

WSR 16-14-003
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed June 23, 2016, 7:32 a.m., effective July 24, 2016]

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

Purpose: This rule-making order amends chapter 16-752 WAC, Noxious weed seed and plant quarantine, by adding butterfly bush (*Buddleia davidii*), except for accepted sterile cultivars; yellow archangel (*Lamiasstrum galeobdolon*); lesser celandine (*Ficaria verna*); all nonnative hawkweed species and hybrids (nonnative *Hieracium spp.*); Senegal tea plant (*Gymnocoronis spilanthoides*); and Australian water clover (*Marsilea mutica*) to the noxious weed seed and plant quarantine, prohibiting their sale and distribution in Washington state. Regulated status also applies to all synonyms of these botanical names and interspecies hybrids if both parents are regulated species. Adding these species to the quarantine to ensure these plants are not being sold through the nursery trade may be critical to their exclusion or control.

In addition to adding species, the Washington state department of agriculture is adding language clarifying the fees charged for compliance agreements and defining what are "regulated articles."

The quarantine is being amended as a result of a petition submitted by the Washington state noxious weed control board and the Washington state department of ecology.

Citation of Existing Rules Affected by this Order: Amending WAC 16-752-600, 16-752-610, and 16-752-640.

Statutory Authority for Adoption: RCW 17.10.074, 17.24.011, 17.24.041.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 16-10-100 on May 4, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: June 23, 2016.

Kirk Robinson
Deputy Director

AMENDATORY SECTION (Amending WSR 14-07-040, filed 3/12/14, effective 4/12/14)

WAC 16-752-600 Establishing the noxious weed seed and plant quarantine. Washington agriculture, environmental quality and natural resources, including waters and wet-

lands, are threatened by nonnative, aggressive species of noxious weeds. A number of these noxious weeds are transported and sold within the state of Washington both as nursery plants and as seeds in packets of flower seeds or "wildflower mixes." Subsequent "escape" of these ornamentals has been a documented source of a number of infestations and has resulted in large public and private expenditures by landowners and land managers, weed boards, and weed districts and the department of agriculture to achieve the control mandated in chapter 17.10 RCW. The director of agriculture, pursuant to the powers provided in chapters 17.10 and 17.24 RCW, finds that regulation of the sale of these seed packets and plants as "regulated articles" is necessary to protect Washington agriculture and natural resources and to prevent public and private costs of control.

((Note: For rules prescribing the limits of prohibited and restricted noxious weed seeds as contaminants in certified seed, see WAC 16-300-010 through 16-300-025.))

AMENDATORY SECTION (Amending WSR 14-07-040, filed 3/12/14, effective 4/12/14)

WAC 16-752-610 Regulated articles. All plants, plant parts, and seeds in packets, blends, and "wildflower mixes" of the following listed species are designated as regulated articles under the terms of this noxious weed seed and plant quarantine. This list is comprised of the most recent and accepted scientific and common names of the quarantine plant species. Regulated status also applies to all synonyms of these botanical names and interspecies hybrids if both parents are regulated species:

Scientific Name	Common Names
<i>Abutilon theophrasti</i>	velvetleaf
<i>Alliaria petiolata</i>	garlic mustard
<i>Amorpha fruticosa</i>	indigobush, lead plant
<i>Anchusa officinalis</i>	common bugloss, alkanet, anchusa
<i>Anthriscus sylvestris</i>	wild chervil
<i>Arundo donax</i> (except variegated cultivars)	giant reed
<i>Brachypodium sylvaticum</i>	false brome
<u><i>Buddleia davidii</i></u> (except accepted sterile cultivars)	<u>butterfly bush</u>
<i>Butomus umbellatus</i>	flowering rush
<i>Cabomba caroliniana</i>	fanwort
<i>Carduus acanthoides</i>	plumeless thistle
<i>Carduus nutans</i>	musk thistle, nodding thistle
<i>Carduus pycnocephalus</i>	Italian thistle
<i>Carduus tenuiflorus</i>	slenderflower thistle
<i>Centaurea calcitrapa</i>	purple starthistle

Scientific Name	Common Names	Scientific Name	Common Names
<i>Centaurea diffusa</i>	diffuse knapweed	<i>Hieracium floribundum</i>	yellow devil hawkweed
<i>Centaurea jacea</i>	brown knapweed, rayed knapweed, brown centaury horse-knobs, hardheads	<i>Hieracium pilosella</i>	mouseear hawkweed
<i>Centaurea jacea x nigra</i>	meadow knapweed	<i>Hieracium sabaudum</i>	European hawkweed))
<i>Centaurea stoebe</i>	spotted knapweed	<u><i>Hieracium</i> spp. All nonnative species and hybrids</u>	<u>nonnative hawkweeds</u>
<i>Centaurea macrocephala</i>	bighead knapweed	<i>Hydrilla verticillata</i>	hydrilla
<i>Centaurea nigra</i>	black knapweed	<i>Hydrocharis morsus-ranae</i>	European frog-bit
<i>Centaurea nigrescens</i>	Vochin knapweed	<i>Impatiens glandulifera</i>	policeman's helmet
<i>Chaenorrhinum minus</i>	dwarf snapdragon	<i>Isatis tinctoria</i>	dyers' woad
<i>Clematis orientalis</i>	oriental clematis	<i>Kochia scoparia</i>	kochia, summer-cyprus, burning-bush, fireball, Mexican fireweed
<i>Crassula helmsii</i>	Australian swamp stonecrop	<i>Lagarosiphon major</i>	African elodea
<i>Crupina vulgaris</i>	common crupina	<u><i>Lamiastrum galeobdolon</i></u>	<u>yellow archangel</u>
<i>Cyperus rotundus</i>	purple nutsedge	<i>Lepidium latifolium</i>	perennial pepperweed
<i>Cytisus scoparius</i>	Scotch broom	<i>Leucanthemum vulgare</i>	oxeye daisy, white daisy, white-weed, field daisy, marguerite, poorland flower
<i>Daucus carota</i>	wild carrot, Queen Anne's lace	<i>Linaria dalmatica</i> spp. <i>dalmatica</i>	Dalmatian toadflax
<i>Echium vulgare</i>	blueweed, blue thistle, blue devil, viper's bugloss, snake flower	<i>Ludwigia hexapetala</i>	water primrose
<i>Egeria densa</i>	Brazilian elodea	<i>Ludwigia peploides</i>	floating primrose-willow
<i>Epilobium hirsutum</i>	hairy willow herb	<i>Lysimachia vulgaris</i>	garden loosestrife
<i>Euphorbia esula</i>	leafy spurge	<i>Lythrum salicaria</i>	purple loosestrife
<i>Euphorbia oblongata</i>	eggleaf spurge	<i>Lythrum virgatum</i>	wand loosestrife
<u><i>Ficaria verna</i></u>	<u>lesser celandine</u>	<u><i>Marsilea mutica</i></u>	<u>Australian water clover</u>
<i>Galega officinalis</i>	goatsrue	<i>Mirabilis nyctaginea</i>	wild four o'clock, umbrella-wort
<i>Genista monspessulana</i>	French broom	<i>Murdannia keisak</i>	marsh dew flower, Asian spider-wort
<i>Geranium lucidum</i>	shiny geranium	<i>Myriophyllum aquaticum</i>	parrotfeather
<i>Glossostigma dianthrum</i>	mud mat	<i>Myriophyllum heterophyllum</i>	variable-leaf milfoil
<i>Glyceria maxima</i>	reed sweetgrass, tall manna grass	<i>Myriophyllum spicatum</i>	Eurasian watermilfoil
<u><i>Gymnocoronis spilanthoides</i></u>	<u>Senegal tea plant</u>	<i>Najas minor</i>	slender-leaved naiad, brittle naiad
<i>Helianthus ciliaris</i>	Texas blueweed	<i>Nymphoides peltata</i>	yellow floating heart
<i>Heracleum mantegazzianum</i>	giant hogweed, giant cow parsnip	<i>Onopordum acanthium</i>	Scotch thistle
<i>Hibiscus trionum</i>	Venice mallow, flower-of-an-hour, bladder ketmia, modesty, shoo-fly	<i>Polygonum cuspidatum</i>	Japanese knotweed
((<i>Hieracium aurantiacum</i>	orange hawkweed, orange paintbrush, red daisy flameweed, devil's weed, grim the collier	<i>Polygonum</i>	Himalayan knotweed
<i>Hieracium caespitosum</i>	yellow hawkweed, yellow paintbrush, devil's paintbrush, yellow devil, field hawkweed, king devil	<i>polystachyum</i>	

Scientific Name	Common Names
<i>Polygonum sachalinense</i>	giant knotweed
<i>Polygonum x bohemicum</i>	Bohemian knotweed, Japanese and giant knotweed hybrid
<i>Proboscidea louisianica</i>	unicorn-plant
<i>Pueraria montana var. lobata</i>	kudzu
<i>Sagittaria graminea</i>	grass-leaved arrowhead
<i>Sagittaria platyphylla</i>	delta arrowhead
<i>Salvia aethiopis</i>	Mediterranean sage
<i>Salvia pratensis</i>	meadow clary
<i>Salvia sclarea</i>	clary sage
<i>Schoenoplectus mucronatus</i>	ricefield bulrush
<i>Senecio jacobaea</i>	tansy ragwort
<i>Silybum marianum</i>	milk thistle
<i>Solanum elaeagnifolium</i>	silverleaf nightshade
<i>Solanum rostratum</i>	buffaloburr
<i>Soliva sessilis</i>	lawnweed
<i>Sorghum halepense</i>	johnsongrass
<i>Spartina alterniflora</i>	smooth cordgrass
<i>Spartina anglica</i>	common cordgrass
<i>Spartina densiflora</i>	dense-flowered cordgrass
<i>Spartina patens</i>	salt meadow cordgrass
<i>Spartium junceum</i>	Spanish broom
<i>Stratiotes aloides</i>	water soldier
<i>Tamarix ramosissima</i>	saltcedar
<i>Thymelaea passerina</i>	spurge flax
<i>Torilis arvensis</i>	hedgearsley
<i>Trapa natans</i>	water chestnut, bull nut
<i>Trapa bicornus</i>	water caltrap, devil's pod, bat nut
<i>Ulex europaeus</i>	gorse, furze
<i>Utricularia inflata</i>	swollen bladderwort
<i>Zygophyllum fabago</i>	Syrian bean-caper

((This list is comprised of the most recent and accepted scientific and common names of the quarantine plant species. Regulated status also applies to all synonyms of these botanical names and interspecies hybrids if both parents are regulated species.))

