fourteen inches.))~~ Salmon: Open August 1 through October 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho and wild ~~((jack))~~ Chinook. ~~((Release adult Chinook from Burlington Northern Railroad Bridge upstream.))~~

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: ~~((May 1 through June 30 season.))~~ Closed waters: From 400 feet below to 100 feet above the Coffey Dam and from a boundary marker approximately 800 yards downstream from Carson National Fish Hatchery upstream, including all tributaries. May 1 through June 30: Anti-snagging rule and night closure. When anti-snagging rule is in effect, only fish hooked in the mouth may be retained. September 16 through November 30 season, except salmon. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish. Salmon and additional steelhead season: Open May 1 through June 30. Daily limit 2 ((fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Additional season September 16 through November 30. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish)) salmon or 2 hatchery steelhead or one of each.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County), including all forks: Closed waters: From weir at Wishkah Rearing Ponds, downstream 200 feet. Trout: Minimum length fourteen inches. Mouth to mouth of the West Fork: The first Saturday in June through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear rules, unlawful to fish from floating device equipped with an internal combustion motor, and all species: Release all fish, except up to two hatchery steelhead may be retained per day, March 1 through March 31. Salmon: Open October 1 through December 31. ~~((October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the 2 adult salmon, only 1 may be an adult wild coho. Release chum and adult Chinook. October 16 through December 31.))~~ Daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho ~~((, and adult Chinook)).~~

From the mouth of the West Fork to two hundred feet below the weir at the Wishkah Rearing Ponds: The first Saturday in June through March 31 season. All species: March 1 through March 31, release all fish, except up to two hatchery steelhead may be retained per day, and selective gear rules. Unlawful to fish from a floating device equipped with

an internal combustion motor. Salmon: Open October 1 through December 31. (~~Open October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the adult salmon, only 1 may be an adult wild coho. Release chum and adult Chinook. October 16 through December 31.~~) Daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho (~~and adult Chinook~~).

(~~From the weir at the Wishkah Rearing Ponds upstream: Trout: Minimum length fourteen inches.~~)

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Woodard Creek (Thurston County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length 14 inches.

Wood Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Woodland Creek (Thurston County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Wynoochee River (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to 7400 line bridge above mouth of Schafer Creek: The first Saturday in June through March 31 season. Single point barbless hooks required August 16 through November 30. (~~Salmon: Open only October 1 through January 31. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.~~) All species: Bait prohibited September 16 through October 31.

7400 line bridge upstream: Additional December 1 through March 31 season. Selective gear rules. Fishing from a floating device prohibited. All species: Release all fish except up to two hatchery steelhead may be retained per day.

Wynoochee Reservoir (Grays Harbor County): The first Saturday in June through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries. Channel catfish: No daily limit.

From mouth to 400 feet below Prosser Dam: March 1 through October 22 season. Closed waters: From the WDFW white markers 200 feet downstream of the USBR Chandler Powerhouse/Pumping Station spillway chute to the power-line crossing immediately upstream of the powerhouse September 1 through October 22. Chumming permitted. Trout:

Release all trout. Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. All species: Anti-snagging rule and night closure September 1 through October 22.

From Prosser Dam to Highway 223 Bridge: May 1 through October 31 season. Trout: Release all trout.

From mouth to Highway 223 Bridge: Bass: Bass 12 to 17 inches in length may be retained. No daily limit for bass, but not more than 3 bass greater than 15 inches in length may be retained.

From Highway 223 Bridge to 400 feet below Sunnyside Dam: Trout: Minimum length twelve inches and maximum length twenty inches. (~~Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. All species: Anti-snagging rule and night closure September 1 through October 22.~~) Additional season December 1 through last day in February - Whitefish gear rules apply.

From Sunnyside Dam to thirty-five hundred feet below Roza Dam: Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. All species: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches and maximum length twenty inches. Additional season December 1 through last day in February - Whitefish gear rules apply.

From thirty-five hundred feet below Roza Dam to Roza Dam December 1 through last day in February season. Whitefish gear rules apply.

From Roza Dam to four hundred feet below Easton Dam and from Lake Easton to the base of Keechelus Dam: Year-round season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Selective gear rules except bait and one single point barbed hook three-sixteenths or smaller point to shank may be used December 1 through last day in February. Unlawful to fish from a floating device equipped with an internal combustion motor December 1 through the last day of February. Trout: From Roza Dam to 400 feet below Easton Dam: Release all trout. Lake Easton to the base of Keechelus Dam: Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Landlocked salmon rules.

Yellowhawk Creek (Walla Walla County): Closed waters.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Yocum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

AMENDATORY SECTION (Amending Order 09-133, filed 7/8/09, effective 8/8/09)

WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits. It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas~~(s)~~ and during the seasons, in the quantities, and for the species designated in this section, and in the sizes as defined in WAC 220-56-180. An area is open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 232-28-620.

(1) Catch Record Card Area 5:

(a) May 1 through June 30 - Closed.

(b) July 1 through August 15 - Daily limit 2 salmon. Release chum, wild Chinook and wild coho. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) August 16 through September ~~((18))~~ 15 - Daily limit of 2 salmon. Release chum, Chinook and wild coho. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(d) September ~~((19))~~ (16) through September 30 - Daily limit of 2 salmon. Release chum and Chinook.

(e) October 1 through October ~~((15))~~ 31 - Closed.

(f) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

~~((f) October 16)~~ (g) December 1 through February ~~((12))~~ 15 - Closed.

~~((g))~~ (h) February ~~((13))~~ 16 through April 10 - Daily limit 1 salmon.

~~((h))~~ (i) April 11 through April 30 - Closed.

(2) Catch Record Card Area 6:

(a) May 1 through June 30 - Closed.

(b) July 1 through August ~~((15))~~ 15 - Daily limit 2 salmon. Release chum, wild Chinook and wild coho. Release all Chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) August 16 through September 30 - Daily limit of 2 salmon. Release chum, Chinook and wild coho. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(d) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through October 31.

(e) October 1 through October 31 - Daily limit of 2 salmon, not more than 1 of which may be a Chinook salmon, except that waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy, and then to the Port Williams Boat Ramp, are open with a daily limit of 2 coho salmon. Release all other salmon. Waters inside the line described in this subsection are closed at all times except during October.

(f) November 1 through February ~~((12))~~ 15 - Closed.

(g) February ~~((13))~~ 16 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

(3) Catch Record Card Area 7:

(a) May 1 through June 30 - Closed.

(b) July 1 through July 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit. Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(c) August 1 through September 30 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon. Release chum and wild coho. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit. Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(d) Waters of Bellingham Bay described in WAC 220-56-195(1), closed April 1 through April 30 and July 1 through August 15. August 16 through October 31 - Daily limit 4 salmon, not more than 2 of which may be Chinook salmon. ~~((Release pink))~~ November 1 through March 31 and June 1 through June 30 - Same rules as Area 7.

(e) October 1 through October 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon. ~~((Release wild coho))~~

(f) Waters of Samish Bay described in WAC 220-56-195(4), closed April 1 through April 30 and July 1 through October 15.

(g) November 1 through November 30 - Closed.

(h) December 1 through April 30 - Daily limit 2 salmon. Release wild Chinook.

(4) Catch Record Card Area 8-1:

(a) May 1 through July 31 - Closed.

(b) August 1 through September 30 - Daily limit of 2 salmon. Release Chinook. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) October 1 through October 31 - Closed, except that waters west of a line from Forbes Point to Bowers Bluff - Open for salmon fishing; daily limit 2 coho.

(d) November 1 through April 30 - Daily limit 2 salmon. Release wild Chinook.

(5) Catch Record Card Area 8-2:

(a) May 1 through July 31 - Closed, except that waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - June ~~((5))~~ 4 through June ~~((19))~~ 18 and June ~~((24))~~ 20 through July 31, open only from Friday through 11:59 a.m. Monday of each week - Daily limit of 2 salmon. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(b)(i) August 1 through September 30 - Daily limit 2 salmon~~(s)~~; release Chinook. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(ii) Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort, to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - August 1 through September ~~((7))~~ 6, open only from Friday through 11:59 a.m. Monday of each week; and September ~~((12))~~ 11 through September ~~((27))~~ 26, open only

Saturday and Sunday of each week - Daily limit of 2 salmon. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit. September ~~((28))~~ 27 through ~~((June 4))~~ September 30 - Same rules as Area 8-2.

(c) October 1 through October 31 - Closed, except that waters south of a line true east from Randall Point at 49°59'N - Open for salmon fishing; daily limit 2 salmon. Release Chinook.

(d) November 1 through April 30 - Daily limit 2 salmon. Release wild Chinook.

(6) Catch Record Card Area 9:

(a) May 1 through July 15 - Closed.

(b) July 16 through August 31 - Daily limit of 2 salmon. Release chum and wild Chinook. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit. Closed south of a line from Foulweather Bluff to Olele Point, except lawful to fish from shore between the Hood Canal Bridge and the northern boundary of Salsbury Point Park; daily limit 2 coho only.

(c) September 1 through September 30 - Daily limit of 2 salmon. Release chum and Chinook. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(d) October 1 through October 31 - Daily limit of 2 salmon. Release Chinook.

(e) November 1 through November 30 - Daily limit 2 salmon. Release wild Chinook.

(f) December 1 through January 15 - Closed.

(g) January 16 through April 15 - Daily limit 2 salmon. Release wild Chinook.

(h) April 16 through April 30 - Closed.

(i) Edmonds Fishing Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. Release chum from August 1 through September 30. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.

(7) Catch Record Card Area 10:

(a) May 1 through May 31 - Closed.

(b) June 1 through June 30 - Open only north of a line from Point Monroe to Meadow Point. Catch and release.

(c) July 1 through July 15 - Daily limit 2 salmon. Release Chinook. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(d) July 16 through August 31 - Daily limit 2 salmon. Release wild Chinook, and beginning August 1, release chum. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(e) September 1 through September 30 - Daily limit 2 salmon. Release chum through September 15. Release Chinook. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(f) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point, closed July 1 through August 31.

(g) Waters of Elliott Bay east of a line from West Point to Alki Point, closed July 1 through August 31, except that waters east of a line from Pier 91 to Duwamish Head open July ~~((3))~~ 2 through August ~~((24))~~ 8, and open only on Friday through ~~((Monday))~~ Sunday of each week - Daily limit 2

salmon. Release chum beginning August 1 ~~((through August 24))~~. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(h) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White - Daily limit 2 salmon, July 1 through September 30. Release wild Chinook. Release chum from August 1 through September 15. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(i) October 1 through January 31 - Daily limit of 2 salmon. Release wild Chinook.

(j) Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point, fly fishing only, lead core lines prohibited, and catch and release from January 1 through January 31.

(k) February 1 through April 30 - Closed.

(l) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. Release chum from August 1 through September 15. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.

(m) Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line projected through Southwest Hanford Street on Harbor Island, from July 1 through October 31, night closure, anti-snagging rule, and only fish hooked inside the mouth may be retained.

(8) Catch Record Card Area 11:

(a) May 1 through May 31 - Closed.

(b) June 1 through June 30 - Daily limit of 2 salmon. Release wild Chinook. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed.

(c) July 1 through September 30 - Daily limit of 2 salmon. Release wild Chinook. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock, closed July 1 through July 31.

(d) October 1 through October 31 - Daily limit of 2 salmon.

(e) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(f) January 1 through January 31 - Closed.

(g) February 1 through April 30 - Daily limit of 2 salmon. Release wild Chinook. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed from April 1 through April 30.

(h) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier, and Point Defiance Boathouse Dock: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.

(9) Catch Record Card Area 12:

(a) May 1 through June 30 - Closed.

(b) July 1 through October 15, in waters south of Ayock Point - Daily limit 4 salmon, of which no more than two may be Chinook salmon. Release chum.

(c) July 1 through August 31, in waters north of Ayock Point, except waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Closed.

(d) September 1 through October 15, in waters north of Ayock Point, and August 16 through October 15, in waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Daily limit 4 coho salmon. Release all salmon except coho.

(e) October 16 through December 31 - Daily limit 4 salmon, of which no more than one may be a Chinook salmon.

(f) January 1 through January 31 - Closed.

(g) February 1 through April 30 - Daily limit 2 salmon, release wild Chinook.

(h) July 1 through December 31, the Hoodspout Hatchery Zone is managed separately from the remainder of Area 12. See WAC 220-56-124.

(10) Catch Record Card Area 13:

(a) May 1 through June 30 - Daily limit 2 salmon. Release wild Chinook.

(b) July 1 through September 30 - Daily limit 2 salmon. Release wild coho and wild Chinook.

(c) October 1 through October 31 - Daily limit 2 salmon. Release wild coho.

(d) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed April 16 through September 30.

(e) Waters of Budd Inlet south of the Fourth Avenue Bridge are closed. Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 16 through October 31. Waters north of the Thriftway Market-railroad bridge line and south of a line projected due west from the KGY radio tower - night closure and anti-snagging rule from July 16 through October 31.

(f) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(g) January 1 through (~~January 31~~) April 30 - Daily limit 1 salmon.

(h) (~~February 1 through last day in February~~) - Closed.

(i) ~~March 1 through April 30~~ - Daily limit 1 salmon.

(j) Fox Island Public Fishing Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. Release wild coho ~~(s)~~ from July 1 through October 31.

RCW 28B.50.535 as set forth by SHB 1758 from the 2009 legislative session. Prior to SHB 1758 community and technical colleges could issue a high school diploma to students if they met the state board of education's graduation requirements. SHB 1758 created two more options for community and technical colleges to issue a high school diploma. The rule was amended to provide for these options as set forth in RCW 28B.50.535 (2) and (3).

Citation of Existing Rules Affected by this Order: Amending WAC 180-51-053.