AMENDATORY SECTION (Amending WSR 14-07-040, filed 3/12/14, effective 4/12/14)

WAC 16-752-640 Compliance agreements. The director may allow activities prohibited under this chapter by com-

pliance agreement. Such compliance agreement shall specify the terms and conditions under which such activities are allowed. A fee may be charged for these services under ~~(chapter 16-470)~~ WAC 16-401-027 or 16-470-912 and 16-470-921.

WSR 16-14-009
PERMANENT RULES
HEALTH CARE AUTHORITY
(Washington Apple Health)

[Filed June 23, 2016, 11:04 a.m., effective July 24, 2016]

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

Purpose: The agency is amending these rules to replace the single routine home care (RHC) per diem rate with a two-tiered payment model for RHC days, add a service intensity add-on payment, and include housekeeping changes. Amendments are necessary to implement new Centers for Medicare and Medicaid Services requirements for RHC rates.

Citation of Existing Rules Affected by this Order: Amending WAC 182-551-1510.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160, 42 C.F.R. 418 Subpart G.

Adopted under notice filed as WSR 16-11-101 on May 18, 2016.

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

Number of Sections Adopted at 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 1, Repealed 0.

Date Adopted: June 23, 2016.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-03-035, filed 1/12/16, effective 2/12/16)

WAC 182-551-1510 Rates methodology and payment method for hospice agencies. This section describes rates methodology and payment methods for hospice care provided to hospice clients.

(1) The medicaid agency uses the same rates methodology as medicare uses for the four levels of hospice care identified in WAC 182-551-1500.

(2) Each of the four levels of hospice care has the following three rate components:

(a) Wage component;

- (b) Wage index; and
- (c) Unweighted amount.

(3) To allow hospice payment rates to be adjusted for regional differences in wages, the medicaid agency bases payment rates on the ~~((metropolitan))~~ core-based statistical area ~~((MSA))~~ (CBSA) county location. ~~((MSAs))~~ CBSAs are identified in the medicaid agency's provider guides.

(4) ~~((Payment rates for:~~

~~(a) Routine and continuous home care services are based on the county location of the client's residence.~~

~~(b) Inpatient respite and general inpatient care services are based on the MSA county location of the providing hospice agency.~~

~~(5))~~ The medicaid agency pays hospice agencies for services (not room and board) at a daily rate ~~((calculated))~~ methodology as follows:

(a) Payments for services delivered in a client's residence (routine and continuous home care) are based on the county location of the client's residence ~~((or))~~.

(b) Payments for routine home care (RHC) are based on a two-tiered payment methodology.

(i) Days one through sixty are paid at the base RHC rate.

(ii) Days sixty-one and after are paid at a lower RHC rate.

(iii) If a client discharges and readmits to a hospice agency's program within sixty calendar days of that discharge, the prior hospice days will continue to follow the client and count towards the client's eligible days in determining whether the hospice agency may bill at the base or lower RHC rate.

(iv) If a client discharges from a hospice agency's program for more than sixty calendar days, a readmit to the hospice agency's program will reset the client's hospice days.

(c) Hospice services are eligible for an end-of-life service intensity add-on (SIA) payment when the following criteria are met:

(i) The day on which the services are provided is an RHC level of care;

(ii) The day on which the service is provided occurs during the last seven days of life, and the client is discharged deceased;

(iii) The service is provided by a registered nurse or social worker that day for at least fifteen minutes and up to four hours total; and

(iv) The service is not provided by the social worker via telephone.

(d) Payments for respite and general inpatient care are based on the county location of the providing hospice agency.

~~((6))~~ (5) The medicaid agency:

(a) Pays for routine hospice care, continuous home care, respite care, or general inpatient care for the day of death;

(b) Does not pay room and board for the day of death; and

(c) Does not pay hospice agencies for the client's last day of hospice care when the last day is for the client's discharge, revocation, or transfer.

~~((7))~~ (6) Hospice agencies must bill the medicaid agency for their services using hospice-specific revenue codes.

~~((8))~~ (7) For hospice clients in a nursing facility:

(a) The medicaid agency pays nursing facility room and board payments at a daily rate directly to the hospice agency at ninety-five percent of the nursing facility's current medicaid daily rate in effect on the date the services were provided; and

(b) The hospice agency pays the nursing facility at a daily rate no more than the nursing facility's current medicaid daily rate.

~~((9))~~ (8) The medicaid agency:

(a) Pays a hospice care center a daily rate for room and board based on the average room and board rate for all nursing facilities in effect on the date the services were provided.

(b) Does not pay hospice agencies or hospice care centers a nursing facility room and board payment for:

(i) A client's last day of hospice care (e.g., client's discharge, revocation, or transfer); or

(ii) The day of death.

~~((10))~~ (9) The daily rate for authorized out-of-state hospice services is the same as for in-state ~~((non-MSA))~~ non-CBSA hospice services.

~~((11))~~ (10) The client's notice of action (award) letter states the amount ~~((of participation))~~ the client is responsible to pay each month towards the total cost of hospice care. The hospice agency receives a copy of the award letter and:

(a) Is responsible to collect the correct amount ~~((of the client's participation if the client has))~~ that the client is required to pay, if any; and

(b) Must show the client's monthly ~~((participation))~~ required payment on the hospice claim. (Hospice providers may refer to the medicaid agency's provider guides for how to bill a hospice claim.) If a client has a ~~((participation))~~ required payment amount that is not reflected on the claim and the medicaid agency reimburses the amount to the hospice agency, the amount is subject to recoupment by the medicaid agency.

WSR 16-14-020

PERMANENT RULES

PARKS AND RECREATION

COMMISSION

[Filed June 24, 2016, 1:27 p.m., effective July 25, 2016]

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

Purpose: WAC 352-37-020 is amended to clarify the definition of camping within the Seashore Conservation Area.

Citation of Existing Rules Affected by this Order: Amending WAC 352-37-020 Definitions.

Statutory Authority for Adoption: Chapter 79A.05 RCW.

Adopted under notice filed as WSR 16-08-020 on March 29, 2016.

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 0, Repealed 0.

Date Adopted: June 24, 2016.

Valeria Evans
Management Analyst

AMENDATORY SECTION (Amending WSR 11-19-015, filed 9/8/11, effective 10/9/11)

WAC 352-37-020 Definitions. Whenever used in this chapter the following terms shall have the meanings herein defined unless the context clearly indicates otherwise:

"Aggregate" shall mean a mixture of minerals separable by mechanical or physical means.

"Aircraft" shall mean any machine designed to travel through the air, whether heavier or lighter than air; airplane, dirigible, balloon, helicopter, etc. The term aircraft shall not include paraglider or remote controlled aircraft.

"Campfires" shall mean any open flame from a wood source.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, between the hours of 11:00 p.m. and 6:00 a.m.; or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Commission" shall mean the Washington state parks and recreation commission.

"Concentrate" shall mean the valuable mineral content separated from aggregate.

"Concentrator" shall mean a device used to physically or mechanically separate the valuable mineral content from aggregate.

"Director" shall mean the director of the Washington state parks and recreation commission or the director's designee.

"Driveable beach" shall mean that area of the ocean beaches lying between the upper or landward limit of the hard sand area and the clam beds.

"Dry sand area" shall mean that area lying above and to the landward side of the hard sand area as defined in this section.

"Excavation site" shall mean the pit, furrow, or hole from which aggregate is removed to process and recover minerals or into which wastewater is discharged to settle out sediments.

"Fire" shall mean any open flame from any source or device including, but not limited to, campfires, stoves, candles, torches, barbecues and charcoal.

"Ganged equipment" shall mean two or more pieces of mineral prospecting equipment coupled together to increase efficiency. An example is adding a second sluice to a high-banker.

"Geocache" means geocaches, letterboxes, and related activities. Geocaching is an outdoor treasure hunting game in which participants (called geocachers) use a Global Positioning System receiver or other navigational techniques to hide and seek containers (called "geocaches" or "caches").

"Hand-held mineral prospecting tools" shall mean tools that are held by hand and are not powered by internal combustion, hydraulic, or pneumatics. Examples include metal detectors, shovels, picks, trowels, hammers, pry bars, hand-operated winches, and battery-operated pumps specific to prospecting; and vac-pacs.

"Hard sand area" shall mean that area over which the tide ebbs and flows on a daily basis; and which is sufficiently hard or firm to support the weight of, and to provide unhindered traction for, an ordinary passenger vehicle.

"High-banker" shall mean a stationary concentrator that can be operated outside the wetted perimeter of the body of water from which the water is removed, using water supplied by hand or by pumping. A high-banker consists of a sluice box, hopper, and water supply. Aggregate is supplied to the high-banker by means other than suction dredging. This definition excludes rocker boxes.

"Hovercraft" shall mean a powered vehicle supported by a cushion of air capable of transporting persons.

"Intimidate" means to engage in conduct which would make a reasonable person fearful.

"Long Beach Peninsula" shall mean that area of the ocean beaches as defined in this section lying between Cape Disappointment on the south and Leadbetter Point on the north.

"Mineral prospecting equipment" shall mean any natural or manufactured device, implement, or animal (other than the human body) that can be used in any aspect of prospecting for or recovering minerals.