Statutory Authority for Adoption: RCW 28A.230.090.

Adopted under notice filed as WSR 10-04-115 on February 3, 2010.

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

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

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

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

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

Date Adopted: March 18, 2010.

Edith W. Harding
Executive Director

AMENDATORY SECTION (Amending WSR 04-20-093, filed 10/5/04, effective 11/5/04)

WAC 180-51-053 Community college high school diploma programs. (1)(a) **Minimum requirements for high school diploma.** The minimum requirements and procedures for the issuance of a high school diploma by or through a community or technical college district shall be as prescribed by the state board of education in this section and chapters 180-51 and 180-56 WAC or as set forth in RCW 28B.50.535 (2) or (3).

(b) Any high school graduation diploma issued by or through a community or technical college district shall certify that the diploma is issued in compliance with high school graduation requirements established by the state board of education and procedures established by the superintendent of public instruction or as set forth in RCW 28B.50.535 (2) or (3).

(2) Provisions governing program for persons eighteen years of age and over.

(a) The appropriate school district, community college, or technical college education official shall evaluate the previous educational records of the student and may provide evaluative testing to determine the student's educational level. The official shall recommend an appropriate course or courses of study and upon the successful completion of such study the student will be eligible for the high school diploma.

WSR 10-12-082

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed June 1, 2010, 8:55 a.m., effective July 2, 2010]

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

Purpose: Amending WAC 180-51-053 Community college high school diploma programs, due to amendments to

(b) Satisfaction of minimum course requirements may be met by one or more of the following methods with the applicable institution granting credit verifying completion of course requirements.

- (i) Actual completion of courses regularly conducted in high school;
- (ii) Technical college;
- (iii) Community college;
- (iv) Approved correspondence or extension courses;
- (v) Supervised independent study; or
- (vi) Testing in specific subject areas.

(c) The appropriate education official shall exercise reasonable judgment in appraising the educational experience of the student either in or out of a formal school program to determine the degree to which the student has satisfied the minimum credit requirements for completion of the high school program. Consideration may be given to work experience, vocational training, civic responsibilities discharged by the adult and other evidences of educational attainment.

(d) A high school diploma shall be granted to each individual who satisfactorily meets the requirements for high school completion. The diploma shall be issued by the appropriate school district, community college, or technical college: Records of diplomas issued under the provisions of this subsection shall be maintained by the issuing agency.

(3) Provisions governing program for persons under eighteen years of age.

(a) The high school principal shall evaluate the previous educational record of the individual and prior to his or her enrollment in courses and in cooperation with the appropriate education official of a community college or technical college shall approve the program of studies leading to the high school diploma.

(b) The student must be assigned a program supervisor.

WSR 10-12-083

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed June 1, 2010, 9:00 a.m., effective July 2, 2010]

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

Purpose: Repealing WAC 180-08-002 General description of organization, the rule quoted an old version of RCW 28A.305.130 that has since been amended.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-08-002.

Adopted under notice filed as WSR 10-04-123 on February 3, 2010.

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

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

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

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

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

Date Adopted: March 18, 2010.

Edith W. Harding
Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-08-002	General description of organization.
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WSR 10-12-095

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 1, 2010, 4:17 p.m., effective July 2, 2010]

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

Purpose: The department is amending WAC 388-408-0020 to clarify assistance unit rules for TANF and SFA.

Citation of Existing Rules Affected by this Order: Amending WAC 388-408-0020.

Statutory Authority for Adoption: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Adopted under notice filed as WSR 09-23-077 on November 16, 2009.

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

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

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

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

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

Date Adopted: June 1, 2010.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-03-121, filed 1/22/01, effective 3/1/01)

WAC 388-408-0020 When am I not allowed to be in a TANF or SFA assistance unit? Some people cannot be in an AU for TANF or SFA. This section describes who cannot be in your TANF or SFA AU and how this will affect your benefits.

(1) We do not include the following people in your TANF or SFA AU:

(a) ~~((An adopted child if:~~

~~(i) The child gets federal, state, or local adoption assistance; and~~

~~(ii) Including the child in the AU and counting the adoption assistance income would reduce your AU's benefits.~~

~~((b))~~ A minor parent or child who has been placed in Title IV-E, state, or locally-funded foster care unless the placement is a temporary absence under WAC 388-454-0015;

~~((c))~~ (b) An adult parent in a two-parent household when:

(i) The other parent is unmarried and under the age of eighteen; and

(ii) We decide that your living arrangement is not appropriate under WAC 388-486-0005.

~~((d))~~ (c) A court-ordered guardian, court-ordered custodian, or other adult acting *in loco parentis* (in the place of a parent) if they are not a relative of one of the children in the AU as defined under WAC 388-454-0010; or

~~((e))~~ (d) Someone who gets SSI benefits.

(2) If someone that lives with you cannot be in the AU:

(a) We do not count them as a member of the AU when we determine the AU's payment standard; and

(b) We do not count their income unless they are financially responsible for a member of the AU under WAC 388-450-0095 through 388-450-0130.

WSR 10-12-099

PERMANENT RULES

OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2009-05—Filed June 2, 2010, 7:46 a.m., effective July 3, 2010]

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

Purpose: These new rules clarify the standards for detecting and preventing the purchase of juvenile life insurance for speculative or fraudulent purposes.

Citation of Existing Rules Affected by this Order: Amending WAC 284-23-800, 284-23-803, and 284-23-806.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a).

Adopted under notice filed as WSR 10-01-130 on December 21, 2009.

Changes Other than Editing from Proposed to Adopted Version:

- WAC 284-23-806(4) was rewritten for clarification: An insurer must have underwriting standards and procedures justifying the issuance of.

- WAC 284-23-806(4), deleted language from original rule added back in: "The insurer must provide the insurance commissioner with documentation from its records and files to support ~~((the))~~ its underwriting justification upon request.
- WAC 284-23-806 (4)(d), language added: "The commissioner must be able to determine that"...
- WAC 284-23-806 (5)(a), (b), (c), new language regarding policies of fifty thousand dollars or less issued without underwriting added in response to comments.

A final cost-benefit analysis is available by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7041, fax (360) 586-3109, e-mail kacys@oic.wa.gov.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: June 2, 2010.

Mike Kreidler

Insurance Commissioner

JUVENILE LIFE INSURANCE

AMENDATORY SECTION (Amending Matter No. R 2007-09, filed 1/21/09, effective 2/21/09)

WAC 284-23-800 Purpose and scope. The purpose of these rules is to ~~((prevent))~~ set standards for detecting and preventing the purchase of juvenile life insurance for speculative or fraudulent reasons, by ensuring that insurance underwriting practices consider such risk, and by setting forth the minimum practices required to insure the life of a juvenile. These rules apply to ~~((any))~~ life insurance ~~((issued in Washington state on))~~ policies governed by chapter 48.23 RCW that insure the life of a juvenile.

AMENDATORY SECTION (Amending Matter No. R 2007-09, filed 1/21/09, effective 2/21/09)

WAC 284-23-803 Definitions. For the purpose of this rule, the following definitions apply, unless the context clearly requires otherwise:

(1) "Insurable interest" means a relationship to the insured at the time of application ~~((congruent with the continuance of the life of the insured, and))~~ as ~~((further))~~ defined in RCW 48.18.030 and 48.18.060(2).

(2) "Juvenile" means a person younger than eighteen years of age.

(3) "Juvenile Life Insurance Contract" means a life insurance policy or contract issued on the life of a juvenile.

(4) "Parent or legal guardian" means a natural parent, an adoptive parent whose status is documented in a final court order of adoption or a court appointed legal guardian for the juvenile. Step-parents who have not legally adopted the juvenile, foster parents, noncustodial parents or relatives acting in loco parentis are not considered parents or legal guardians of the juvenile for purposes of this rule.

AMENDATORY SECTION (Amending Matter No. R 2007-09, filed 1/21/09, effective 2/21/09)

WAC 284-23-806 Required procedures and standards for sale of juvenile life insurance policies. Beginning July 1, 2009, an insurer must comply with the following procedures and standards when ~~((selling))~~ underwriting juvenile life insurance policies:

(1) An insurer may refuse an applicant's request for life insurance when the combined life insurance-in-force exceeds the issuing insurer's maximum for juveniles.

(2) Life insurance upon a juvenile ~~((may))~~ must not be made or take effect unless at the time the contract is made, the applicant is a person having an insurable interest in the life of ~~((a minor or is a person upon whom the minor is dependent for support and maintenance))~~ the juvenile. The insurer must obtain and keep documentation sufficient to demonstrate that the ~~((person applying))~~ applicant for the policy has an insurable interest in the life of the ~~((insured))~~ juvenile.

(3) In addition to the signature of the applicant, the ~~((following consent as evidenced by signature must be obtained before submitting the application for underwriting:))~~

~~((a) The parent or legal guardian with whom the juvenile resides must sign the application if the applicant is not a parent or legal guardian.~~

~~((b))~~ consent of the parent or legal guardian with whom the juvenile resides, as evidenced by signature, must be obtained before submitting the application for underwriting. Any juvenile age fifteen or older must sign the ~~((initial))~~ application for insurance on the juvenile's life.

(4) An insurer must have ~~((justification for selling))~~ underwriting standards and procedures justifying the issuance of a life insurance policy on the life of a juvenile ~~((in excess of reasonably anticipated costs associated with the juvenile's funeral, other death expenses or costs of mental health treatment for family members or loss of income to the family)).~~ The insurer must provide the insurance commissioner with documentation from its records and files to support ~~((the))~~ its underwriting justification upon request. The justification must ~~((contain))~~ address the following elements:

(a) The ~~((justification))~~ issued policy must conform to the insurer's established standards and practices for underwriting juvenile life insurance or explain any variance.

(b) As part of its underwriting practice, the insurer must identify the amount, if any, of other life insurance contracts on the life of the juvenile which are in force or applied for at the time of application.

~~((Whether and to what extent the beneficiary or applicant is dependent on the juvenile for income or other support.~~

~~((d) The value of life insurance or accidental death benefits issued for other siblings or immediate family members, and if not grossly proportional to the underwritten policy benefit or individually equivalent to coverage on other family members, why proportionality or equivalency was not required.~~

~~((e) Whether the overall amount of insurance on the juvenile exceeds the annual household income, and if so, why such an amount was approved.))~~ The insurer must confirm that the policy death benefit is grossly proportional to the value of life insurance or accidental death benefits issued for other siblings or immediate family members, and if not, justify why proportionality or equivalency was not required.

~~((d) The commissioner must be able to determine that the insurer had good cause to underwrite when the overall amount of insurance on the juvenile exceeds the annual household income, and if it does so, justify why such an amount was approved. The extent to which the beneficiary or applicant is dependent on the juvenile for income or other support is an example of such a justification.~~

~~((5) If an application on the life of a juvenile is fifty thousand dollars or less and issued without underwriting, the insurer must meet the following additional requirements:~~

~~((a) In addition to asking the applicant, take reasonable steps to determine the total amount of insurance in-force on the life of the juvenile at the date of application including, but not limited to, checking any national data base for in-force insurance information;~~

~~((b) Document the steps taken to determine the total amount of insurance in-force on a particular application and make the documentation available to the insurance commissioner upon request; and~~

~~((c) File an amended application or endorsement for use in Washington including the following statement: "This policy may be void or reduced when a claim is submitted if the total amount of life insurance in-force from all sources exceeds the underwriting limits established for issuance of this policy on the life of a juvenile." This statement must be printed in bold face type of at least twelve-point font.~~

(6) For each application for juvenile life insurance rejected by an insurer, each insurer must maintain at its home or principal office a complete file containing the original signed application, underwriting analysis, correspondence with the applicant and any other documents pertinent to the decision to reject the applicant as an insured, for a period of not less than ten years from the date the application was signed by the applicant. Such file shall be subject to inspection by the insurance commissioner.

**WSR 10-12-100
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2008-11—Filed June 2, 2010, 7:47 a.m., effective July 3, 2010]

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

Purpose: The purpose of these new rules is to ensure that insurers and the entities they contract with use the insurer's "legal name" when conducting insurance business.

Statutory Authority for Adoption: RCW 48.02.060.

Adopted under notice filed as WSR 10-01-131 on December 21, 2009.

Changes Other than Editing from Proposed to Adopted Version:

- WAC 284-30-670(1), was revised with language to comply with RCW 48.30.010.
- WAC 284-30-670 (3)(a), changed *customer* to *insured*.
- WAC 284-30-670 (3)(b), added *regarding an investigation, inquiry, enforcement matter or examination*.
- WAC 284-30-670 (4)(b), added *solely* and changed *consumers* to *insureds*.
- WAC 284-30-670(5), added *of this section by an insurer or its contracted entity*.
- New WAC 284-30-670(6), *This regulation does not bar the use of trade names, group names, logos or trademarks. To be in compliance with RCW 48.05.190 (1), when an insurer uses a trade name, group name, logo or trademark when conducting its business, the insurer must also identify itself by its legal name as required by this section.*

A final cost-benefit analysis is available by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7041, fax (360) 586-3109.

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

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

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

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

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

Date Adopted: June 2, 2010.

Mike Kreidler
Insurance Commissioner

NEW SECTION

WAC 284-30-670 Insurers must transact business in their legal name. (1) The commissioner is adopting this regulation as an unfair practice for the following reasons:

(a) Many insurers fail or periodically fail to comply with the legal name requirement of RCW 48.05.190(1) when transacting insurance business.

(b) When a consumer seeks assistance from the commissioner, the legal name of the company must be determined. When the consumer is unable to provide the information, the commissioner's staff must research it, which unnecessarily

wastes the commissioner's resources and delays the inquiry and resolution, posing a risk of harm to the consumer.