"Motor vehicle" shall mean every vehicle that is self-propelled. For the purposes of this chapter, a motor vehicle must be approved for highway use in accordance with Title 46 RCW.

"North Beach" shall mean that area of the ocean beaches as defined in this section lying between Damon Point on the south and Cape Flattery on the north.

"Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by a permit issued pursuant to WAC 352-32-165 shall not constitute obstruction of pedestrian or vehicular traffic.

"Ocean beaches" shall mean all lands fronting on the Pacific Ocean between Cape Disappointment and Leadbetter Point; between Toke Point and the south jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation, and occupying the area between the line of ordinary high tide and the line of extreme low tide, as these lines now are or may hereafter be located, and, where applicable, between the Seashore Conservation Line, as established by survey of the commission and the line of extreme low tide, as these lines now are or may hereafter be located, or as defined in RCW 79A.05.605, provided, that the ocean beaches shall

not include any lands within the established boundaries of any Indian reservation.

"Pan" shall mean an open metal or plastic dish that can be operated by hand to separate gold or other minerals from aggregate by washing the aggregate.

"Parasail" shall mean a parachute-type device attached to a rope pulled by a motor vehicle, resulting in the participant being lifted from the ground by the force of the wind.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Placer" shall mean a glacial or alluvial deposit of gravel or sand containing eroded particles of minerals.

"Power sluice" shall mean high-banker.

"Power sluice/suction dredge combination" shall mean a machine that can be used as a power sluice, or with minor modifications as a suction dredge.

"Prospecting" shall mean the exploration for minerals and mineral deposits.

"Riffle" shall mean the bottom of a concentrator containing a series of interstices or grooves to catch and retain a mineral such as gold.

"Rocker box" shall mean a nonmotorized concentrator consisting of a hopper attached to a cradle and a sluice box that can be operated with a rocking motion.

"Seashore conservation area" shall mean all lands now or hereafter under state ownership or control as defined in RCW 79A.05.605.

"Sluice" shall mean a trough equipped with riffles across its bottom which can be used to recover gold and other minerals with the use of flowing water.

"South Beach" shall mean that area of the ocean beaches as defined in this section lying between Toke Point on the south and the south jetty on Point Chehalis on the north.

"Spiral wheel" shall mean a hand-operated or battery-powered rotating pan that is used to recover gold and minerals with the use of water.

"Suction dredge" shall mean a machine that is used to move submerged aggregate via hydraulic suction. Aggregate is processed through an attached sluice box for the recovery of gold and other minerals.

"Wetted perimeter" shall mean the areas of a watercourse covered with flowing or nonflowing water.

"Wind/sand sailer" shall mean a wheeled, wind-driven recreational conveyance.

informing the industry of obligations under state and federal law.

The rules are being adopted pursuant to OFM Guidance 3.a. and e. dated October 12, 2011.

Citation of Existing Rules Affected by this Order: Amending WAC 208-690-010, 208-690-014, 208-690-015, 208-690-020, 208-690-030, 208-690-035, 208-690-040, 208-690-045, 208-690-050, 208-690-060, 208-690-070, 208-690-075, 208-690-080, 208-690-085, 208-690-090, 208-690-100, 208-690-110, 208-690-112, 208-690-120, 208-690-130, 208-690-140, 208-690-170, 208-690-180, and 208-690-200.

Statutory Authority for Adoption: RCW 43.320.040.

Other Authority: RCW 19.230.310.

Adopted under notice filed as WSR 16-05-068 on February 15, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 3, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, 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 10, Amended 24, 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 10, Amended 24, 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 27, 2016.

Charles Clark, Director
Division of Consumer Services

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-010 Definitions. What definitions are applicable to these rules? The definitions in RCW 19.230.010 and this section apply throughout this chapter unless the context clearly requires otherwise.

"Act" means the Uniform Money Services Act, chapter 19.230 RCW.

"Advertise, advertising, or advertising material" means any form of sales or promotional materials used in connection with the business. Advertising material includes, but is not limited to, newspapers, magazines, leaflets, flyers, direct mail, indoor or outdoor signs or displays, point-of-sale literature or educational materials, other printed materials; radio, television, public address system, or other audio broadcasts; internet pages, social media pages, instant messages, or electronic bulletin boards.

"AML compliance officer" means the individual(s) employed by the licensee or licensee's parent or affiliate designated to implement the anti-money laundering (AML) program.

"Audited financial statement" means a statement prepared by an independent accountant according to generally accepted accounting principles.

WSR 16-14-022

PERMANENT RULES DEPARTMENT OF

FINANCIAL INSTITUTIONS

(Consumer Services)

[Filed June 27, 2016, 7:35 a.m., effective August 1, 2016]

Effective Date of Rule: August 1, 2016.

Purpose: The rules must be amended to benefit the regulated industries by having clear and consistent rules, including taking into account innovations in the industry and

"Authorized delegate" means a person a licensee designates to provide money services on behalf of the licensee. A person that is exempt from licensing under this chapter cannot have an authorized delegate. An authorized delegate must only perform the contractual duties as authorized by the licensee in the contract between the licensee and the authorized delegate.

"Bill payment" service means a type of money transmission when an intermediary accepts funds from a consumer for transmission to a merchant for payment on a consumer's account. The intermediary may or may not charge a fee for this service.

"Department" means the department of financial institutions.

"Executive officer" means a president, chairperson of the executive committee, chief financial officer, responsible individual, or other individual who performs similar functions.

"Funds" means money or its equivalent value.

"Material litigation" means the same as in RCW 19.230.010.

"Money transmission" means receiving money or its equivalent value to transmit, deliver, or instruct to be delivered the money or its equivalent value to another location, inside or outside the United States, by any means including, but not limited to, by wire, facsimile, or electronic transfer. Money transmission does not include the provision solely of connection services to the internet, telecommunications services, or network access. Money transmission includes selling, issuing, or acting as an intermediary for open-loop stored value devices and payment instruments, but not closed-loop stored value devices.

"NMLS" means a multistate licensing system developed and maintained by the Conference of State Bank Supervisors for licensing and registration.

"Payment instrument" means a check, draft, money order, or traveler's check for the transmission or payment of money or its equivalent value, whether or not negotiable. Payment instrument does not include a credit card voucher, letter of credit, or instrument that is redeemable by the issuer in goods or services.

"Principal" means any person who controls, directly or indirectly through one or more intermediaries, alone or in concert with others, a ten percent or greater interest in a partnership, company, corporation, or association, or the owner of a sole proprietorship.

"RCW" means the *Revised Code of Washington*.

"Stored value" means the recognition of value or credit stored on a device. Stored value is either open loop, meaning the value is redeemable at multiple, unaffiliated merchants or service providers, or closed loop meaning the value is primarily intended to be redeemed for a limited universe of goods, intangibles, services, or other items provided by the issuer of the stored value, its affiliates, or others involved in transactions functionally related to the issuer or its affiliates.

"Stored value device" means a card or other device that electronically stores or provides access to funds and is available for transferring the funds or value to others.

"Subdelegate" means a person that provides money services on behalf of an authorized delegate without having a direct contractual relationship with a licensee.

"Tangible net worth" means the physical worth of a licensee, calculated by taking a licensee's assets and subtracting its liabilities and its intangible assets, such as copyrights, patents, intellectual property, and goodwill.

"Unsafe or unsound practice" means a practice or conduct by a person licensed or required to be licensed by the act to provide money services, or an authorized delegate of such a person, which creates the likelihood of material loss, insolvency, or dissipation of the licensee's assets, or otherwise materially prejudices the financial condition of the licensee or the interests of its customers.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-014 How does the department interpret the definitions in RCW 19.230.010? (1) "Currency exchange." For purposes of RCW 19.230.010 (8)(b), "investment" means an investment ((in the)) that is not money of a government ((is not exempt because the currency exchange is not incidental to the transaction)).

(2) "Responsible individual." The responsible individual must:

- (a) Be a citizen of the United States or have legal immigration status to work in the United States;
- (b) Hold W-2 employee status with the licensee;
- (c) Be knowledgeable of the laws and rules implementing the act; and
- (d) Be responsible for the company's compliance with applicable state and federal laws, rules and regulations.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-015 What are some activities that are exempt from the act? (1) The issuance, sale, use, redemption, or exchange of closed-loop stored value devices.

(2) ~~((The issuance, sale, use, redemption, or exchange of payment instruments by a person licensed under the Check Cashers and Sellers Act, chapter 31.45 RCW-~~

~~3)))~~ (3) The issuance or sale of open-loop stored value devices when the value on the devices are covered by federal deposit insurance immediately upon sale or issue. See the Federal Deposit Insurance Corporation (FDIC) Financial Institution Letter 129-2008 dated November 13, 2008, to determine if the underlying funds of stored value devices are covered by FDIC insurance immediately upon sale or issue.

~~((4)))~~ (3) See also RCW 19.230.020.

AMENDATORY SECTION (Amending WSR 10-20-123, filed 10/5/10, effective 11/5/10)

WAC 208-690-020 Voluntary license application. ~~((May I apply for and receive a license under this chapter even though I am exempt from licensing?))~~ (1) Any person otherwise exempt from licensing under the provisions of the act may voluntarily submit an application to the director for a money transmitter or currency exchange license. The director

shall review such application and may grant or deny licenses to such applicants upon the same grounds and subject to payment of the same fees as are applicable to persons required to be licensed.