(c) Insurers will not accept a lawsuit from their insured if the paperwork does not identify the insurer correctly.

(2) The following definitions apply to this section:

(a) "Legal name" of the insurer means the name displayed on the Washington state certificate of authority issued by the commissioner.

(b) "Contracted entity" means an entity with which an insurer contracts to transact any aspect of the business of insurance, such as adjudicating claims, determining eligibility, or underwriting or marketing products on behalf of an insurer, and includes such entities as insurance producers, claims administrators, and managing general agents as defined in RCW 48.98.005(3).

(c) "Transacting business" includes insurance transaction, as defined in RCW 48.01.060.

(3) An insurer must identify itself by its legal name when:

(a) Transacting business with a consumer, insured, potential insured or claimant as defined in WAC 284-30-320(2); and

(b) Communicating orally, electronically, or in writing with the commissioner regarding an investigation, inquiry, enforcement matter or examination. Written communication must also include the insurer's NAIC code.

(4) Advertisements directed to insureds or potential insureds must clearly display the insurer's legal name and the location of its home office or principal office, as required by RCW 48.30.050.

(a) An advertisement by an insurance producer, licensee, or other marketing entity advertising an insurance product common to multiple insurers does not need to include the legal name of the insurer. The advertisement must include the insurance producer, licensee, or other marketing entity's name and address.

(b) Advertisements directed solely to insurance producers, providers, or other marketing entities, but not directed to insureds or potential insureds, are exempt from this subsection.

(5) Each single violation of this section by an insurer or its contracted entity may subject the insurer to all applicable provisions of Title 48 RCW, including, but not limited to, RCW 48.05.140 and 48.05.185.

(6) This regulation does not bar the use of trade names, group names, logos or trademarks. To be in compliance with RCW 48.05.190(1), when an insurer uses a trade name, group name, logo or trademark when conducting its business, the insurer must also identify itself by its legal name as required by this section.

WSR 10-12-116

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed June 2, 2010, 9:45 a.m., effective July 3, 2010]

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

Purpose: The proposed rules will implement legislative changes resulting from the passage of SSB 5273 in the 2009

legislative session. It will amend and reorganize existing rules.

Citation of Existing Rules Affected by this Order: Amending chapter 308-13 WAC.

Statutory Authority for Adoption: RCW 18.96.060.

Adopted under notice filed as WSR 10-08-096 on April 7, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 8, Amended 11, Repealed 7.

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

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

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

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

Date Adopted: June 2, 2010.

Walt Fahrer
Rules Coordinator

Chapter 308-13 WAC

BOARD OF ~~((REGISTRATION))~~ LICENSURE FOR LANDSCAPE ARCHITECTS

AMENDATORY SECTION (Amending WSR 02-07-047, filed 3/14/02, effective 4/14/02)

WAC 308-13-005 Definitions. (1) ~~(("Registered college" as used in RCW 18.96.070 means a college or school recognized by the Landscape Architectural Accreditation Board (LAAB) as having accredited programs in landscape architecture.))~~ "CLARB" means the National Council of Landscape Architectural Registration Boards, of which the Washington board is a member.

(2) "Entire examination" as referred to in RCW 18.96.090 means the written and graphic examination approved by the board.

(3) ~~((The word "principal" as used in this chapter means a member of a firm offering landscape architectural services to the public who is a landscape architect, a shareholder and director of landscape architecture if the practice is through a corporation, a partner if the practice is through a partnership or the owner if the practice is through a sole proprietorship.))~~

(4)) "Examination" or "L.A.R.E." means the Landscape Architect Registration Examination for landscape architects.

~~((5) "CLARB" means the National Council of Landscape Architectural Registration Boards, of which the Washington board is a member.~~

~~((6) "Academic requirement" means graduation from a college or school approved by the board as offering a curriculum in landscape architecture.))~~ (4) "Institution of higher education" as used in RCW 18.96.070 means a college or

school recognized by the Landscape Architectural Accreditation Board (LAAB) as having accredited programs in landscape architecture.

(5) Professional development equivalents:

(a) One professional development hour (PDH) is equal to no less than fifty minutes of instruction.

(b) One continuing education unit (CEU) is equal to ten PDHs.

(c) For professional development through an institution of higher education:

(i) One semester hour equals forty-five PDHs.

(ii) One quarter hour equals thirty PDHs.

AMENDATORY SECTION (Amending WSR 08-22-027, filed 10/28/08, effective 11/28/08)

WAC 308-13-010 ~~((State board of registration.))~~ What does the state board of licensure do? ~~((1) Meetings.))~~ The Washington state board of ~~((registration))~~ licensure for landscape architects, hereinafter called the board, will hold quarterly regular public meetings each year.

~~((2) Officers.))~~ At its regular meeting during the second quarter of the calendar year, the board shall elect a ~~((chairman))~~ chair, a ~~((vice-chairman))~~ vice-chair, and a secretary for the ~~((ensuing))~~ upcoming year. The secretary may delegate ~~((the office's))~~ his or her responsibilities in all or in part to the executive ~~((secretary))~~ director.

The board shall:

(1) Determine the qualifications for examination.

(2) Review applications to determine eligibility for licensure by applicants who do not have a degree, referring qualified candidates to CLARB for administration of the examination.

(3) Review and act on applications for licensure by reciprocity.

(4) Provide application instructions for reissuance of license to persons whose license has been suspended or revoked in accordance with RCW 18.96.120, 18.96.180, 18.96.190 and chapter 18.235 RCW.

(5) Provide reinstatement instructions to persons whose license is delinquent in accordance with RCW 18.96.110.

(6) Provide guidelines for qualifying professional development activities.

(7) Audit and enforce professional development activities.

AMENDATORY SECTION (Amending WSR 08-22-027, filed 10/28/08, effective 11/28/08)

WAC 308-13-011 ~~((The seal/stamp.))~~ Do I need a stamp or seal? ~~((These rules govern the design and use of the landscape architect seal/stamp.~~

~~((1) Every landscape architect licensed in the state of Washington shall))~~ If you were issued your license on or after July 1, 2010, you must have a seal/stamp of the design authorized by the board, bearing ~~((the registrant's))~~ your name, license number and the legend "~~((Registered))~~ Licensed landscape architect, state of Washington." The seal/stamp may be used in a horizontal or vertical format~~((, and sealed as appropriate.))~~ provided it remains readable. Other deviations are

not allowed. ((Fasimiles)) Examples of the board-authorized seal/stamp appear below.

If you were licensed before July 1, 2010, you may continue to use your existing registration stamp.

~~((STRICKEN GRAPHIC~~ _____



STATE OF WASHINGTON REGISTERED LANDSCAPE ARCHITECT

(SIGNATURE)
NAME
CERTIFICATE NO. 000



STATE OF WASHINGTON REGISTERED LANDSCAPE ARCHITECT

(SIGNATURE)
NAME
CERTIFICATE NO. 000

~~STRICKEN GRAPHIC))~~



STATE OF WASHINGTON LICENSED LANDSCAPE ARCHITECT

(SIGNATURE)
NAME

LICENSE NO. 000
EXPIRES ON (EXPIRATION DATE)



STATE OF WASHINGTON LICENSED LANDSCAPE ARCHITECT

(SIGNATURE)
NAME

LICENSE NO. 000
EXPIRES ON (EXPIRATION DATE)

(1) Your seal/stamp must include your signature and your license expiration date.

(2) ((The following shall be signed and sealed/stamped by the landscape architect:)) You must seal/stamp the following:

(a) All technical submissions required for building permits, regulatory approvals and/or construction drawings that are filed with authorities having jurisdiction((-));

((*) (b) Drawings prepared by ((the landscape architect)) you on each sheet((-));

((*) (c) Specifications and other technical submissions need only be sealed/stamped on the cover, title page, and all pages of the table of contents.

((3) No landscape architect(s)) Your seal/stamp ((or countersignature)) shall not be affixed to any drawings not prepared by ((the landscape architect)) you or ((his or her)) your regularly employed subordinates, or not reviewed by ((the landscape architect)) you. ((A landscape architect who)) If you seal((s))/stamp((s or signs)) drawings or specifications that ((he or she has)) you have reviewed, you shall be responsible to the same extent as if those drawings or specifications were prepared by ((that landscape architect)) you.

((4)) Without exception, these sealing/stamping requirements for landscape architects shall apply to all work prepared or supervised by the landscape architect.

(3) The terms "signature" or "signed" as used in chapter 18.96 RCW and this chapter, shall mean the following:

(a) A handwritten identification or a digital representation of your handwritten identification that represents the act of putting your name on a document to attest to its validity. The handwritten or digital identification must be:

(i) Original and written by hand, or a scanned image of an original, handwritten identification;

(ii) Permanently affixed to the document(s) being certified;

(iii) Applied to the document by the identified licensee;

(iv) Placed adjacent to the seal/stamp of the licensee;

(b) A digital identification that is an electronic authentication process attached to or logically associated with an electronic document. The digital identification may include a scanned or digitized signature. The digital identification must be:

(i) Unique to the licensee using it;

(ii) Capable of independent verification;

(iii) Under the exclusive control of the licensee using it;

(iv) Linked to a document in such a manner that the digital identification is invalidated if any data in the document is changed.

AMENDATORY SECTION (Amending WSR 08-22-027, filed 10/28/08, effective 11/28/08)

WAC 308-13-012 What are the standards of practice and conduct((-))? (1) Competence.

(a) In practicing landscape architecture, ((a landscape architect)) you shall act with reasonable care and competence and shall apply the technical knowledge and skill that is ordinarily applied by landscape architects of good standing practicing in the same locality.

(b) In designing a project, ~~((a landscape architect))~~ you shall take into account all applicable construction laws, zoning codes and other applicable laws or regulations. ~~((A landscape architect))~~ You shall not knowingly design a project in violation of such laws and regulations.

(c) ~~((A landscape architect))~~ You shall ~~((undertake to))~~ perform professional services only when ~~((the landscape architect))~~ you, together with those whom ~~((the landscape architect may))~~ you engage as consultants, ~~((is))~~ are qualified by education, training and experience in the specific technical areas involved.

(2) Conflict of interest.

(a) ~~((A landscape architect))~~ You shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.

(b) If ~~((a landscape architect has))~~ you have any business association or direct or indirect financial interest that is substantial enough to influence ~~((the landscape architect's))~~ your judgment in connection with the performance of professional services, ~~((the landscape architect))~~ you shall fully disclose this in writing to the client or employer. If ~~((the landscape architect's))~~ your client or employer objects to such association or financial interest, ~~((the landscape architect))~~ you shall either terminate such association or interest or offer to give up the commission or employment.

(c) ~~((A landscape architect))~~ You shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(d) When acting as the interpreter of landscape contract documents and the judge of contract performance, ~~((a landscape architect))~~ you shall render decisions impartially, favoring neither party to the contract.

(3) Full disclosure.

(a) ~~((A landscape architect))~~ You shall disclose whenever ~~((he or she is))~~ you are being compensated for making public statements concerning landscape architectural issues.

(b) ~~((A landscape architect))~~ You shall accurately represent to a prospective or existing client or employer ~~((the landscape architect's))~~ your qualifications and clearly define the scope of ~~((his or her))~~ your responsibility in connection with work for which ~~((the landscape architect is))~~ you are claiming responsibility.

(c) If ~~((a landscape architect))~~ you become ~~((s))~~ aware of a decision made by ~~((his or her))~~ your employer or clients against ~~((the landscape architect's))~~ your advice ~~((;))~~ that violates applicable construction laws, zoning codes or other applicable regulations and that will, in ~~((the landscape architect's))~~ your judgment, materially and adversely affect the public health, safety and welfare, ~~((the landscape architect))~~ you shall:

(i) Report the decision to the local authorities or other public official charged with the enforcement of such laws and regulations;

(ii) Refuse to consent to the decision; and

(iii) In circumstances where ~~((the landscape architect))~~ you reasonably believe ~~((s))~~ that other such decisions will be made notwithstanding ~~((his or her))~~ your objection, then ~~((the landscape architect))~~ you shall terminate services with reference to the project. In the case of a termination in accordance

with ~~((this paragraph of this rule))~~ ~~((3)(c)(iii) of this section, ((the landscape architect))~~ you shall have no liability to the client on account of such termination.

(d) ~~((A landscape architect))~~ You shall not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with an application for licensure or renewal.

(e) ~~((A landscape architect))~~ You shall not assist in the application for licensure of a person known by ~~((the landscape architect))~~ you to be unqualified in respect to education, examination, experience or character.

(4) Compliance with laws.

(a) ~~((A landscape architect))~~ You shall not, in the practice of landscape architecture, knowingly violate any criminal law.

(b) ~~((A landscape architect))~~ You shall neither offer nor make any payment or gift to any governmental official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which ~~((the landscape architect is))~~ you are interested.

(c) ~~((A landscape architect))~~ You shall comply with the laws and regulations governing professional practice in any jurisdiction.

(5) Professional conduct. ~~((A landscape architect))~~ You shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which ~~((the landscape architect is))~~ you are interested.

AMENDATORY SECTION (Amending WSR 07-05-039, filed 2/15/07, effective 3/18/07)

WAC 308-13-020 ~~((Qualifications and application for licensure.))~~ How do I get a license? ~~((In addition to having passed the licensing examination required under WAC 308-13-032, applicants for licensure shall provide the following as minimum evidence of qualification for licensure:~~

~~((1) Three references from landscape architects having personal knowledge of the applicant's practical experience as described in subsection (2) of this section;~~

~~((2) A summary of the applicant's practical training; and~~

~~((3) Documentation verifying a minimum of seven years of any combination of academic and practical training experience approved by the board. The board shall use the following criteria when evaluating experience:~~

~~((a) ACADEMIC TRAINING~~

~~((i) With a passing grade, 32 semester credit hours or 45 quarter credit hours is considered to be one year. Any fraction, one-half year or greater, will be counted one-half year, and less than one-half year will not be counted.~~

~~((ii) A degree in landscape architecture or credits from an accredited college will be weighted at one hundred percent with a four-year maximum credit for academic training.~~

~~((iii) Credits in landscape architecture from a college not accredited may be weighted up to seventy-five percent with a three-year maximum credit for academic training.~~

(iv) Credits in architecture or civil engineering will be weighted at fifty percent with a two-year maximum credit for academic training.