(2) Upon receipt of a license under this section, the licensee is required to maintain a valid license and is subject to all the provisions of the act and these rules until the license is surrendered or revoked.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-030 License application. What must I do to apply for a license? You must file:

(1) A completed application in a form and in a medium prescribed by the director through the NMLS. The application must contain:

(a) The legal name, business and e-mail address, and residential address, if applicable, of the applicant and any fictitious or trade name used by the applicant in conducting its business;

(b) The legal name, residential and business address, date of birth, Social Security number, employment history for the five-year period preceding the submission of the application of the applicant's proposed responsible individual, and documentation that the proposed responsible individual is a citizen of the United States or has obtained legal immigration status to work in the United States. In addition, the applicant must provide the fingerprints of the proposed responsible individual and a personal credit report from a recognized independent credit reporting agency on the proposed responsible individual;

(c) For the ten-year period preceding submission of the application, a list of any criminal convictions of the proposed responsible individual of the applicant, any material litigation in which the applicant has been involved, and any litigation involving the proposed responsible individual relating to the provision of money services;

(d) A description of any money services previously provided by the applicant and the money services the applicant seeks to provide in this state;

(e) A list of the applicant's proposed authorized delegates including the business name and any additional names by which the business may be known, the business address and name of the primary contact person for each authorized delegate, and the locations in this state where the applicant and its authorized delegates propose to engage in the provision of money services;

(f) A list of other states in which the applicant is licensed to engage in money transmission, or provide other money services, and any license revocations, suspensions, restrictions, or other disciplinary action taken against the applicant in another state;

(g) A list of any license revocations, suspensions, restrictions, or other disciplinary action taken against any money services business involving the proposed responsible individual;

(h) Information concerning any bankruptcy or receivership proceedings involving or affecting the applicant or the proposed responsible individual;

(i) A sample form of the contract for authorized delegates, if applicable;

(j) A description of the source of money and credit to be used by the applicant to provide money services;

(k) A full description of the screening process used by the applicant in selecting authorized delegates, including a sample of any forms used, and the method used to screen for criminal history; and

(l) Identification of the bank account established for the business including, but not limited to, the bank name, address, account number, and account type.

(2) If the applicant is a corporation, limited liability company, partnership, or other entity, the applicant must also provide:

(a) The date of the applicant's incorporation or formation and the state or country of incorporation or formation;

(b) If applicable, a certificate of good standing from the state or country in which the applicant is incorporated or formed;

(c) A brief description of the structure or organization of the applicant, including any parent or subsidiary of the applicant, and whether any parent or subsidiary is publicly traded;

(d) The legal name, any fictitious or trade name, all business and residential addresses, date of birth, Social Security number, and employment history in the ten-year period preceding the submission of the application for each executive officer, board director, AML compliance officer or other person that has control of the applicant;

(e) If the applicant or its corporate parent is not a publicly traded entity, the fingerprints of each executive officer, board director, AML compliance officer or other person that has control of the applicant;

(f) A list of any criminal convictions, material litigation, and any litigation related to the provision of money services, in the ten-year period preceding the submission of the application in which any executive officer, board director, AML compliance officer or other person in control of the applicant has been involved;

(g) A copy of the applicant's audited financial statements for the most recent fiscal year or, if the applicant is a wholly owned subsidiary of another corporation, the most recent audited consolidated annual financial statement of the parent corporation or the applicant's most recent audited consolidated annual financial statement, and in each case, if available, for the two-year period preceding the submission of the application;

(h) A copy of the applicant's unconsolidated financial statements for the current fiscal year, whether audited or not, and, if available, for the two-year period preceding the submission of the application;

(i) If the applicant is publicly traded, a copy of the most recent report filed with the United States Securities and Exchange Commission under section 13 of the federal Securities Exchange Act of 1934 (15 U.S.C. Sec. 78m);

(j) If the applicant is a wholly owned subsidiary of:

(i) A corporation publicly traded in the United States, a copy of audited financial statements for the parent corporation for the most recent fiscal year or a copy of the parent corporation's most recent report filed under section 13 of the fed-

eral Securities Exchange Act of 1934 (15 U.S.C. Sec. 78m); or

(ii) A corporation publicly traded outside the United States, a copy of similar documentation filed with the regulator of the parent corporation's domicile outside the United States;

(k) If the applicant has a registered agent in this state, the name and address of the applicant's registered agent in this state.

(3) If the application is for money transmission, a surety bond as required by WAC 208-690-040 or an assignment of a certificate of deposit, as required by WAC 208-690-045.

(4) An application fee as prescribed by WAC 208-690-130(1). The application fee is not refundable.

(5) An ~~((initial))~~ additional license fee as prescribed by WAC 208-690-130(2). ~~((The initial license fee will be refunded if the license application is denied.))~~

(6) If the application is for money transmission, a certification that the applicant's investment portfolio, if maintained as permissible investments for outstanding transmission liabilities, includes only the permissible investments under RCW 19.230.200 and 19.230.210.

The director may waive one or more requirements ~~((of subsection (1) or (2)))~~ of this section or permit an applicant to submit other information in lieu of the required information.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-035 Authorized delegates. What are the rules I must comply with when I have authorized delegates?

(1) Only a licensee may designate an authorized delegate. ~~((A person that is exempt or excluded from licensing under RCW 19.230.020 cannot have an authorized delegate.))~~

(2) A person accepting consumers' funds for transmission through an exempt or excluded entity under RCW 19.230.020 is a money transmitter and must be licensed under the act.

~~((2))~~ (3) An authorized delegate, or any other person exempt or excluded from the licensing requirements of chapter 19.230 RCW, cannot have an authorized delegate.

~~((3))~~ (4) Any person you designate to provide money services on your behalf is an authorized delegate, regardless of whether that person would be exempt or excluded from the application of chapter 19.230 RCW if they provided money services on their own behalf.

~~((4))~~ (5) Your authorized delegates must be physically located in the state of Washington unless you have received prior approval from the director to designate an authorized delegate physically located outside of the state of Washington.

~~((5) An authorized delegate must not advertise or provide money services under its own name without an equally prominent display of the licensee's name, in close proximity, on all advertising, including web sites. An authorized delegate must not use its name alone when advertising money services provided on behalf of the licensee.))~~

(6) The licensee has supervisory authority over the actions of the authorized delegate when providing services on behalf of the licensee. The department may take action against a licensee and/or the authorized delegate for any actions by the authorized delegate on behalf of the licensee in violation of the act or rules.

(7) A written contract between you and an authorized delegate must contain, among all the other contract provisions, provisions with language substantially similar to the following:

(a) The authorized delegate must operate in full compliance with chapter 19.230 RCW and the rules adopted under this chapter.

(b) The authorized delegate is prohibited from using sub-delegates or conducting business from locations not authorized by the department.

(c) A description of the specific money services you authorize the delegate to perform on your behalf.

~~((7))~~ (8) The authorized delegate may only conduct activities authorized by you in the written agreement, unless the authorized delegate is also a licensee.

~~((8))~~ (9) You may contract with another licensee to use that other licensee's existing authorized delegates to load funds onto your existing open-loop stored value cards. If the shared authorized delegate sells new open-loop stored value cards for you, you must add the authorized delegate to your authorized delegate roster.

~~((9) You must maintain your authorized delegate agreements and contracts with other licensees to share existing authorized delegates as part of your books and records pursuant to RCW 19.230.170 and make them available to the department upon request.))~~ (10) The authorized delegate must include the licensee's name along with the other applicable requirements of RCW 19.230.330(2) on any disclosures or receipts.

(11) The licensee's bond covers the actions of the authorized delegate while the authorized delegate is providing money services on behalf of the licensee pursuant to the written contract.

(12) You must maintain your authorized delegate agreements and contracts with other licensees to share existing authorized delegates as part of your books and records pursuant to RCW 19.230.170 and make them available to the department upon request.

NEW SECTION

WAC 208-690-036 Authorized delegate advertising.

An authorized delegate must not advertise or provide money services under its own name without an equally prominent display of the licensee's name, in close proximity, on all advertising, including web sites. An authorized delegate must not use its name alone when advertising money services provided on behalf of the licensee.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-040 Surety bond. What are the bonding requirements?

(1) You must continuously maintain a surety bond as required by RCW 19.230.050, issued by a company authorized to do surety business in this state, as a surety. The surety may not be a wholly owned subsidiary or affiliate of the applicant or licensee.

(2) The penal sum of the bond must be calculated quarterly during the first year of licensing and thereafter annually. The calculation must be based on the previous twelve months' money transmission and payment instrument dollar volume. The bond amount must be calculated at ten thousand dollars for every one million dollars of money transmission and payment instrument dollar volume. The minimum surety bond amount is ten thousand dollars. The maximum surety bond amount is five hundred fifty thousand dollars.

(3) The initial bond amount will be ten thousand dollars and must be reevaluated based on the schedule set forth in subsection (2) of this section.

(4) The bond must be held for at least five years after the date the licensee violates the chapter or the licensee ceases to provide money services in this state, whichever is longer.

AMENDATORY SECTION (Amending WSR 10-20-123, filed 10/5/10, effective 11/5/10)

WAC 208-690-045 Alternatives to the surety bond. May I hold a certificate of deposit instead of the bond? In lieu of the surety bond required under WAC 208-690-040, an applicant or licensee may substitute an assignment of a certificate of deposit in favor of the director in a form provided by the director. The certificate of deposit must be issued by a financial institution in the state of Washington whose shares or deposits are insured by an agency of the government of the United States. The depositor is entitled to receive all interest and dividends on the certificate of deposit. The assignment of a certificate of deposit will be held for at least five years after the date when a replacement security instrument is filed with the director, or at least five years after the date the licensee violates the chapter or the ((money transmitter)) licensee ceases to provide money services in this state, whichever is longer.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-050 Increase of ((security)) surety bond or alternative. Will ((DFI)) the department ever require ((me to)) an increase in the amount of ((security I hold)) the surety bond or alternative? The director may increase the amount of ((security required)) the surety bond or alternative, to a maximum of one million dollars, if the financial condition of a money transmitter licensee so requires. The director may consider, without limitation, the following criteria:

- (1) Significant reduction of net worth.
- (2) Financial losses.
- (3) Potential losses resulting from violations of chapter 19.230 RCW, or these rules.
- (4) Licensee filing for bankruptcy.
- (5) The initiation of any proceedings against the licensee in any state, by any federal agency, or in any foreign country. This includes the filing of material litigation.