(b) PRACTICAL TRAINING

(i) Practical training necessary to qualify for licensure will be measured in months.

(ii) No training prior to graduation from high school will be accepted.

(iii) Credit for practical training will be based on a verifiable demonstration of competency and progressive responsibility in the analysis, synthesis, and evaluation of landscape architecture concepts and data and demonstrating their experience in a position of making independent judgments and decisions. The amount of credit is determined by the following:

(A) Full-time credit must be at least thirty-five hours per week for a minimum of ten consecutive weeks;

(B) Part-time credit must be at least twenty hours per week for six or more consecutive months;

(C) Project and self-employment credit will be given credit based on verification by at least two licensed landscape architects who have reviewed and provided written acknowledgement of the applicant's work.)) You need to fulfill three general requirements before getting your license: Education, examination, and experience.

The board adopts the CLARB's "Standards of Eligibility for Council Certification" as the standard for the education and experience requirements for applicants with a degree. The board does not require a CLARB council certificate for licensure.

Subject to the provisions of RCW 18.96.090, the board adopts the landscape architectural registration examination and grading procedure prepared by CLARB as the state examination for licensure. CLARB will administer the entire examination for Washington candidates, and will collect examination and reexamination fees accordingly.

(1) To register for the examination.

(a) If you have a degree:

(i) Apply directly to CLARB. Your materials will be evaluated using CLARB's "Standards of Eligibility for CLARB Test Center Candidates."

(ii) Contact CLARB to register for the Landscape Architect Registration Examination (LARE).

(iii) CLARB will register you and administer the exam. You will pay the fees for examination and reexamination directly to CLARB.

(b) If you do not have a degree:

(i) You must have a high school diploma or equivalent and at least eight years practical landscape architectural work experience.

(A) At least six years of work experience must be under the direct supervision of a licensed landscape architect.

(B) The remaining two years can be any combination of the following as approved by the board:

(1) Postsecondary education courses in landscape architecture, landscape architectural technology or a related field, if the courses are equivalent to education courses in an accredited landscape architectural degree program.

With a passing grade, thirty-two semester credit hours or forty-five quarter hours is considered to be one year. Any

fraction, one-half year or greater, will be counted one-half year, and less than one-half year will not be counted.

(II) Work experience in landscape design as a principal activity.

(C) Work experience will receive credit if it is as follows:

(I) At least thirty-five hours per week for at least two continuous months - 100%.

(II) At least twenty hours per week for at least four continuous months - 50%.

(ii) Submit the following to the board office:

(A) The board's official application form and application fee. The application fee is not refundable.

(B) Evidence of your qualifications and experience as shown by:

(I) National certification from CLARB, sent directly to the Washington board office from CLARB; or

(II) The following materials:

• An official sealed transcript showing any applicable courses you have taken from a community college, technical college, or university. The transcript must be sent directly from the college or university to the board office.

• Verification by at least two licensed landscape architects who have reviewed and provided written acknowledgment of your work.

(iii) If your application is approved, it will be sent to CLARB and CLARB will register you and administer the exam. You will pay the fees for examination and reexamination directly to CLARB.

(2) To obtain a license, submit the following to the board office:

(a) If you have a degree:

(i) The board's official application form with the application fee. The application fee is not refundable;

(ii) Evidence of your qualifications and experience as shown by:

(A) National certification from CLARB, sent directly to the Washington board office from CLARB; or

(B) The following materials:

(I) Verification of successful completion of the exam; and

(II) Statements of previous employers covering full-time employment for a minimum of three years of diversified experience in landscape architecture based on CLARB's Standards of Eligibility for Council Certification;

(iii) The initial license fee;

(iv) A written review of laws related to the practice of landscape architecture as outlined in WAC 308-13-031;

(b) If you don't have a degree:

(i) Evidence of your qualifications and experience as shown by:

(A) National certification from CLARB, sent directly to the Washington board office from CLARB; or

(B) Verification of successful completion of the exam;

(ii) The initial license fee;

(iii) A written review of laws related to the practice of landscape architecture as outlined in WAC 308-13-031.

NEW SECTION

WAC 308-13-031 Law review. When you successfully complete the licensing examination, you must then satisfactorily complete the review of laws related to the practice of landscape architecture as determined by the board.

AMENDATORY SECTION (Amending WSR 02-07-047, filed 3/14/02, effective 4/14/02)

WAC 308-13-050 ((Registration by reciprocity.))
How can I get a license through reciprocity? ~~((1) Any landscape architect who is currently registered in another state or country which extends the privileges of reciprocity to landscape architecture in this state, and who desires to practice landscape architecture in Washington, shall make formal application on forms provided by the board, accompanied by the initial license fee and the reciprocity application fee. Applicants shall satisfactorily complete the review of laws related to the practice of landscape architecture as determined by the board. The application shall show evidence satisfactory to the board of:~~

- ~~(a) Having at least the equivalent experience and responsible charge of landscape architectural work as required of candidates for examination;~~
- ~~(b) Having satisfactorily completed the national examination required of applicants for registration in Washington;~~
- ~~(c) Applicant's proof of compliance, that shall consist of:~~
 - ~~(i) Education: Transcript of college grades indicating degrees earned. Transcripts are not required if work experience is at least seven years.~~
 - ~~(ii) Employment: Statements of previous employers covering full time employment for a minimum of three years when the applicant has an accredited degree in landscape architecture or seven years of experience working with landscape architects or a combination of seven years of education and experience, approved by the board.~~
 - ~~(iii) Certification: State of registration where applicant passed the national examination, listing subjects taken and scores received.~~

~~(2) Certification: National certification by the council of landscape architectural registration boards shall be recognized by this board as satisfactory evidence for registration by reciprocity, provided the applicant has passed the national examination and such certification is current and valid at the time of approval by the board.))~~ If you hold an active landscape architect license in another state or country, you can apply for a Washington license if your qualifications and experience meet the following criteria:

- If you have a degree, your qualifications will be evaluated using CLARB's Standard of Eligibility for Council Certification.
- If you do not have a degree, your qualifications and experience must be comparable to WAC 308-13-020.

Submit to the board office:

- (1) The board's official application form and reciprocity application fee. The application fee is not refundable;
- (2) The initial license fee;
- (3) A written review of laws related to the practice of landscape architecture as outlined in WAC 308-13-031;

(4) Evidence of your qualifications and experience as shown by:

(a) National certification from CLARB, sent directly to the Washington board office from CLARB; or

(b) The following materials:

(i) Certification from the state of licensure, verifying you hold an active license and have successfully passed the national licensure exam. This certification must be sent directly from the issuing state to the Washington board office;

(ii) An official sealed transcript showing any applicable courses you have taken from a community college, technical college, or university. The transcript must be sent directly from the college or university to the board office; and

(iii) Verification of work experience as outlined in WAC 308-13-020 (1)(b).

AMENDATORY SECTION (Amending WSR 09-15-124, filed 7/17/09, effective 8/17/09)

WAC 308-13-150 What are the landscape architect fees and charges(=)? The following fees will be collected:

Title of Fee	Fee
Application fee	\$250.00
((Reexamination administration fee	250.00))
Renewal (2 years)	450.00
Late renewal penalty	150.00
Duplicate license	25.00
Initial ((registration)) license (2 years)	450.00
Reciprocity application fee	450.00
Replacement wall certificate	20.00

You will submit any examination fees directly to CLARB.

AMENDATORY SECTION (Amending WSR 99-23-025, filed 11/9/99, effective 11/9/99)

WAC 308-13-160 ((Renewal of license.)) How do I renew my license? ~~((1) A courtesy renewal notice is mailed to the address on file, approximately eight weeks prior to the license expiration date. The notice will show the due date, the amount of renewal fee, the penalty fee for late payment and other mailing instructions. The board of registration for landscape architects must be notified in writing of any address changes.~~

~~(2) The renewed landscape architect license is issued for a two-year period that expires on the licensee's birthday.))~~ The landscape architect license renewal period is two years. Your expiration date is your birthday. The department will send a courtesy renewal to your most recent address on file approximately eight weeks before the license expiration date. The renewal notice will show the due date, the amount of renewal fee, the penalty fee for late payment, professional development notice and other mailing instructions. You must notify the board in writing of any address changes.

You are responsible for renewing your license regardless of receiving a renewal notice from the department. If you fail

to renew your license, your license is delinquent and you are prohibited from offering and/or providing professional landscape architect services until your license is reinstated.

(1) If your license has been delinquent less than five years, send to the department:

(a) A letter requesting reinstatement;

(b) Payment from the previous renewal cycle, the current renewal fee, and the late penalty fee;

(c) Evidence of completion of twenty-four PDHs. See WAC 308-13-185 regarding qualifying activities.

(2) If your license has been delinquent five or more years, send to the department:

(a) A letter requesting reinstatement;

(b) Payment from the previous renewal cycle, the current renewal fee, and the late penalty fee;

(c) Evidence of completion of twenty-four PDHs. See WAC 308-13-185 regarding qualifying activities;

(d) A resume of landscape architectural activities and projects showing you have been working in another jurisdiction since the date of your license expiration;

(e) A detailed explanation of the circumstances surrounding the failure to maintain current licensure;

(f) A review of laws related to the practice of landscape architecture as outlined in WAC 308-13-031.

If your license has been delinquent five or more years, the board will review all of your reinstatement materials. They may request additional information if necessary.

NEW SECTION

WAC 308-13-165 How do I reactivate my inactive license? (1) If you are returning to active status from less than five years of inactive status, send to the department:

(a) A letter requesting reactivation;

(b) The current renewal fee;

(c) Evidence of completion of twenty-four PDHs. See WAC 308-13-185 regarding qualifying activities.

(2) If you are returning to active status after five years of inactive status, send to the department:

(a) A letter requesting reinstatement;

(b) The current renewal fee plus the late penalty fee;

(c) A review of laws related to the practice of landscape architecture;

(d) Evidence of completion of twenty-four PDHs. See WAC 308-13-185 for qualifying activities.

AMENDATORY SECTION (Amending WSR 07-05-039, filed 2/15/07, effective 3/18/07)

WAC 308-13-170 (~~Retired status certificate of registration~~) How do I obtain retired status? (~~Any individual who has been issued a certificate of registration, in accordance with chapter 18.96 RCW, as)~~ If you are a licensed landscape architect (~~having reached~~) you may be eligible to obtain retired status if you are at least the age of sixty-five and (~~having~~) have discontinued active practice (~~may be eligible to obtain a "retired certificate of registration."~~), if granted, (~~further certificate of registration~~) your ongoing licensing renewal fees are waived. (~~For the purpose of this provision, "active practice" is as defined in RCW 18.96.030.~~)

~~(1) (~~Applications. Those persons wishing to obtain the status of a retired registration shall complete an application on a form as provided by the board.~~) To obtain retired status, submit a request in writing to the board office. If (~~deemed~~) the board determines you are eligible (~~by the board~~), the retired status would become effective on the first scheduled license renewal date (~~of the certificate of registration~~) that occurs on or after (~~the applicant reaches~~) you reach the age of sixty-five. (~~It shall not be necessary that~~) You do not need to renew an expired (~~certificate of registration be renewed~~) license to be eligible for this status. The board will not provide refund of renewal fees if the application for (~~"~~)retired(~~"~~) status is made and granted before the date of expiration of the certificate of (~~registration~~) licensure.~~

(2) Privileges. In addition to the waiver of the renewal fee, as a retired (~~registrant is~~) licensee you are permitted to:

(a) Retain the board-issued wall certificate of (~~registration~~) licensure;

(b) Use the title landscape architect, provided (~~that it is supplemented by~~) you also use the term "retired," or the abbreviation "ret";

(c) Work as a landscape architect in a volunteer capacity, provided (~~that the retired registrant does~~) you do not create landscape architectural plans, and (~~does~~) do not use (~~his/her~~) your seal, except as provided for in (d) of this subsection;

(d) Provide experience verifications and references for persons seeking registration under chapter 18.96 RCW. If using (~~his/her~~) your professional seal, (~~the retired registrant may~~) you must place the word "retired" (~~in the space designated for the date of expiration~~) after your signature;

(e) Serve as a volunteer in an instructional capacity on landscape architectural topics;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to landscape architectural work you performed (~~by the registrant~~) before (~~he/she was~~) you were granted (~~a~~) retired (~~registration~~) status;

(g) Serve in a function that supports the principles of (~~registration~~) licensure and promotes the profession of landscape architecture, such as members of commissions, boards or committees;

(h) Serve in a landscape architectural capacity as a "good samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.96 RCW.

(3) Restrictions. As a retired (~~registrant is~~) licensee, you are not permitted to:

(a) Perform any landscape architectural activity, as provided for in RCW 18.96.030, unless said activity is under the direct supervision of a Washington state licensed landscape architect who has (~~a valid~~) an active (~~registration~~) license in the records of the board;

(b) Apply (~~his/her~~) your professional stamp, as provided for in RCW 18.96.150, to any plan, specification, or report, except as provided for in subsection (2)(d) of this section.