(6) The filing of a state or federal criminal charge against the licensee, person in control, responsible individual, executive officer, board director, AML compliance officer, employee, authorized delegate or principal, based on conduct related to providing money services or money laundering.

(7) A licensee, executive officer, board director, AML compliance officer, other person in control, responsible individual, principal or authorized delegate being convicted of a crime.

(8) Any unsafe or unsound practice.

(9) A judicial or administrative finding against a money transmitter licensee under chapter 19.86 RCW, or an examination report finding that the money transmitter licensee engaged in an unfair or deceptive act or practice in the conduct of its business.

(10) The nature and volume of the projected or established business activities.

(11) Other events and circumstances that, in the judgment of the director, impair the ability of the licensee to meet its obligations to its money services customers.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-060 Tangible net worth. What are the rules for my tangible net worth requirements?

(1) A money transmitter applicant or licensee must demonstrate and maintain ((a)) tangible net worth calculated at ten thousand dollars for every one million dollars of total company-wide money transmission and payment instrument dollar volume over the previous twelve months. The minimum tangible net worth is ten thousand dollars; the maximum required amount is three million dollars.

(2) The minimum tangible net worth if the company stores virtual currency on behalf of others is one hundred thousand dollars.

(3) The director may increase the amounts specified in subsections (1) and (2) of this section up to a maximum of three million dollars if the director determines that a higher net worth is necessary to achieve the purposes of this chapter based on the:

(a) Nature and volume of the projected or established business activities;

(b) Amount, nature, quality, and liquidity of the company's assets;

(c) Amount and nature of the company's liabilities;

(d) History of the company's operations and prospects for earning and retaining income;

(e) Quality of the company's operations;

(f) Quality of the company's management;

(g) Nature and quality of the company's principals, responsible individuals, and persons in control;

(h) History of the company's compliance with applicable state and federal law; and

(i) Any other factor the director considers relevant.

(4) Determinations of tangible net worth must be made according to generally accepted accounting principles.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-070 License denial. When may ~~(DFI)~~ the department deny my license application?

(1) Director may deny a money services license if the director determines that:

- (a) The application is incomplete;
- (b) The surety bond or net worth requirements of WAC 208-690-040 through 208-690-060 have not been met;
- (c) The general fitness and character requirements of RCW 19.230.070 or 19.230.100 have not been met as demonstrated by findings including, but not limited to, the following:

(i) The applicant, an executive officer, proposed responsible individual, board director, AML compliance officer, other person in control or authorized delegate has been convicted of any felony within the past ten years;

(ii) The applicant, an executive officer, proposed responsible individual, board director, AML compliance officer, other person in control or authorized delegate has been convicted of a crime involving a financial transaction within the past ten years;

(iii) The applicant, an executive officer, proposed responsible individual, board director, AML compliance officer or other person in control has criminal, civil, or administrative charges issued against him/them in any jurisdiction for violations relating to a financial transaction(s) within the past ten years;

(iv) The applicant, an executive officer, proposed responsible individual, board director, AML compliance officer or other person in control has falsified any information supplied in connection with the application;

(v) The applicant, or any proposed authorized delegate thereof, has had an adverse action taken against any business license related to providing financial services by a jurisdiction within the United States within the past five years;

(vi) The applicant has allowed a business under its control to deteriorate to a condition of insolvency determined by the fact that its liabilities exceed its assets or it cannot meet its liabilities as they mature;

(d) The applicant, or any authorized delegate thereof, fails to respond to a request for information from the director;

(e) The description of the screening process used by the applicant in selecting authorized delegates supplied by the applicant describes a process that is ineffective in determining the fitness of proposed authorized delegates;

(f) The applicant has failed to register with the United States Department of the Treasury as required by 31 U.S.C. Section 5330;

(g) The applicant, an executive officer, proposed responsible individual, board director, AML compliance officer or other person in control is listed on the specially designated nationals and blocked persons list prepared by the United States Department of the Treasury as a potential threat to commit terrorist acts or to finance terrorist acts.

(2) In lieu of denying an application as authorized by any of the findings in subsection (1) of this section, the director may issue a conditional license, return the application, or extend the review period if the director determines that the condition or circumstances that would likely lead to denial

may be temporary and resolved satisfactorily within a reasonable period of time. The director may resume processing the application if the director determines that a favorable resolution of the disqualifying condition has occurred.

~~((3) The director may revoke or suspend a license and issue an order to cease and desist operations as a money services licensee if:~~

~~(a) Another jurisdiction initiates an adverse action against the money services license of the licensee; or~~

~~(b) Upon finding the existence of any condition or fact that would have led to denial of a license if known by the director during the processing of the application.))~~

NEW SECTION

WAC 208-690-071 Other license actions. When may the department take other action against my license? The director may revoke or suspend a license and issue an order to cease and desist operations as a money services licensee if:

(1) Another jurisdiction initiates an adverse action against the money services license of the licensee;

(2) Upon finding the existence of any condition or fact that would have led to denial of a license if known by the director during the processing of the application; or

(3) The licensee violates the act.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-075 ~~((Transaction))~~ Books and records. ~~((Must I keep records compliant with federal law in addition to keeping them for Washington law? Yes.))~~ (1) In addition to the records required to be retained under RCW 19.230.170, you must keep records in compliance with federal law. You must maintain a record of money transmittals in accordance with applicable sections of Financial Record-keeping and Reporting of Currency and Foreign Transactions, Title 31, Code of Federal Regulations, Part 103, as now appearing or hereafter amended.

(2) Abandoned records. If records are not maintained as required, the licensee is responsible for the costs of collection, storage, conversion to electronic format, or proper destruction of the records.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-080 Audited annual financial statements. When must I provide audited financial statements?

(1) You are required to have an audited financial statement prepared annually by a licensed or certified individual or firm in accordance with generally accepted accounting principles. The financials must be submitted prior to or with the annual assessment. The financials may be submitted through the NMLS.

(2) Applicants with no business operations prior to application must submit a copy of unconsolidated financial statements for the current fiscal year, whether audited or not. Audited annual financial statements are required in all future years of operation.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-085 Permissible investments. ~~((How do I structure permissible investments?))~~ (1) You must maintain permissible investment levels pursuant to RCW 19.230-200 ~~((and 19.230.210))~~.

(2) In addition to the permissible investments allowed in RCW 19.230.210(2), a permissible investment may also include receivables from banks and credit cards.

(3) Monthly reports about permissible investments must include the monthly calculation of the average outstanding daily transmission liability.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-090 Annual report and annual assessment. What are the annual report and assessment requirements? Every licensee must submit a completed annual report and annual license assessment fee prescribed by WAC 208-690-140. The completed report and the fee must be received in the department office no later than 5:00 p.m. July 1, or 5:00 p.m. the next business day if July 1 is not a business day. A form for the preparation of the annual report and license assessment will be made available by the department by electronic transmission or mailed upon request. The report must include the following:

(1) If the licensee is a money transmitter, a copy of the licensee's most recent audited annual financial statement or, if the licensee is a wholly owned subsidiary of another corporation, the most recent audited consolidated annual financial statement of the parent company.

(2) A list of current authorized delegates in a form and in a medium prescribed by the director.

(3) If the licensee is a money transmitter, a certification that the licensee's investment portfolio includes only permissible investments under RCW 19.230.200 and 19.230.210 and covers average outstanding daily transmission liability.

(4) If the licensee is a money transmitter, proof that the licensee has an adequate surety bond or assignment of a certificate of deposit and net worth as required by WAC 208-690-040 through 208-690-060.

(5) A description of each material change, as defined by WAC 208-690-110, which has not been previously reported to the director.

(6) The annual report and assessment may be submitted through the NMLS.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-100 Is there a penalty for not filing my annual report and annual assessment on time? (1) If you fail to submit the required annual report and annual assessment fee by July 1, each year, the director may suspend your license and assess a late fee. The late fee is ten percent of the annual assessment if paid thirty or fewer days late and twenty-five percent of the annual assessment if paid more than thirty days late. If your license has been suspended under this section and you submit a completed annual report,

the annual assessment and the late fee to the department office no later than 5:00 p.m., thirty calendar days after the original due date, the license suspension may be removed. If the delay extends past thirty days, your license has expired effective thirty-one days after the original due date.

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

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

(b) You or your delegates did not engage in providing money services during the period 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 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-110 Report of material change. What must I report to ~~((DFI))~~ the department if something about my business changes? Material changes described in this section must be reported to the director through the NMLS within thirty business days of the occurrence of the change. "Material change" means any change that is not trivial, and that, if not reported, would cause an investigation or examination to be misled or delayed. Such changes include, but are not limited to:

(1) A change of the licensee's physical ~~((and/or))~~ mailing, or e-mail address. Additionally, a change to the physical mailing, or e-mailing address of authorized delegates;

(2) A change of the responsible individual, AML compliance officer, executive officers or board members, or other person in control;

(3) A change of the licensee's name or DBA (doing business as);

(4) A change in the location where the records of the licensee that are required to be retained under RCW 19.230.170 are kept;

(5) The obtaining, revocation or surrender of a money services license in any other jurisdiction;

(6) The conviction of the licensee, an executive officer, responsible individual, board director, AML compliance officer, principal, or other person in control of a misdemeanor or gross misdemeanor involving a financial transaction;

(7) A change in your business bank account including its closure or a change in the location or identity of the bank holding the account; ~~((and))~~

(8) A change in the business plan from that submitted at application; and

(9) Other similar activities or events affecting the business or executive officers or other persons in control.

(10) Other. Within forty-five days of a data breach you must notify the director in writing. This notification requirement may change based on directives or recommendations from law enforcement. See also WAC 208-690-270.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-112 Other reports. What events about my business must I report to ~~((DFI))~~ the department?