(4) Certificate of (~~registration~~) licensure reinstatement. As a retired (~~registrant~~) licensee, you may resume active landscape architectural practice upon written request to the

board ~~((and))~~, payment of the current renewal fee, ~~((may resume active landscape architectural practice))~~ and providing evidence of completion of twenty-four PDHs. See WAC 308-13-185 regarding qualifying activities. At that time, ~~((the retired registrant))~~ you shall be removed from retired status and placed on ~~((valid))~~ active status in the records of the board. All rights and responsibilities of ~~((a valid))~~ an active ((registration)) licensure will be in effect. At the date of expiration of the reinstated certificate of ~~((registration))~~ licensure, ~~((the registrant))~~ you may elect to either continue active ~~((registration))~~ licensure or may again apply for retired ~~((registration))~~ status in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall ~~((a registrant))~~ you be eligible for a retired registration if ~~((his/her))~~ your certificate of ~~((registration))~~ licensure has been revoked, surrendered, or in any way permanently terminated by the board under chapter 18.96 RCW. ~~((Registrants who are))~~ If you have been suspended from practice and/or ~~((who))~~ are subject to terms of a board order at the time ~~((they))~~ you reach age sixty-five, you shall not be eligible for a retired ~~((registration))~~ status until such time that the board has removed the restricting conditions.

(6) Penalties for noncompliance. Any violations of this section shall be considered unprofessional conduct as defined in RCW 18.235.130 and are subject to penalties as provided for in RCW 18.235.110.

NEW SECTION

WAC 308-13-175 Do I need ongoing professional development to maintain my license? (1) Starting July 1, 2010, to maintain active practice, you must accumulate twenty-four professional development hours (PDHs) for the upcoming two-year renewal period. Starting July 1, 2012, the PDHs you accumulate are subject to audit by the board.

(2) Up to twelve PDHs over the required hours can be carried forward from the second year of your previous renewal period including hours accumulated from July 1, 2009, forward.

AMENDATORY SECTION (Amending WSR 07-05-039, filed 2/15/07, effective 3/18/07)

WAC 308-13-180 What are the board member rules of conduct~~((Activities incompatible with public duties—Financial interests in transactions.))~~? (1) When a member of the board either owns a beneficial interest in or is an officer, agent, employee, or member of an entity, or individual which is engaged in a transaction involving the board, the member shall:

(a) Recuse ~~((him or herself))~~ oneself from the board discussion regarding the specific transaction;

(b) Recuse ~~((him or herself))~~ oneself from the board vote on the specific transaction; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific transaction.

(2) The prohibition against discussion and voting set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general

expertise to educate and provide general information on the subject area to the other members.

(3)(a) "Transaction involving the board" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the member in question believes, or has reason to believe:

(i) Is, or will be, the subject of board action; or

(ii) Is one to which the board is or will be a party; or

(iii) Is one in which the board has a direct and substantial proprietary interest.

(b) ~~((Transaction involving the board))~~ Does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit. Rule making is not a "transaction involving the board."

(4) "Board action" means any action on the part of the board, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(5) The following are examples of possible scenarios related to board member rules of conduct. ~~((Activities incompatible with public duties; financial interests in transactions.))~~

(a) **EXAMPLE 1:**

The board of ~~((registration))~~ licensure for landscape architects disciplines licensed landscape architects in Washington. The board is conducting an investigation involving the services provided by a licensed landscape architect. One of the members of the board is currently serving a subcontractor to that landscape architect on a large project. The board member must recuse himself or herself from any board investigation, discussion, deliberation and vote with respect to disciplinary actions arising from licensed landscape architect services.

(b) **EXAMPLE 2:**

The board of ~~((registration))~~ licensure for landscape architects makes licensing decisions on applications for licensure. An applicant for licensure owns a school construction business which employs licensed landscape architects, including one of the board members. The board member must recuse himself or herself from any board investigation, discussion, deliberation and vote with respect to his or her employer's application for licensure.

(c) **EXAMPLE 3:**

The board of ~~((registration))~~ licensure for landscape architects makes licensing decisions on applications from ~~((registered))~~ licensed landscape architects in another state or territory of the United States, the District of Columbia, or another country. The board can grant licensure if that individual's qualifications

and experience are equivalent to the qualifications and experience required of a person registered under Washington law. An out-of-state applicant is employed as a landscape architect by a multinational corporation that is planning to build its world headquarters in Washington and has hired a board member's firm as the landscape architect for the project. The board member must recuse himself or herself from any board investigation, discussion, deliberation and vote with respect to the sufficiency of the out-of-state landscape architect's qualifications and experience.

(6) Recusal disclosure. If recusal occurs pursuant to subsection (1) of this section, the member of the board shall disclose to the public the reasons for his or her recusal from any board action whenever recusal occurs. The board staff shall record each recusal and the basis for the recusal.

NEW SECTION

WAC 308-13-185 What activities qualify as professional development? (1) You are responsible to seek out qualifying activities that can be demonstrated to the board as relevant to professional development.

(a) Activities are not preapproved by the board.

(b) Activities must be relevant to the practice of landscape architecture and may include technical, ethical or managerial content.

(i) At least eighteen PDHs must address public health, safety and welfare.

(ii) All activities must have a clear purpose and objective that will maintain, improve or expand skills and knowledge relevant to the practice of landscape architecture.

(2) The board is the final authority with respect to claimed qualifying activities and the respective PDH credit.

(3) The qualifying activity becomes eligible for credit upon completion of the given activity.

(4) Examples of qualifying activities:

Activity (1 PDH is equal to no less than 50 minutes of activity)	Maximum PDHs
One hour of preparation and subsequent presentation of a professional development program at seminars, professional/technical meetings, conventions or conferences. This credit does not apply to full-time faculty.	10 PDHs per year
For publication of an authored technical paper or article.	10 PDHs
For publication of an authored book.	30 PDHs
Professional boards or commissions: Serving as an elected officer or appointed chair of a committee of an organization in a professional society or organization. PDH shall not be earned until the completion of each year of service.	4 PDHs per organization
Boards or commissions related to the practice of landscape architecture: Serving as an elected officer or appointed member of a board or commission. PDH shall not be earned until the completion of each year of service.	4 PDHs per organization
Professional examination grading or writing: Serving as an exam grader or on a committee writing exam materials for a professional registration examination.	8 PDHs per biennium
Membership on the regulatory board for the practice of landscape architecture.	8 PDHs per year
One hour of attendance at meetings or hearings of the board. This credit does not apply to existing board members or to parties or witnesses in hearings before the board.	6 PDHs per year
One hour of work, outside normal duties of employment that involves participation in other recognized professional activities.	2 PDHs per year
One hour of self-study.	5 PDHs per year
One hour of participation in sessions or courses, sponsored by technical or professional societies, organizations or the board.	No limit
One hour of participation in organized courses, including employer provided courses, on environmental health topics/first aid/safety, technical or management skills.	No limit
One hour of attendance at professional or technical society meetings with an informational program.	5 PDHs per year
Pro bono service that has a clear purpose and objective and maintains, improves, or expands the professional knowledge or skill of the registrant. Four hours of service is equal to 1 PDH.	4 PDHs per year
One hour of participation in an activity involving substantial and organized peer interaction, excluding time spent during regular employment.	5 PDHs per year

(5) The following activities do not qualify as professional development:

(a) Activities that were conditions of a board order;

(b) Attendance or testimony at legislative hearings, at city or county council meetings/hearings, or at civil or criminal trials;

(c) Time spent fund-raising for scholarships or other society purposes or lobbying for legislation;

(d) Attendance at gatherings that are primarily social in nature;

(e) Membership and/or attendance in service club meetings.

NEW SECTION

WAC 308-13-195 How do I record and report my professional development activities? (1) You must maintain the records of your professional development activities. The records must include the date of the activity, the instructor's name, a description of activity and its location and the number of PDHs.

(2) You must keep your records for the cumulative time in the current renewal period plus the three years before the last renewal (five years total).

(3) By renewing your professional landscape architect license, you attest you have completed the required professional development for that renewal period.

NEW SECTION

WAC 308-13-205 How does the board verify I have completed my professional development? (1) The board will audit between five and fifteen percent of the total number of licensees yearly. If you are selected for an audit, the board will provide instructions about how to respond.

(2) You may face disciplinary action for failing to complete your professional development requirement or falsifying your records.

(3) If an audit disqualifies credits that you reported to the board and results in you failing to complete the PDH requirements, the board may require the shortage to be made up over a period of time established by the board.

NEW SECTION

WAC 308-13-215 Are there any exemptions from the professional development requirement? (1) The board may allow a waiver from the professional development requirement only under the following circumstances. The waiver would only be in effect for the current renewal period. The board requires waiver requests to be in writing.

(a) Physical disability, prolonged illness, or other extenuating circumstances that pose a personal hardship, as determined by the board.

(b) Active military duty for at least one hundred twenty days.

(c) If you have been licensed for twenty-five or more consecutive years in a CLARB-recognized jurisdiction, you may meet the professional development requirement upon completing 4 PDHs per year. See WAC 308-13-185 regarding qualifying activities.

(2) You are exempted from the professional development requirements if you withdraw from active practice and place your license in retired status (see WAC 308-13-225) or inactive status (see RCW 18.96.110(2)). Under these statuses, you are not permitted to perform any landscape architectural activity, as provided for in RCW 18.96.030, unless

said activity is under the direct supervision of a Washington state licensed landscape architect who has an active license in the records of the board.

AMENDATORY SECTION (Amending WSR 97-10-026, filed 4/30/97, effective 5/31/97)

WAC 308-13-240 Reinstatement of suspended certificates, eligibility for registration, or denied renewals.

Where a person's certificate of (~~registration~~) licensure has been suspended, an applicant has been denied (~~certificate~~) license renewal, or an applicant has been denied the ability to take the examination for certificate of (~~registration~~) licensure due to nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship, his or her certificate of licensure, license renewal or examination application will be reinstated when the person provides the board a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency, provided, the person shall pay any applicable reinstatement or renewal fee.

NEW SECTION

The following sections of the Washington Administrative Code are decodified as follows:

Old WAC Number	New WAC Number
308-13-011	308-13-055
308-13-012	308-13-065
308-13-170	308-13-225
308-13-180	308-13-013

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-13-015	Powers and duties of the board.
WAC 308-13-024	Application for examination.
WAC 308-13-032	Licensing examination.
WAC 308-13-036	Supplemental application after successful completion of examination.
WAC 308-13-040	Review of examinations.
WAC 308-13-045	Initial license.
WAC 308-13-100	Reinstatement of delinquent, suspended, or revoked licenses.

WSR 10-12-124
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed June 2, 2010, 11:13 a.m., effective July 3, 2010]

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

Purpose: As part of the liquor control board's on-going rules review process, chapter 314-17 WAC was reviewed for relevance, clarity, and accuracy. Rules were also created to create an on-line MAST program.

Citation of Existing Rules Affected by this Order: Repealing WAC 314-17-055; and amending WAC 314-17-005, 314-17-010, 314-17-015, 314-17-020, 314-17-025, 314-17-030, 314-17-035, 314-17-040, 314-17-045, 314-17-050, 314-17-060, 314-17-065, 314-17-070, 314-17-075, 314-17-080, 314-17-085, 314-17-090, 314-17-095, 314-17-100, 314-17-105, 314-17-110, and 314-17-115.

Statutory Authority for Adoption: RCW 66.08.030, 66.20.330.

Adopted under notice filed as WSR 10-09-062 on April 19, 2010.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 22, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 22, Repealed 1.

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

Date Adopted: June 2, 2010.

Sharon Foster
Chairman

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-005 What is the purpose of this chapter? (1) RCW 66.20.300 through 66.20.350 set up a mandatory alcohol server training program. These laws require persons who serve, mix, sell, or supervise the service of, alcohol for on-premises consumption to hold one of two permits(;) as outlined in this chapter.

(2) This chapter (~~outlines how a person receives these permits, and how a person can~~) explains how a person receives a class 12 or 13 permit, and how a person may become certified to provide alcohol server training.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-010 Definitions. The following definitions (~~are to~~) clarify the purpose and intent of the (~~rules and~~) laws and regulations governing mandatory alcohol

server training and chapter 314-17 WAC. Additional definitions are in RCW 66.04.010 and 66.20.300.

(1) (~~A "permit holder" is a person who holds either a Class 12 mixologist or a Class 13 server permit. The permit is the property of the permit holder, and can be used at any liquor licensed establishment.~~

(2) ~~A "provider" is an individual, partnership, corporation, college, educational institute, or other bona fide legal entity that the board certifies to provide a board approved alcohol server education course (per RCW 66.20.300). The provider is a training entity.~~

(3) ~~A "trainer" is an individual employed or authorized by a provider to conduct an alcohol server education course. Upon the successful completion of the course, the student will receive a Class 12 mixologist or Class 13 server permit from the trainer.)~~ "Alcohol server education program," "mandatory alcohol server training" or "mandatory alcohol server training program" means the set of policies and procedures developed and administered by the board to educate servers and enforce state liquor laws and regulations.

(2) "Permit holder" means a person who holds either a class 12 or 13 permit.

(3) "Provider" means a "training entity" as defined in RCW 66.20.300.

(4) "Retail licensed premises" means any:

(a) Premises licensed to sell or serve alcohol by the glass, by the drink, by samples or in original containers, primarily for consumption on the premises as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.540, 66.24.570, 66.24.580, 66.24.590 or 66.24.600;

(b) Distillery or craft distillery, licensed pursuant to RCW 66.24.140 or 66.24.145, that is authorized to serve samples of its own production; or

(c) Facility established by a domestic winery for serving or selling wine pursuant to RCW 66.24.170(4).

(5) "Student" means an individual enrolled in a class 12 or 13 training course.

(6) "Trainer" means an individual employed or authorized by a provider to conduct a training course.

(7) "Training course" means a board-certified mandatory alcohol server training class.

(8) "Training program" means a provider's curriculum administered by a provider or a trainer.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-015 What are the two types of alcohol server training permits? There are two types of permits for persons who serve (~~alcohol for on-premises consumption, or who supervise the sale of alcohol for on-premises consumption~~), mix, sell, or who supervise the sale of, alcohol at a retail licensed premises.

<p>((1)) Per RCW 66.20.310, a Class 12 mixologist permit is required for liquor licensees or their employees who:</p> <p>(a) Manage a premises licensed to sell alcohol beverages for on-premises consumption;</p> <p>(b) Act as a bartender for selling or mixing alcohol beverages which may include spirits, beer, and/or wine for on-premises consumption; and/or</p> <p>(c) Draw beer and/or wine from a tap and/or spirits from a dispensing device at an establishment licensed to sell liquor for on-premises consumption.</p> <p>(d) A Class 12 mixologist permit holder must be at least twenty-one years of age.</p> <p>(e) A Class 12 mixologist permit includes the authority to act as a server, under the Class 13 server permit.</p> <p>(f) See RCW 66.20.310(7) for exceptions for employees of grocery stores that have an on-premises liquor license.</p>	<p>(2) Per RCW 66.20.310, a Class 13 server permit is required for persons who:</p> <p>(a) Take orders for alcohol beverages to be consumed on-premises;</p> <p>(b) Deliver alcohol beverages to customers for consumption on-premises; and/or</p> <p>(c) Open and/or pour beer or wine into a customer's glass at the customer's table.</p> <p>(d) A class 13 server permit holder must be at least eighteen years of age.))</p>
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Class 12 permit	Class 13 permit
(1) <u>A class 12 permit holder must be at least twenty-one years of age.</u>	(5) <u>A class 13 permit holder must be at least eighteen years of age.</u>
(2) <u>A class 12 permit is required for any person who:</u>	(6) <u>A class 13 permit is required for any person who:</u>
(a) <u>Manages a retail licensed premises licensed to sell alcoholic beverages for on-premises consumption;</u>	(a) <u>Takes orders for alcoholic beverages for on-premises consumption;</u>
(b) <u>Sells, mixes or draws from a dispensing device alcoholic beverages for on-premises consumption; or</u>	(b) <u>Delivers alcoholic beverages to customers for on-premises consumption; or</u>

Class 12 permit	Class 13 permit
(c) <u>Supervises a class 13 permit holder.</u>	(c) <u>Opens or pours beer or wine into a customer's glass at a customer's table.</u>
(3) <u>A class 12 permit includes all authorities granted under a class 13 permit.</u>	(7) <u>See RCW 66.20.310 for exceptions for grocery store employees.</u>
(4) <u>See RCW 66.20.310 for exceptions for grocery store employees.</u>	

~~((3)) (8) Upon ((the)) a temporary absence of a ((Class 12 mixologist permit holder, a Class 13 server permit holder who is at least twenty-one years of age may perform the functions of a Class 12 permit holder until a Class 12 permit holder can arrive to fulfill those duties, but in no event for more than thirty consecutive days)) class 12 permit holder, a class 13 permit holder may perform the functions of a class 12 permit holder until a class 12 permit holder arrives to fulfill those duties provided that a class 13 permit holder:~~

- ~~(a) Is twenty-one years of age or older; and~~
 - ~~(b) Functions as a class 12 permit holder for no more than thirty calendar days per year.~~
- ~~(9) See RCW 66.44.310, 66.44.316, 66.44.318, and 66.44.350 for additional information about permissions and restrictions for eighteen to twenty-year-old persons.~~

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-020 How long are ~~((the)) class 12 and 13 permits good for((, and how does a permit holder renew))~~? (1) Class 12 ~~((mixologist)) and ((Class)) 13 ~~((server))~~ permits are valid for five years. ~~((The permits expire))~~ A class 12 or 13 permit expires on the first day of the month, five years following the month ~~((the person successfully completed the alcohol server education course))~~ a student passes the standardized exam. For example, if a student passes the standardized exam on June 15, 2010, his or her class 12 or 13 permit will expire on July 1, 2015.~~

(2) ~~((In order to renew the permit, the mixologist or server must attend an alcohol server education course given by a board-certified trainer or provider prior to the expiration of the permit.))~~ A permit holder must retake a class 12 or 13 training course and pass the standardized exam to obtain a subsequent class 12 or 13 permit.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-025 ~~((Do)) Does a permit holder((s)) have to carry ~~((their)) his or her class 12 or 13 permit ~~((with them))~~~~? (1) Any time a licensee or an employee ~~((is performing))~~ performs the duties outlined in WAC 314-17-015~~((, the person))~~ at a retail licensed premises, a licensee or an employee must have:~~

(a) ~~((Their Class 12 mixologist or Class 13 server permit on the premises;))~~ His or her class 12 or 13 permit on the retail licensed premises; and

(b) One ~~((piece))~~ form of identification ~~(see RCW 66.16.040 for acceptable forms of identification ((are outlined in RCW 66.16.040)))~~.

(2) Both ~~((the))~~ a class 12 or 13 permit and ~~((the))~~ a form of identification must be available for inspection by any representative of the board, peace officer or law enforcement officer.

(3) ~~((It will be considered a violation of this section for any person to:~~

(a) Falsify a Class 12 mixologist or a Class 13 server permit; or

(b) Keep or possess a Class 12 mixologist permit or a Class 13 server permit contrary to the provisions of this title) A person shall be in violation if he or she falsifies a class 12 or 13 permit or keeps or possesses a class 12 or 13 permit contrary to the provisions of this title.

(4) The name and personal identifying characteristics on a class 12 or 13 permit must match with those on a permit holder's form of identification.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-030 Are employers responsible ~~((to ensure that their employees hold an alcohol server permit))~~ for ensuring that their employees have class 12 or 13 permits? ~~((All licensees who hold))~~ Yes. Any person who holds a license to sell liquor ((for on-premises consumption)) at a retail licensed premises must ensure that any person ((that)) who engages in the sale or service of liquor for on-premises consumption, or who supervises such activities, has a current and valid class 12 ((mixologist)) or ((Class)) 13 ((server)) permit within sixty calendar days of the date of hire. See RCW 66.20.310((7)) for exceptions for grocery stores that have an on-premises liquor license.

(1) ~~((The permit must be in the same name and with the same identifying characteristics as indicated on the permit holder's identification (acceptable forms of identification are outlined in WAC 314-11-025).~~

(2) ~~Per WAC 314-11-040, a person twenty one years of age or older))~~ A class 12 permit holder must be on ((the)) a retail licensed premises to supervise the on-premises sale, service, and consumption of liquor.

~~((3) The))~~ (2) A class 12 or 13 permit is the sole property of ((the)) a permit holder.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-035 How are lost class 12 and 13 permits replaced? To replace a lost ((Class 12 mixologist or Class 13 server permit, the)) class 12 or 13 permit or to replace a class 12 or 13 permit because of a name change, a permit holder ((can)) must:

(1) Contact the provider or trainer who issued the class 12 or 13 permit; or

(2) ~~((Submit an affidavit of lost permit on a form provided by the board to the licensing and regulation division~~

~~with a fee as prescribed by))~~ Complete a class 12 or 13 permit replacement form, and submit that form and the appropriate fee to the board. The board will ((cancel the lost permit and issue a replacement)) issue a new class 12 or 13 permit, which will have the same expiration date as the original class 12 or 13 permit.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-040 ~~((Can Class 13 server permit holders upgrade to a Class 12 mixologist permit when they turn twenty-one?))~~ May an eighteen to twenty year-old student who takes and passes a class 12 training course upgrade to a class 12 permit upon turning twenty-one without retaking the training course? ~~((Class 12 mixologist permits are only issued to persons twenty-one years of age or older. Therefore, any eighteen, nineteen, or twenty year-old person who successfully completes a Class 12 mixologist class will be issued a Class 13 server permit.~~

(1) ~~Upon turning twenty-one years of age, the server may contact the provider or trainer who issued the permit and receive an upgraded Class 12 mixologist))~~ Yes.

(1) An eighteen, nineteen or twenty year-old person may take a class 12 training course and pass the corresponding exam; however, he or she may be issued only a class 13 permit. Upon turning twenty-one years of age, such a person who obtains a class 13 permit after taking and passing a class 12 training course and exam may request that a provider or trainer upgrade his or her class 13 permit to a class 12 permit.

(2) The expiration date of ((the permit will remain five years from the date of the original class)) an upgraded class 12 permit shall be the same expiration date as the original class 13 permit.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-045 How do I get a class 12 ((mixologist)) or ((a Class)) 13 ((server)) permit in Washington if I was trained in another state? ~~((1) Per RCW 66.20.320(10), if you have completed an alcohol server education course in another state since July 1, 1993, and the course is also certified in Washington state, you may receive a Class 12 mixologist or a Class 13 server permit in Washington by completing the provider's Washington state supplement to the program. This supplement will cover Washington state liquor laws and regulations. (You can contact the board's licensing and regulation division to find out if the course you completed is certified in Washington.)~~

(2) ~~The provider will issue you a Washington state permit, which will expire five years from the first day of the month following the date the original class was taken. (For example, if you completed the program in another state on June 15, 1996, the Washington permit will expire on July 1, 2001.))~~ (1) If a person completes an alcohol server training course in another state and that training course is also certified in the state of Washington, he or she may receive a class 12 or 13 permit in Washington by completing the provider's board-certified Washington state supplement to the program and passing the standardized exam.

(2) A trainer or provider shall issue a class 12 or 13 permit, which will expire five years from the first day of the month following the date an original training course was taken. For example, if you complete a training course on June 15, 2010, your class 12 or 13 permit will expire on July 1, 2015.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-050 How ~~(can a person receive certification as a Class 12 mixologist or Class 13 server permit)~~ do I become a provider? ~~((An individual, partnership, corporation, college, educational institute, or other bona fide legal entity may apply to be certified by the board to become a Class 12 mixologist and/or a Class 13 server permit provider.~~

(1) In order to get a course certified, the proposed provider must submit the following information to the board's licensing and regulation division:)) (1) **Application process, application materials, and briefing.** To become a provider, you must submit an application to the board and brief board staff on the proposed training program. Application materials shall include:

- (a) A completed application form provided by the board;
- (b) A copy of the proposed curriculum for the training program (see WAC 314-17-060);
- (c) A copy of all audio, video, on-line, and instructional materials that will be used in the ~~((course))~~ training program;
- (d) A copy of all printed ~~((materials that will be provided to participants as part of the course; and))~~ or printable (as in the case of an on-line training course) materials that will be provided to a student;
- (e) An explanation of the examination procedures necessary to pass ~~((the))~~ a training course;
- (f) An explanation of how a student's identity shall be ensured for an on-line training course;
- (g) A plan describing how a provider shall assess a trainer's work performance;
- (h) A trainer's manual; and
- (i) Documentation demonstrating a trainer's qualifications and education to teach a training course in the state of Washington.

(2) ~~((The board's licensing and regulation division will respond to the request for certification within forty-five days of receipt of the material.))~~ The board will respond within forty-five calendar days of receipt of the application materials, at which point the board will either:

- (a) Issue ~~((a letter of certification which will be valid for five years, or~~
- (b) Provide a letter outlining what additions or changes need to be made to the course to meet the requirements outlined in this title. If the additions or changes are not received by the licensing and regulation division within thirty days, the application for course certification will be withdrawn.

(3)(a) Upon certification of the program, the board will provide the standardized exam to be used for all training conducted. Trainers may use existing, board-approved exams until January 1, 2005.

(b) With board approval, trainers may provide an additional exam or add questions to the standardized exam, as long as the questions on the standardized exam are not altered and are left in the same order.

(4) The board or its designee may attend any class provided by certified providers and their trainers at no charge, in order to evaluate the course for conformance with this title.

(5) The provider must receive prior approval from the board's licensing and regulation division before making any changes to the course content or method of presentation that has been certified by the board.

(6) Providers who wish to renew their program must submit a complete program to the board's mandatory alcohol server training program manager at least forty-five days prior to expiration of their certification, as outlined in subsection (2) of this rule.

(7) The board may consider any information pertaining to a provider or trainer's certification in any state, including any certification suspensions or revocations in the past five years)) certification; or

(b) Specify what additions or changes to make to a training program. If additions or changes are not received by the board within thirty calendar days, an application will be withdrawn.

(3) **Temporary certification.** The board may issue temporary certification once an applicant submits an application and briefs board staff.

(a) Temporary certification is valid for up to six months. During this time period, an applicant may adjust a training course outline or method of presentation without prior board approval provided that a training course continues to meet the standards set in WAC 314-17-060.

(b) The board may immediately revoke temporary certification if, in the board's opinion, an applicant fails to comply with a lesson plan as submitted and approved or with any of the requirements of this title.

(c) An applicant who fails to obtain permanent certification during the six-month temporary certification period shall be subject to the discontinuance of business requirements specified in subsection (10) of this section.

(4) The board may consider any information pertaining to a provider's certification in any state, including any certification suspensions or revocations in the past five years. The board, at its discretion and in consideration of public safety, may also consider criminal history, administrative violations, patterns of misconduct, and other applicable occurrences or circumstances when deciding to approve, deny, suspend or revoke a provider's certification.

(5) **Appeal rights.** See WAC 314-17-115.

(6) **Standardized exam.**

(a) Upon certification of a training program, the board will provide a standardized exam to be used for all training courses.

(b) With board approval, a provider or trainer may provide an additional exam or add questions to the standardized exam.

(c) The board or its designee may attend any in-person training course or take any on-line training course at no charge for evaluation purposes.