You must file a report with the director within one business day after you have reason to know of the occurrence of any of the following events:

(1) The filing of a petition by or against the licensee, or any authorized delegate of the licensee, under the United States Bankruptcy Code (11 U.S.C. 101-110) for bankruptcy or reorganization;

(2) The filing of a petition by or against the licensee, or any authorized delegate of the licensee, for receivership, the commencement of any other judicial or administrative proceeding for its dissolution or reorganization, or the making of a general assignment for the benefit of creditors;

(3) The commencement of a proceeding to revoke, suspend, restrict, or condition its license, or otherwise discipline or sanction the licensee, in a state or country in which the licensee engages in business or is licensed;

(4) The filing of any material litigation against the licensee or any authorized delegate of the licensee;

(5) The cancellation or other impairment of the licensee's bond or other security;

(6) A charge or conviction of the licensee or of an executive officer, responsible individual, board director, principal, AML compliance officer or other person in control of the licensee, for a felony; or

(7) A charge or conviction of an authorized delegate for a felony.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-120 ~~((Quarterly reports—Deletion of authorized delegates, locations—Address or name change.))~~ When must I update information about licensee branch locations and authorized delegates? ~~((When must I notify DFI of certain changes to information about my business?))~~

~~(1) Within forty five days after the end of each fiscal quarter you must file with the director, in a form prescribed by the director:~~

~~(a) Any addition or deletion of locations where you provide money services, including mobile locations;~~

~~(b) Any change in the name or trade name (DBA or doing business as) or business address of an existing authorized delegate;~~

~~(c) Any additions or deletions from your roster of authorized delegates; and~~

~~(d) The fee required by WAC 208-690-150.~~

~~(2) If there is no change in your roster of authorized delegates or locations where money services are provided, or no changes in the name or trade name (DBA or doing business as) or business address of any authorized delegate during a fiscal quarter, no report is required.)~~ **You must update your NMLS record within thirty days of the following:**

(1) Obtaining an additional licensee branch location to provide money services in Washington.

(2) Contracting with a new authorized delegate.

(3) Closing a licensee branch location.

(4) Terminating an authorized delegate relationship.

(5) See WAC 208-690-150 for fees.

NEW SECTION

WAC 208-690-125 Records disposal. Licensees must have written policies and procedures for the destruction of records maintained pursuant to the act, including electronic records. The destruction of records must be accomplished so that the information cannot be reconstructed or read. The destruction of consumer credit report information must also comply with the federal disposal rule at 16 C.F.R. 682.

AMENDATORY SECTION (Amending WSR 10-20-123, filed 10/5/10, effective 11/5/10)

WAC 208-690-130 License fees. What are the fees I must pay to get a license? You must pay the following fees:

(1) A ~~((license))~~ application fee of one thousand dollars.

(2) An additional ~~((license))~~ fee of one hundred dollars for each additional location where you or an authorized delegate will provide money services, up to a maximum of five thousand dollars.

(3) The license fee in subsection (1) of this section may be partially refundable if the application is withdrawn or denied.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-140 How is the annual assessment calculated and when is the annual assessment due? (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))~~ (a) For money transmission, ninety-five percent of all funds transmitted;

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

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

~~((iv))~~ (d) 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 no later than 5:00 p.m. July 1st each year or the next business day if July 1st is not a business day.

AMENDATORY SECTION (Amending WSR 10-20-123, filed 10/5/10, effective 11/5/10)

WAC 208-690-170 Investigation and examination fees. What fees will I be charged if ~~(DFI)~~ the department investigates or examines my business?

(1) The director will collect fees of seventy-five dollars per hour for investigations ~~(, including, but not limited to, the following services:~~

- ~~(a) The review and attendant investigation of:~~
 - ~~(i) Changes in control changes in the responsible individual;~~
 - ~~(ii) Changes in the identity or location of authorized delegates; and~~
 - ~~(iii) Other material changes.~~
- ~~(b) The review and attendant investigation of permissible investments).~~

(2) The licensee, applicant or person subject to licensing under this chapter who is the subject of an examination or investigation must pay the actual expenses of required out-of-state travel including, but not limited to, travel, lodging and per diem expense.

(3) Investigation and examination fees are separate, distinct from, and in addition to transaction fees imposed by WAC 208-690-150.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-180 Authority to conduct examinations and investigations. (1) When may ~~(DFI)~~ the department examine or investigate my business? For the purposes of discovering violations of chapter 19.230 RCW or these rules, discovering unsafe and unsound practices, or securing information lawfully required under chapter 19.230 RCW, the director may at any time, either personally or by designee, investigate or examine your business and, wherever located, the books, accounts, records, papers, documents, files, and other information used in your business or authorized delegates, and of every person who is engaged in the business of providing money services, whether the person acts or claims to act under or without the authority of chapter 19.230 RCW. For these purposes, the director or designated representative must have free access to the offices and places of business, books, accounts, papers, documents, other information, records, files, safes, and vaults of all such persons. The director may require the attendance of and examine under oath all persons whose testimony may be required about the business or the subject matter of any investigation, examination, or hearing and may require such person to produce books, accounts, papers, documents, records, files and any other information the director or designated person declares is relevant to the inquiry. The director may require the production of original books, accounts, papers, documents, records, files, and other information; may require that such original books, accounts, papers, documents, records, files, and other information be copied; or make copies himself or herself or by designee of such original books, accounts, papers, documents, records, files, or other information. If the director determines that there is a danger that original records may be destroyed, altered, or removed to deny

access, or hinder an examination or investigation, or that original documents are necessary for the preparation of a criminal referral, the director may take possession of originals of any items described in this section, regardless of the source of such items. Originals and copies taken by the director may be held, returned, or forwarded to other regulatory or law enforcement officials as determined necessary by the director. The director or designated person may issue a subpoena or subpoena duces tecum requiring attendance or compelling production of the books, accounts, papers, documents, records, files, or other information.

(2) The licensee, applicant, or person subject to licensing under this chapter must pay the cost of examinations and investigations as specified in RCW 19.230.320 and WAC 208-690-170.

(3) Information obtained during an examination or investigation under these rules may be disclosed only as provided in RCW 19.230.190.

(4) The director may retain attorneys, accountants, or other professionals and specialists as examiners, auditors or investigators, to conduct or assist in the conduct or examinations or investigations. The cost of these services must be borne by the person who is the subject of the examination or investigation.

AMENDATORY SECTION (Amending WSR 13-24-021, filed 11/22/13, effective 1/1/14)

WAC 208-690-200 What documentation must I provide to consumers to be in compliance with RCW 19.230-330(2)? (1) For general money transmission transactions, the receipt must include your name, physical or mailing address, and phone number in addition to the fee and exchange rate disclosure information as required by RCW 19.230.330(2). A web site address may be used in lieu of a physical or mailing address for transactions conducted solely over the internet.

(2) For stored value transactions the receipt may include the name, address, and telephone number of the authorized delegate, provided that your contact information is provided in or on the stored value device packaging or on the stored value device itself.

(3) For bill payment transactions, the receipt may include the name, address, and telephone number of the authorized delegate; provided your name accompanies the authorized delegate's information on the receipt.

PART H

LICENSEE REQUIREMENTS AND RESTRICTIONS

NEW SECTION

WAC 208-690-210 In addition to the Uniform Money Services Act, what other laws do I have to comply with? You must ensure you are in compliance with all applicable state and federal laws, rules, and regulations.

NEW SECTION

WAC 208-690-220 Restrictions on business name. The director may deny a request for a proposed business

name or trade name if the name is similar to a currently existing licensee name, contains the word bank or any derivative of the word bank, or is otherwise deceptive.

NEW SECTION

WAC 208-690-230 How do I use a name other than the company's legal name? You may use a trade or other name under the following circumstances:

(1) You have input the proposed trade or other name into the NMLS.

(2) You have received approval from the department.

(3)(a) You have clearly and conspicuously disclosed the company's legal name and NMLS number in addition to the trade or other name;

(b) In any electronic environment, including the internet or mobile devices, the clear and conspicuous disclosure required in (a) of this subsection must be disclosed on the home or menu page and on any page on which the consumer enters or approves previously entered payment information.

(4) Your company's legal name appears on any agreements you enter into with consumers.

NEW SECTION

WAC 208-690-240 Cyber security program. Each licensee shall establish and maintain a cyber security program to ensure the availability and functionality of the licensee's electronic systems and to protect those systems and any sensitive data stored on those systems from unauthorized access, use, or tampering. The program may be established and maintained by a parent or affiliate as long as the licensee has adopted the program and it is available to the department for review.

NEW SECTION

WAC 208-690-250 Information security program required by the federal Safeguards Rule implementing the Gramm-Leach-Bliley Act (GLBA). (1) Generally, applicants and licensees must have a written program appropriate to the company's size and complexity, the activity conducted, and the sensitivity of information at issue. The program must ensure the information's security and confidentiality, protect against anticipated threats or hazards to the security or integrity of the information, and protect against unauthorized access to or use of the information.

(2) The information security plan must be maintained as part of your books and records.

(3) Compliance with GLBA and Regulation P, 12 C.F.R. Part 1016, will be deemed compliance with this subsection.

(4) For more information access the FTC web site on the Safeguards Rule at: <https://www.ftc.gov/tips-advice/business-center/guidance/financial-institutions-customer-information-complying> and see 16 C.F.R. 314.

NEW SECTION

WAC 208-690-260 Consumer financial information privacy under the Gramm-Leach-Bliley Act (GLBA) and Regulation P. (1) You must comply with GLBA, as

amended, and Regulation P. If the GLBA amendment applies to you, you may be able to provide fewer notices regarding your privacy policies.

Privacy policies describe whether and how you share consumers' nonpublic personal information, including personally identifiable financial information, with other entities.

(2) Compliance with GLBA and Regulation P, 12 C.F.R. Part 1016, will be deemed compliance with this subsection.

(3) See GLBA, as amended, and Regulation P at 12 C.F.R. Part 1016 for the required details.