(7) A provider must receive approval from the board before making any changes to training course content or method of presentation.

(8) Qualifying and continuing education.

(a) A provider must ensure that its trainers are qualified to teach a training course in the state of Washington, and that its trainers are current of new Washington state laws and regulations and science and industry advances pertaining to alcohol service. As part of this effort, a trainer must attend a board-provided conference or a provider-sponsored education workshop, or complete a board-approved professional on-line or long distance program, before receiving certification and then at least once every five years thereafter.

(b) At a minimum, an education or continuing-education conference, workshop or program shall address current Washington state liquor laws and regulations, mandatory alcohol server training rules and procedures, and legal liabilities for servers.

(c) The board may conduct at least one seminar in each provider-sponsored education workshop performed in the state of Washington.

(d) A provider must obtain documentation that verifies a trainer's completion of an education or continuing-education conference, workshop or program, as well as documentation showing the subjects covered at such conference, workshop or program (see WAC 314-17-085).

(e) A provider must supply a trainer with a trainer's manual. A provider must also revise a manual within thirty calendar days following:

(i) The effective date of a new applicable state law or regulation; or

(ii) Receipt of new or updated information from the board.

(9) Certificate expiration and recertification. Each certification is valid for up to five years. A provider may be recertified by reapplying at least forty-five days prior to expiration and in accordance with subsections (1) and (2) of this section.

(10) Discontinuance of business. When a provider discontinues its training program, a provider must reconcile class 12 and 13 permit form records to the board's satisfaction and return all unused class 12 and 13 permit forms to the board.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-060 What are the course standards ((for Class 12 mixologist and Class 13 server permits)), course content, and other requirements for class 12 or 13 training programs?

<p><u>((1) Requirements for a Class 12 mixologist permit course</u></p>	<p>(a) The course of instruction must be at least three hours in length. The course may be by video or audio-visual presentation together with facilitation by an authorized provider or trainer.</p> <p>(b) In addition to meeting the requirements of RCW 66.20.320 (1)(d), the course must contain a standard workbook that covers the specifics of Washington liquor laws and regulations as they relate to:</p>
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	<p>(i) Recognizing and dealing with intoxicated persons;</p> <p>(ii) How to check identification;</p> <p>(iii) Employment of persons under twenty-one years of age;</p> <p>(iv) Legal hours of liquor sale and service;</p> <p>(v) Prohibited conduct by patrons and employees;</p> <p>(vi) Required signs in liquor-licensed establishments;</p> <p>(vii) Minimum lighting requirements; and</p> <p>(viii) Administrative and criminal sanctions against liquor licensees and Class 12 and Class 13 permit holders.</p>
<p><u>(2) Requirements for a Class 13 server permit course</u></p>	<p>(a) The course of instruction must be at least one hour in length. The course may be by video or audio-visual presentation of not less than thirty minutes together with facilitation by an authorized provider or trainer, or a sixty-minute self-teaching video.</p> <p>(b) In addition to meeting the requirements of RCW 66.20.320 (1)(d), the course must contain a standard workbook that covers the specifics of Washington liquor laws and regulations as they relate to:</p> <p>(i) Recognizing and dealing with intoxicated persons;</p> <p>(ii) How to check identification;</p> <p>(iii) Employment of persons under twenty-one years of age;</p> <p>(iv) Legal hours of liquor sale and service;</p> <p>(v) Prohibited conduct by patrons and employees; and</p> <p>(vi) Administrative and criminal sanctions against licensees and Class 13 server permit holders.</p>
<p><u>(3) Requirements and guidelines for both Class 12 mixologist and Class 13 server permit courses</u></p>	<p>(a) At the beginning of each class, the trainer must give each student:</p> <p>(i) An enrollment agreement that clearly states the obligations of the trainer and student, refund policies, and procedures to terminate enrollment;</p> <p>(ii) A statement that says, "If you have questions, comments, or complaints about the program, please call the liquor control board" and includes the appropriate board telephone numbers; and</p> <p>(iii) A notice that students must complete the course in order to take the exam.</p> <p>(b) Students must complete [a] [the] written examination in the presence of the certified trainer that demonstrates the student is familiar with the liquor laws and rules outlined in subsections (1) and (2) of this rule. During the examination, trainees may not refer to any written or video material or have a discussion with another person during the exam (unless the instructor authorizes the student to use an interpreter).</p>

	(e) Providers or trainers may not suggest that the state of Washington, the board, or any state agency endorses or recommends the provider's program to the exclusion of any other program.)
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Class 12 and 13 training courses shall have the standards and requirements as stipulated in RCW 66.20.320 and in this section.

(1) **Subjects.** Each class 12 or 13 training course and accompanying workbook shall include:

(a) Those subjects listed in RCW 66.20.320;

(b) Washington state liquor laws and regulations;

(c) Employment of persons under twenty-one years of age;

(d) Legal hours of liquor sale and service;

(e) Prohibited conduct by patrons and employees;

(f) Required signs at retail licensed premises;

(g) Minimum lighting requirements; and

(h) Administrative and criminal sanctions against liquor licensees and permit holders, including permit suspension for delinquent child support payment.

(2) **Administrative materials.** Before beginning a class 12 or 13 training course, each student shall receive:

(a) An enrollment agreement that clearly states the obligations of a trainer and a student, refund policies, and procedures to terminate enrollment;

(b) A statement that says, "If you have questions, comments or complaints about the program, please contact the Liquor Control Board," and includes the appropriate board contact information; and

(c) A notice that students must complete the entire training course before taking the standardized exam.

(3) A provider or trainer is prohibited from stating or implying that the state of Washington, the board or any other state agency endorses or recommends one provider's program over another's program.

(4) **Student evaluation of training course.** A student evaluation for each in-person or on-line training course is required. A trainer shall provide a separate course evaluation form to each student enrolled in an in-person training course, and a form shall include the board's contact information.

(5) **Exams.** Exams shall be administered following each class 12 or 13 training course.

(a) An exam must demonstrate a student's familiarity with all of the subjects listed in subsection (1) of this section.

(b) A student may not refer to any written, video or on-line material, or have an in-person or on-line discussion with another person, during an exam. However, a trainer may allow a student to use an interpreter.

(c) The standardized exam shall have a minimum passing grade of eighty percent unless otherwise stipulated from the board.

(6) **On-line training courses.** Effective December 1, 2010, the board allows class 12 and 13 on-line training courses subject to additional requirements.

(a) A provider must take extra measures to ensure the identity of each student. Extra measures include obtaining the log-in and log-off times (see WAC 314-17-085). Other ways to prevent fraudulent test taking may include, but are not limited to:

(i) Allowing a student to access an examination only once per training course;

(ii) Discontinuing an examination if it stays idle for thirty minutes or more or if another program is accessed; or

(iii) Asking each student personal identifying questions.

(b) A trainer shall be available to answer questions during standard business hours via the internet, telephone or some other method.

(7) **Length of class.** Excluding exam time, a class 12 training course shall be at least three hours in length, and a class 13 training course shall be at least one hour in length.

(8) **Presentation method.** A presentation method may be in-class or on-line.

(9) **Student workbook.**

(a) A student workbook must contain accurate, current, and complete information.

(b) A provider must update student workbooks and other training course material within thirty calendar days following:

(i) The effective date of a new applicable state law or regulation; or

(ii) Receipt of new or updated information from the board.

(c) The board may establish additional workbook standards or requirements as the board deems necessary.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-065 How does a provider receive certification for its trainers? (1) To ~~((receive board certification for trainers to teach a course approved by the board, the provider must submit a form provided by the board to the board's licensing and regulation division.~~

~~(2) The provider will only contract with trainers who:~~

~~(a) Have a minimum of two years of post-secondary education in one or more of the following fields or a combination of the following fields, or equivalent years of experience)) certify one of its trainers, a provider must complete a form provided by and returned to the board.~~

~~(2) A provider will contract only with a trainer who:~~

~~(a) Has a minimum of two years of post-secondary education in, or equivalent years of work experience in, one or more of the following fields:~~

~~(i) Training;~~

~~(ii) Education;~~

~~(iii) Law;~~

~~(iv) Law enforcement;~~

~~(v) Substance abuse rehabilitation; ((and/or~~

~~(vi) Hospitality industry;~~

~~(b) Hold a Class 12 mixologist permit; and~~

~~(c) Meet the criminal history requirements outlined in WAC 314-17-070.~~

~~(3) The board may consider any information pertaining to a provider or trainer's certification in any state, including any certification suspensions or revocations in the past five years.~~

~~(4) Prior to receiving certification, the applicant trainer must attend either:~~

~~(a) A board approved train-the-trainer course provided by the MAST provider; or~~

~~(b) A briefing conducted by a liquor control board enforcement officer. Proof of the training must be submitted with the trainer registration form.~~

~~(5) The board's licensing and regulation division will respond to the request for trainer certification within thirty days of receipt of the request. The board will either:~~

~~(a) Issue a letter to the provider and each trainer that authorizes the trainer(s) to teach the approved course (the trainer's authorization expires on the date the provider's certification expires); or~~

~~(b) Send a letter to the provider outlining why an applicant trainer does not meet the qualifications outlined in this title.~~

~~(c) Trainers may not begin training certified alcohol server education courses until they receive their authorization letter from the board.~~

~~(d) Trainers must teach the provider's program as approved and may not change the method of presentation or course content without approval from the provider and the liquor control board's mandatory alcohol server training program manager.~~

~~(6) It is the responsibility of the approved provider to keep the board's licensing and regulation division informed of all current trainers.~~

~~(a) The provider must notify the board's licensing and regulation division within seventy-two hours of the termination of a trainer, or within seventy-two hours of when the provider is notified that a trainer has terminated his/her employment.~~

~~(b) For the hiring of new trainers, the provider can either:~~

~~(i) Notify the board's licensing and regulation division in writing of any new trainers within thirty days of the date of hire; or~~

~~(ii) Provide a list of all current trainers to the board's licensing and regulation division monthly.) or~~

~~(vi) Sale and service of alcoholic beverages;~~

~~(b) Holds a class 12 permit;~~

~~(c) Meets the criminal history requirements (see WAC 314-17-070); and~~

~~(d) Meets the continuing education requirements (see WAC 314-17-050).~~

~~(3) The board may consider any information pertaining to a trainer's certification in any state, including any certification suspensions or revocations in the past five years. The board, at its discretion and in consideration of public safety, may also consider criminal history (see WAC 314-17-070), administrative violations, patterns of misconduct, and other applicable occurrences or circumstances when deciding to approve, deny, suspend or revoke a trainer's certification.~~

~~(4) The board will respond to a request for trainer certification within thirty calendar days of receipt of a request, and then will either certify an applicant trainer or explain why an applicant trainer fails to meet the qualifications.~~

~~(5) A trainer may not begin to teach a training course until a trainer receives his or her certification from the board.~~

~~(6) A trainer must teach a provider's training program in its entirety as approved, and may not change the method of~~

presentation or course content without approval from a provider and the board.

(7) It is the responsibility of a provider to keep the board informed of its current trainers. In this effort, a provider must notify the board within seventy-two hours of the termination of a trainer or within seventy-two hours of when a provider is notified that a trainer has terminated his or her employment.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-070 What criminal history would prevent a person from receiving certification to be a trainer?

(1) The ((board's licensing and regulation division may conduct a criminal history check on a person applying to be an alcohol server education trainer, using the point system below. The application may be denied if the applicant's criminal history totals eight or more points)) board may investigate the criminal history of a person applying for trainer certification. The board may also use a point system and deny an application if an applicant's criminal history totals eight or more points. Points are set as follows:

Description	Time period during which points will be assigned	Points the board will assign
((Gross misdemeanor)) <u>Felony conviction</u>	((Three)) <u>10 years</u>	((5)) <u>12 points</u>
((Misdemeanor conviction – involving alcohol)) <u>Currently under federal or state supervision for a felony conviction</u>	((Three years)) <u>n/a</u>	((4)) <u>8 points</u>
((Misdemeanor conviction – not involving alcohol)) <u>Gross misdemeanor conviction</u>	((Three)) <u>3 years</u>	((3)) <u>5 points</u>
<u>Driving under the influence conviction</u>	((Three)) <u>3 years</u>	<u>5 points</u>
((Reckless and/or negligent driving conviction – alcohol related)) <u>Misdemeanor conviction</u>	((Three)) <u>3 years</u>	((5)) <u>4 points</u>
((Reckless and/or negligent driving conviction – not alcohol related)) <u>Nondisclosure of any of the above</u>	((Three years)) <u>n/a</u>	<u>4 points</u>
((Hit and run, attended – conviction	<u>Three years</u>	<u>5 points</u>
<u>Two to five failures to appear for court conviction</u>	<u>Three years</u>	<u>4 points</u>
<u>Six or more failures to appear for court conviction</u>	<u>Three years</u>	<u>8 points</u>
<u>Felony conviction</u>	<u>Five years</u>	<u>12 points</u>
<u>On parole from a felony</u>	<u>n/a</u>	<u>8 points</u>
<u>Nondisclosure of information requested by the board</u>	<u>n/a</u>	<u>4 points each, PLUS the points of the fact which was not disclosed</u>
<u>Misrepresentation of fact to the board</u>	<u>n/a</u>	<u>8 points, PLUS the points of the fact which was not disclosed</u>

(2) For pending criminal charges that would score eight or more points in the event of conviction, the ~~((board's licensing and regulation division will hold the trainer's application pending disposition of the matter. If the matter is not resolved within ninety days, the board will withdraw the application.~~

~~(3) A person whose application to become an alcohol server education trainer is denied by the licensing and regulation division due to a criminal history may request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW). At the board's discretion it may elect to conduct the adjudicative hearing itself or it may assign the matter to the office of administrative hearings)) board shall postpone its approval or denial decision pending disposition of the matter. If the matter remains unresolved after ninety calendar days, the board will withdraw an application.~~

(3) Appeal rights. See WAC 314-17-115.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-075 How does a provider ~~((or trainer))~~ get class 12 ~~((mixologist and Class 13 server permits to issue to course participants))~~ or 13 permit forms? ~~((1) Authorized providers and trainers of certified programs may order Class 12 mixologist and Class 13 server training permits from the board's licensing and regulation division, to issue to students who successfully complete an approved course (see WAC 314-17-080(3) regarding eighteen, nineteen, and twenty year old students who complete a Class 12 mixologist course).~~

~~(2) The permits must be ordered on a form provided by the board. The board will charge a nominal fee in order to cover its costs to produce the permits.)~~ A provider (or a trainer with authorization from a provider) may purchase class 12 or 13 permit forms by submitting an order form to the board.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-080 What ~~((are the age requirements for trainees to receive, and trainers to issue, Class 12 mixologist and Class 13 server permits))~~ should a provider or a trainer do when a class 12 or 13 permit is issued in error? (1) ~~((Class 12 mixologist permits are only issued to persons twenty-one years of age or older. Therefore, any person who is eighteen, nineteen, or twenty years of age who successfully completes a Class 12 mixologist course will be issued a Class 13 server permit.~~

~~(2) Class 13 server permits may only be issued to persons eighteen years of age and older.~~

~~(3) Upon turning twenty-one years of age, a Class 13 server permit holder may receive an upgraded Class 12 mixologist permit from the provider or trainer who issued the permit. The expiration date of the permit will remain five years from the date of the class.~~

~~(4)) If a provider or trainer issues a class 12 ((mixologist)) permit in error to a ((person)) student under twenty-one years of age, ((the)) a provider or trainer must ((take the fol-~~

~~lowing steps:)) initiate corrective actions within one business day of discovery of an error.~~

~~(a) Contact ((the permit holder)) a student and notify ((him/her)) him or her that ((the)) a permit was issued in error((;)).~~

~~(b) Retrieve the original class 12 ((mixologist)) permit from ((the permit holder, and)) a student.~~

~~(c) Issue ((the correct)) a class 13 ((server)) permit ~~((only after receiving the original Class 12 mixologist permit that was issued in error))~~ provided that a student is at least eighteen years of age.~~

~~(d) ((Within thirty days of the date the permit was issued in error, or of being notified by the board of the error, the provider or trainer must:~~

~~((i)) Provide the tear-off portion of ((the)) a corrected class 13 ((server)) permit to the ~~((board's licensing and regulation division; or))~~ board.~~

~~((ii)) If unable to contact ((the permit holder)) a student and issue a corrected permit, ((the)) a provider or trainer ~~((can provide the board's licensing and regulation division))~~ must provide the board with proof that a certified letter was sent to ~~((the trainee))~~ a student who received ~~((the))~~ a class 12 ((mixologist)) permit in error.~~

~~((5)) (2) If a provider or trainer issues a class 13 ((server)) permit in error to a ((person)) student under eighteen years of age, ((the)) a provider or trainer must ~~((take the following steps:))~~ initiate corrective actions within one business day of discovery of the error.~~

~~(a) Contact ((the permit holder)) a student and notify ((him/her)) him or her that ((the)) a class 13 permit was issued in error.~~

~~(b) Retrieve ((the original)) a class 13 ((server)) permit from ((the permit holder)) a student.~~

~~((i)) If unable to contact ((the permit holder)) a student and retrieve ((the)) an invalid class 13 permit, ((the)) a provider or trainer must provide the ~~((board's licensing and regulation division))~~ board with proof that a certified letter was sent to ~~((the trainee informing the trainee the))~~ a student informing him or her that a class 13 permit was issued in error and that serving liquor with ((the)) an unauthorized permit may be cause for a criminal citation.~~

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-085 What records ~~((does the))~~ must a provider or trainer ((need to provide)) submit to the board or keep on file? (1) A ~~((list of the individuals receiving the class 12 or class 13 permits must be forwarded to the board's licensing and regulation division within three calendar days of the completion of the class.~~

~~(2) Within thirty days of all training classes, the provider or trainer must give all class participants who successfully pass the exam their permit and submit the tear-off portion of the permit form, completed in full, for all Class 12 and/or Class 13 permits issued to the board's licensing and regulation division.~~

~~(3) The following information must be kept at the trainer's place of business, available for inspection and copying by board employees, for a period of five years:~~

(a) Copies of all Class 12 and/or Class 13 permits issued by the provider or authorized trainers (electronic records may be kept in lieu of hard copies of the permit forms for those programs using an automatic upload process); and

(b) All course presentation information, including the location, date, and time of every class given, together with the names of the trainer and names of students that attended each class.

(4) The provider or trainer must provide the following information to the board or its designee upon request:

(a) Advance notice of any classes that have been pre-scheduled; and

(b) Copies of program publications, brochures, pamphlets, scripts, or any other advertising materials related to the alcohol server training course)) provider (or a trainer on a provider's behalf) shall submit a list of students receiving class 12 or 13 permits and additional permit information to the board within thirty calendar days of completion of each training course. Information shall be submitted using a format supplied or stipulated by the board.

(2) Within thirty calendar days of a student completing a class 12 or 13 training course and passing the standardized exam, a provider (or a trainer on a provider's behalf) must:

(a) Issue a class 12 or 13 permit to a student; and

(b) Submit a session roster showing each student's name and assigned permit number in a format supplied by the board; and

(c) Submit the tear-off portion of a fully completed class 12 or 13 permit form to the board.

(3) A provider must keep certain records and information at its place of business for a period of five years. Records and information must be available for board inspection, and they shall include:

(a) A session roster showing the student information and assigned permit number of each student who successfully completes an on-line or in-person training course, and the date and time of completion;

(b) The permit number for any voided permit;

(c) All presentation information for each training course;

(d) Each student's examination answers; and

(e) The log-in and log-off times.

(4) A provider (or a trainer on a provider's behalf) must provide the following information to the board upon request:

(a) Advance notice of any prescheduled training courses;

(b) Copies of program publications, brochures, pamphlets, scripts or any other advertising materials related to a training course; and

(c) Documentation that verifies a trainer's attendance at a continuing education conference or workshop (see WAC 314-17-050).

(5) **Securing records and information.**

All training course records that contain information about a student must be safely secured and maintained.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-090 Prohibited conduct by providers and trainers. No provider or trainer ((will):

(1) Make any material false or misleading statement to induce or prevent board actions;

(2) Falsify, alter, or tamper with alcohol server training permits or records;

(3) Prohibit or interfere with on-site observations by the board or its staff, or fail to assist the board or its staff)) shall:

(1) Make any false material statement or misleading statement to induce or prevent board action;

(2) Falsify, alter or tamper with any material or records associated with a training program, training course or class 12 or 13 permit; or

(3) Prohibit or interfere with on-site observation by the board or fail to assist the board in scheduling ((these)) an observation((s)).

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

WAC 314-17-095 ((Is the provider responsible for the acts of its trainers?)) What must a provider do when a trainer violates a liquor law or regulation? (1) The board may hold a provider responsible ((for any act or omission of the provider's program personnel, authorized trainers, or representatives that violates any law or rule affecting provider privileges:

(1) If a provider discovers a trainer has not complied with a provision of the alcohol server training requirements, the provider must contact the board's mandatory alcohol server training manager within five calendar days.

(2) The provider must submit an action plan to the board's mandatory alcohol server training program manager within ten calendar days. The action plan must include corrective action that will be taken to ensure compliance with liquor control board laws and rules)) when any of its trainers, authorized personnel or representatives violate any state liquor law or regulation affecting provider privileges whether through a specific action or through an act of omission.

(2) When a trainer fails to comply with a provision of the alcohol server education program requirements, a provider must:

(a) Correct a violation immediately;

(b) Notify the board of discovery as soon as possible, but no later than five calendar days following discovery; and

(c) Create an action plan to prevent further violations and submit that plan to the board within ten calendar days of discovery.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-100 What are the penalties ((if)) when a provider or a trainer violates a liquor law or regulation? ((Following are the penalties for a provider or trainer that violates any of the provisions of RCW 66.20.300 through 66.20.350 or any of the requirements of chapter 314-17 WAC (except for providers with temporary certification, see WAC 314-17-055(4)):-)) The board may suspend or revoke a provider or trainer certification if a provider or a trainer violates any of the provisions of RCW 66.20.300 through 66.20.350 or of chapter 314-17 WAC or if the board determines that

immediate suspension or revocation is in the public interest. The board may also penalize a provider or trainer as follows:

(1) First violation	<p>(a) ((The provider or trainer will receive a notice of intended suspension/revocation)) A provider or a trainer will receive a notice of intended suspension or revocation of the board's certification or authorization.</p> <p>(b) ((This notice will give the provider and/or trainer thirty days to correct any violations.)) A provider or a trainer will correct any violation as soon as possible, but no later than thirty calendar days following receipt of a notice of intended suspension or revocation.</p> <p>(c) If ((the)) a violation or problem is rectified, no further action will be taken.</p>
(2) First violation ((not resolved and/or)) unresolved or second violation	(a) The board will suspend ((its approval and certification of the provider and/or trainer)) a provider's or a trainer's certification for up to six months.

occurs <u>within a three-year period</u>	<p>(b) A monetary penalty of up to five hundred dollars may be imposed in lieu of suspension.</p> <p>(c) Prior to lifting ((the)) a suspension or accepting a monetary penalty, ((the)) a provider ((and/or)) a trainer must correct the problem(s) ((which)) that caused ((the)) a proposed suspension.</p>
(3) Successive violations within a ((two-year)) <u>three-year period</u>	The board may cancel or suspend the approval ((and)) , certification or <u>both</u> , of ((the)) a provider ((and/or)) a trainer for up to five years.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

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

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
AFTER HOURS: Selling, serving ((s)) or allowing alcohol to be consumed between 2 a.m. and 6 a.m. See WAC 314-11-070.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	<u>Revocation of permit</u> ((permit))
DISORDERLY CONDUCT: Disorderly conduct by ((the)) a licensee or employee, or allowing patrons to engage in disorderly conduct. See WAC 314-11-050.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	<u>Revocation of permit</u>
FALSIFICATION OF PERMIT: Falsifying a class 12 or ((class)) 13 permit or possessing a class 12 or ((class)) 13 permit contrary to this title. See RCW 66.20.310 ((2)) and WAC 314-17-025.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	<u>Revocation of permit</u>
INTOXICATED PERSONS: Selling or serving to an apparently intoxicated person or allowing such a person to possess or consume alcohol. See RCW 66.44.200 and WAC 314-11-035.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	<u>Revocation of permit</u>
LEWD CONDUCT: Allowing lewd conduct on ((the)) a <u>retail</u> licensed premises. See WAC 314-11-050.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	<u>Revocation of permit</u>
MISCELLANEOUS: Violation of other retail liquor laws or ((rules)) <u>regulations</u> .	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	<u>Revocation of permit</u>
MINORS: Selling or serving alcohol to a person under twenty-one years of age. See RCW 66.44.310 and WAC 314-11-020 ((+)) .	5-day permit suspension OR \$200 monetary option	10-day permit suspension OR \$400 monetary option	30-day permit suspension OR \$(600)) <u>500</u> monetary option	<u>Revocation of permit</u>

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
MINORS: Allowing a person((s)) under twenty-one years of age to frequent a restricted premises or area. See RCW 66.44.310 and WAC 314-11-020((2)).	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
OBSTRUCTING AN OFFICER: Obstructing a law enforcement officer, or failure to allow an inspection. See RCW 66.28.090.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
OTHER VIOLATION OF LAWS: Conviction of liquor laws, ((DUI,)) <u>driving under the influence</u> or felony.	5-day permit suspension OR \$100 monetary option	Revocation of permit		
PERMIT: Failure to produce permit ((and/or ID)) <u>or identification</u> upon request. See RCW 66.20.310((2)) and 66.20.180.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
PRIVATE CLUBS: Prohibitions involving club liquor and use by the general public. See WAC 314-40-010.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-110 ((Can)) May the board impose sanctions or penalties other than those ((indicated)) described in WAC 314-17-105? (1) Based on aggravating or mitigating circumstances, the board may impose a different penalty or suspension than the standard penalties and suspensions ((outlined)) described in WAC 314-17-105.

(2) Examples of aggravating and mitigating circumstances include, but are not limited to:

(a) Examples of aggravating circumstances <u>that may cause a more severe penalty:</u>	(b) Examples of mitigating circumstances <u>that may allow a less severe penalty:</u>
<ul style="list-style-type: none"> Patron's identification not checked; Noncooperation with or ((obstructing)) <u>obstruction of any law enforcement officer;</u> Permit holder did not call law enforcement officer when requested by a customer or a board employee. 	<ul style="list-style-type: none"> Permit holder checked one of the acceptable forms of identification ((per)) <u>see RCW 66.16.040;</u> Cooperation with law enforcement officer(s); Permit holder used a licensee certification card (see RCW 66.20.-190).

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

WAC 314-17-115 ((Can a Class 12 or Class 13 permit holder work on a licensed premises while his/her permit is suspended?)) Appeal rights. ((1) During a suspension period, permit holders may work on a liquor licensed premises provided they are not involved in any way in the sale or service of alcohol.

(2) No permit is required to be a cashier, receptionist, cook, or custodian.)) Any person whose class 12 or 13 per-

mit, trainer certification or provider certification is denied, revoked or suspended may request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW). The board may conduct an adjudicative hearing itself or refer the matter to the office of administrative hearings.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 314-17-055 Temporary certification as a provider.