NEW SECTION

WAC 208-690-270 Notice to consumers of data breach. If your data is compromised, you may be subject to chapter 19.255 RCW and may have to provide notices to consumers whose information was acquired. Under certain circumstances notice of the breach may also be required by the attorney general's office.

NEW SECTION

WAC 208-690-280 Business resumption plan. You must have a written plan that details the company's response and recovery to any event that results in damage to or destruction of books and records. The plan must be maintained as part of your books and records.

WSR 16-14-030

PERMANENT RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 27, 2016, 2:58 p.m., effective July 28, 2016]

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

Purpose: E2SHB 1546, section 3 (codified as RCW 28A.600.250 [28A.600.290]) pertaining to college in the high school programs specifies that "the superintendent of public instruction shall adopt rules for the administration of this section." Additionally, E2SHB 1546, section 3, requires that "the rules must outline quality and eligibility standards that are informed by nationally recognized standards or models. In addition, the rules must encourage the maximum use of the program and may not narrow or limit the enrollment options." Finally, E2SHB 1546, section 3 provides that the "rules shall be jointly developed by the superintendent of public instruction, the state board of community and technical colleges, the student achievement council, and the public baccalaureate institutions. The association of Washington school principals must be consulted during the rules development."

The office of superintendent of public instruction convened a workgroup of all the required agencies with the Council of Presidents representing the public baccalaureate institutions and jointly developed the new rules for chapter 392-725 WAC, which align the standards for this program with the National Alliance of Concurrent Enrollment Partnerships, and provide rules for developing agreements between public K-12 schools and colleges, awarding credit, claiming enrollment for state basic education funding, and provide

details on the college in the high school state funded subsidies.

Statutory Authority for Adoption: RCW 28A.600.290.

Adopted under notice filed as WSR 16-09-102 on April 19, 2016.

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 14, 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: June 22, 2016.

Randy Dorn
Superintendent of
Public Instruction

Chapter 392-725 WAC

COLLEGE IN THE HIGH SCHOOL RULES

NEW SECTION

WAC 392-725-005 Authority. The authority for this chapter is RCW 28A.600.290, which authorizes the superintendent of public instruction to adopt rules governing RCW 28A.600.290, with the state board of community and technical colleges, the student achievement council, and the public baccalaureate institutions to jointly develop rules, and with the association of Washington school principals to be consulted. The rules set forth in this chapter have been jointly developed and agreed upon by the four organizations with the council of presidents representing the public baccalaureate institutions. The rules may be modified only by agreement of the superintendent of public instruction, state board of community and technical colleges, the student achievement council, and an organization representing the interest of the public baccalaureate institutions.

NEW SECTION

WAC 392-725-010 Purpose. The purpose of this chapter is to set forth rules governing the college in the high school program.

NEW SECTION

WAC 392-725-015 Definitions. The following definitions in this section apply throughout this chapter.

(1) "**College in the high school course**" means a dual credit course provided on a high school campus or in a high school environment in which an eligible student is given the

opportunity to earn high school credit to be awarded by a district, charter school, or tribal compact school and college credit awarded by the participating institution of higher education by completing a college level course with a passing grade. College in the high school courses may be either academic or career and technical (vocational) education.

(2) "**Eligible student**" means any student who meets the following conditions:

(a) The student meets the definition of an enrolled student pursuant to WAC 392-121-106.

(b) The student under the grade placement policies of the district, charter school, or tribal compact school through which the high school credits will be awarded has been deemed to be a tenth, eleventh, or twelfth grade student.

(c) The student has met the student standards pursuant to WAC 392-725-130 and the general requirements and conditions pursuant to WAC 392-725-225(2).

(3) "**Participating institution of higher education**" means an institution of higher education that:

(a) A district, charter school, or tribal compact school has contracted with to provide the college in the high school courses;

(b) Meets the definition in RCW 28B.10.016, is authorized or exempt under the requirements of chapter 28B.85 RCW, or is a public tribal college located in Washington as noted in RCW 28A.600.290 (7)(a);

(c) Meets the college in the high school program standards outlined in WAC 392-725-130 through 392-725-150; and

(d) Is accredited by National Alliance of Concurrent Enrollment Partnerships or commits to the annual reporting of evidence requirement outlined in WAC 392-725-120.

(4) "**National Alliance of Concurrent Enrollment Partnerships**" is the professional organization that works to ensure that college in the high school courses are as rigorous as courses offered on the sponsoring college campuses. National Alliance of Concurrent Enrollment Partnerships has defined a set of quality standards that is the basis of their accreditation process.

(5) "**Council of presidents**" is defined throughout this chapter as the organization representing the interest of public baccalaureate institutions, specific to RCW 28A.600.290(6).

(6) "**Provisional status**" is the status that a college in the high school program may be assigned after the program's evidence of meeting the standards submitted in the annual report was found to be unsatisfactory by the review committee. A program is in provisional status up to six months after the review of the annual report.

(7) "**Fees.**"

(a) "**College in the high school fees**" means the per credit fee charged by the participating institution of higher education for the registration for the college course.

(i) The maximum dual credit fee shall not exceed the college in the high school state-funded subsidies allocated in the current Omnibus Appropriations Act.

(ii) The dual credit fee may be less than the college in the high school state-funded subsidies allocation.

(b) "**Other associated college in the high school fees**" means additional fees required to fully participate in the college in the high school course charged by the participating

institution of higher education such as registration fees and fees for consumables.

(8) "**College in the high school state-funded subsidies**" means the amount provided in the Omnibus Appropriations Act that pays the dual credit fee for specific eligible eleventh or twelfth grade students pursuant to RCW 28A.600.290 (1)(b)(i) only and for the limited amount provided in WAC 392-725-325(2).

NEW SECTION

WAC 392-725-050 Interlocal agreement requirement. Prior to the start of the college in the high school course(s), an interlocal agreement between the district, charter school, or tribal compact school and the participating institution of higher education must be developed and in place. The agreement shall be for no more than one school year, meet the district, charter school, or tribal compact school's board policies and the policies of the institution of higher education regarding contracting agreements, and address the following requirements:

- (1) List of college in the high school courses.
- (2) College in the high school student standards pursuant to WAC 392-725-130 will be met.
- (3) College in the high school curriculum and assessment standards pursuant to WAC 392-725-140 will be met.
- (4) College in the high school faculty standards pursuant to WAC 392-725-150 will be met.
- (5) College in the high school evaluation standards pursuant to WAC 392-725-160 will be met.
- (6) Award of high school credits pursuant to WAC 392-725-200 will be met.
- (7) District, charter school, or tribal compact school's responsibilities for offering college in the high school course.
- (8) Institution of higher education's dual credit fee amount per college credit and a description and amount of other associated college in the high school fees.
- (9) Course materials including, but not limited to, textbooks for each college in the high school course and which party will be responsible to provide.
- (10) For any compensation paid to the instructor by the participating institution of higher education for work performed beyond the district, charter school, or tribal compact school contract, explanation of how the compensation will be calculated and provided and details of what duties the compensation represents.
- (11) Method and collection of dual credit fee and other associated college in the high school fees.
- (12) Districts, charter schools, tribal compact schools, and institutions of higher education shall as necessary assure compliance with their respective duties under federal and state law.

NEW SECTION

WAC 392-725-120 Demonstration and reporting of evidence of required college in the high school standards.

(1) Participating institutions of higher education shall provide evidence that they meet the most recent National Alliance of Concurrent Enrollment Partnerships student standards, curriculum and assessment standards, faculty standards and

evaluation standards unless recommended differently in WAC 392-725-130 through 392-725-160. National Alliance of Concurrent Enrollment Partnerships accreditation is recommended.

(2) As a condition of eligibility pursuant to WAC 392-725-015(3), after the college in the high school course concludes, institutions of higher education shall provide an annual report consisting of evidence that the required standards were met, consistent with the evidence National Alliance of Concurrent Enrollment Partnerships requires to meet standards. The annual report shall be submitted no later than July 1st for review by the college in the high school standards report review committee. Participating institutions of higher education that are accredited by the National Alliance of Concurrent Enrollment Partnerships for the current year of enrollment will be exempt from this requirement.

(3) The office of superintendent of public instruction shall convene a college in the high school standards report review committee. This review committee will consist of a representative of the state board of community and technical colleges, a representative of the council of presidents, a representative of the student achievement council, and a representative from the office of superintendent of public instruction. Additional members may be included at the discretion of college in the high school standards report review committee.

(4) The review committee will no later than August 15th advise the institution of higher education whether the required standards have been met.

(5) If the review committee finds that the institution of higher education's evidence of meeting the required standards is not satisfactory, the institution of higher education will have no more than six months to provide satisfactory evidence. During this period, the program will be under provisional status until evidence shows the program has met the standards.

(6) If after review of the additional evidence, the review committee deems that the standards are not being met, then the institution of higher education may not offer the college in the high school program for the following school year.

(7) The review committee will review the National Alliance of Concurrent Enrollment Partnerships standards every three years and update the college in the high school standards in WAC 392-725-130 through 392-725-160 as informed by the current National Alliance of Concurrent Enrollment Partnerships standards and feedback from participating school districts, charter schools, tribal compact schools, and institutions of higher education.

NEW SECTION

WAC 392-725-130 College in the high school student standards. (1) Participating institutions of higher education shall:

(a) Ensure students meet the course prerequisites of the institution of higher education.

(b) Officially register or admit students as degree-seeking, nondegree-seeking, or nonmatriculated students of the institution of higher education and record courses adminis-

tered through college in the high school program on official institution of higher education transcripts.

(c) Provide students and high schools with a comprehensive publication that outlines the rights and responsibilities of enrolled students.

(2) Participating institutions of higher education, not accredited by the National Alliance of Concurrent Enrollment Partnerships for the current year of enrollment, shall provide evidence of meeting the required student standards of this section.

NEW SECTION

WAC 392-725-140 College in the high school curriculum and assessment standards. (1) Participating institutions of higher education shall require that:

(a) College in the high school courses are catalogued courses with the same departmental designations, course descriptions, numbers, titles, and credits as sections offered on campus.

(b) College in the high school courses reflect the pedagogical, theoretical and philosophical orientation of the participating institution of higher education departments.

(c) Faculty site visits ensure that courses offered through the college in the high school program are the same as the courses offered on campus.

(d) Students are held to the same standards of achievement as those expected of students in on-campus sections.

(e) Students are held to the same grading standards as those expected of students in on-campus sections.

(2) Participating institutions of higher education are recommended to ensure students are assessed using the same methods (examples: Papers, portfolios, quizzes, labs, etc.) as students in on-campus sections. Participating institutions of higher education, not accredited by National Alliance of Concurrent Enrollment Partnerships for the current year of enrollment, shall provide evidence of meeting the required curriculum and assessment standards of this section.

NEW SECTION

WAC 392-725-150 College in the high school faculty standards. (1) Participating institutions of higher education shall require that:

(a) Instructors providing the college in the high school instruction in the high school classroom must be approved by the participating institution of higher education's respective academic department and meet the same institution's requirements for teaching the college course at the institution of higher education campus.

(b) New instructors are provided with discipline-specific training and orientation regarding, but not limited to, course curriculum, assessment criteria, pedagogy, course philosophy and administrative responsibilities and procedures prior to the instructor teaching the college in the high school course.

(c) Procedures address instructor noncompliance with the institution of higher education's expectations for courses offered through the institution.

(d) Noncompliance issues will be addressed in consultation with the district, charter school, or tribal compact school.

(2) Participating institutions of higher education are recommended to provide annual discipline-specific professional development activities and ongoing collegial interaction to address course content, course delivery, assessment, evaluation, and/or research and development in the field. Participating institutions of higher education, not accredited by National Alliance of Concurrent Enrollment Partnerships for the current year of enrollment, shall provide the evidence of meeting the required faculty standards of this section.

(3) Any compensation paid to the instructor by the institution of higher education must be for work performed beyond their contract with the district, charter school, or tribal compact school.

NEW SECTION

WAC 392-725-160 College in the high school evaluation standards. (1) Participating institutions of higher education shall:

(a) Conduct an end-of-term student course evaluation for each college in the high school course section offered through the institution of higher education.

(b) Conduct surveys of participating high school instructors, principals, and guidance counselors at least once every three years. Surveys shall include the following as outlined in the most current National Alliance of Concurrent Enrollment Partnerships survey guide:

(i) National Alliance of Concurrent Enrollment Partnerships essential questions (additional questions may be used);

(ii) One follow-up contact with nonrespondents within the methodology; and

(iii) Collaboration of a qualified institutional evaluator or researcher in the development of the survey and data analysis.

(2) Participating institutions of higher education are recommended to conduct an annual survey of alumni who are one year out of high school and who are four years out of high school, at least once every three years. Surveys shall include the following as outlined in the most current National Alliance of Concurrent Enrollment Partnerships survey guide:

(a) National Alliance of Concurrent Enrollment Partnerships essential questions (additional questions may be used);

(b) One follow-up contact with nonrespondents within the methodology; and

(c) Collaboration of a qualified institutional evaluator or researcher in the development of the survey and data analysis.

(3) Participating institutions of higher education, not accredited by National Alliance of Concurrent Enrollment Partnerships for the current year of enrollment, shall provide the evidence of meeting the evaluation required standards of this section.

NEW SECTION

WAC 392-725-200 Prior confirmation of high school credit. As a condition to an eligible student's enrollment in college courses, the eligibility of the college in the high school courses which the student intends to take for the award of high school credit and the amount of such credit shall first be established, as follows:

(1) The district, charter school, or tribal compact school shall establish on a course by course basis the amount of high school required or elective credit, or combination thereof, that shall be awarded for each college in the high school course successfully completed by the student based upon the conversion rate set forth in WAC 180-51-050.

(2) If a college in the high school course is not comparable to a district, charter school, or tribal compact school course required for high school graduation, the district, charter school, or tribal compact school superintendent shall determine the amount of required high school credit which shall be awarded following consultation with a representative of the institution of higher education designated for that purpose. The difference between the amount of required credit and the amount of credit earned at the conversion rate set forth in WAC 180-51-050 shall be awarded as elective credit.

(3) Within five school days of a student's request for confirmation of credit, the district, charter school, or tribal compact school superintendent or other designated representative shall confirm in writing the amount of high school required or elective credit, or combination thereof, which shall be awarded upon successful completion of the courses.

(4) Upon confirmation by the college in the high school instructor of a student's successful completion of a college in the high school course under this chapter, the district, charter school, or tribal compact school shall record on the student's secondary school records and transcript the high school credit previously confirmed under the section with a notation that the courses were taken at an institution of higher education pursuant to WAC 392-415-070.

(5) Each district, charter school, or tribal compact school and institution of higher education shall independently have and exercise exclusive jurisdiction over academic and discipline matters involving a student's enrollment and participation in courses of, and the receipt of services and benefits from the district, charter school, tribal compact school or the institution of higher education.

NEW SECTION

WAC 392-725-225 College in the high school general requirements. (1) Participating districts, charter schools, or tribal compact schools must provide general information about the college in the high school program to all students in grades nine through twelve and to the parents and guardians of those students.

(2) The enrollment of a student who meets the definition of WAC 392-725-015(2) in the college in the high school program shall be governed as follows:

(a) An eligible student is responsible for enrolling into an institution of higher education on or before the deadline established by the institution of higher education.

(b) An eligible student is entitled to enroll in an institution of higher education for college in the high school program purposes subject to each of the following conditions and limitations:

(i) Enrollment is limited to college level courses.

(ii) Prior confirmation pursuant to WAC 392-725-200 by the district, charter school, or tribal compact school of the amount of high school credit to be awarded for a college in

the high school course on or before the deadline for enrollment established by the institution of higher education.

(iii) Acceptance of the student by the institution of higher education subject to enrollment requirements and limitations established by the institution, including a determination that the student is competent to profit from the college level course(s) in which the student seeks to enroll.

NEW SECTION

WAC 392-725-250 Transferability of college credit.

(1) College in the high school programs may include both academic and career and technical education. The college credit shall be applied at institutions of higher education toward:

(a) General education requirements; or

(b) Degree requirements.

(2) A college in the high school course has the same transferability as its equivalent course on the college campus. Some courses including career and technical education courses may not meet specific general education and/or degree requirements.

NEW SECTION

WAC 392-725-300 Finance. (1) Districts, charter schools, and tribal compact schools claim the college in the high school courses for basic education funding based on the course's average enrolled weekly minutes pursuant to WAC 392-121-122. Courses that qualify for vocational enhanced funding can be claimed pursuant to WAC 392-121-138.

(2) The participating institution of higher education receives college in the high school fees as defined in WAC 392-725-015 (7)(a) and other associated college in the high school fees for eligible students as defined in WAC 392-725-015 (7)(b). The amount and method of collection of these fees shall be outlined in interlocal agreement.

(3) For college in the high school courses that qualify for state funded subsidies as defined in WAC 392-725-015(8) and based on the per student limitations provided in WAC 392-725-325(2), these subsidies are provided in lieu of college in the high school fees as defined in WAC 392-725-015 (7)(a).

NEW SECTION

WAC 392-725-325 College in the high school state funded subsidies. Pursuant to RCW 28A.600.290 and subject to the amount provided in the Omnibus Appropriations Act, state funded subsidies may be available to pay the cost of college in the high school fees for specific eligible eleventh or twelfth grade students only enrolled in college in the high school courses provided by institutions of higher education that meet the definition in RCW 28B.10.016, or a public tribal college located in Washington as noted in RCW 28A.600.290 (7)(a), and for the limited amount provided in subsection (2) of this section. Public institutions of higher education that are outside of the state of Washington or private institutions of higher education do not qualify for the state funded subsidies.

(1) Prioritization of the available college in the high school state-funded subsidies will be allocated in the following method:

(a) High schools that are and students that reside twenty driving miles or more as measured by the most direct route from the nearest institution of higher education offering running start.

(b) High schools who receive small high school funding enhancement as provided in the Omnibus Appropriations Act.

(c) For the remaining high schools, eligible students who qualify for the new school year for free and reduced price lunch.

(2) Limitation of college in the high school state-funded subsidies are as follows:

(a) For each eligible eleventh and twelfth grade student, the annual credit amounts for subsection (1)(a) through (b) of this section are limited to the annual credit amounts provided in the Omnibus Appropriations Act but may not exceed ten credits for any school year.

(b) The annual credit amounts for subsection (1)(c) of this section are limited to the annual credit amounts provided in the Omnibus Appropriations Act but may not exceed five credits for any school year.

(3) The office of superintendent of public instruction will provide an application process that districts, charter schools, and tribal compact schools will use to apply annually for the college in the high school state-funded subsidies.

(a) Districts, charter schools, and tribal compact schools will apply by July 1st for the new school year's subsidies.

(b) The office of superintendent of public instruction will notify districts, charter schools, and tribal compact schools by September 1st the amount of subsidies awarded for the new school year.

(c) Through the application process, districts, charter schools, and tribal compact schools will provide a list of college in the high school courses per high school for the new school year. The award of subsidies will be limited to the courses provided in the application process.

(d) The list of college in the high school courses will contain the amount of college quarter credits awarded for each course. For this section only, college semester credits will be converted into quarter credits by multiplying the semester credits by 1.5 and rounding up to the nearest whole credit.

(e) Districts, charter schools, and tribal compact schools will provide an estimate of eligible students expected to receive the subsidies within the per student credit limitation provided in the Omnibus Appropriations Act.

(i) For high schools that qualify for the priorities according to subsection (1)(a) and (b) of this section, applicant will provide an estimate of eligible eleventh and twelfth grade students.

(ii) For high schools that qualify for the priorities according to subsection (1)(b) and (c) of this section, applicant will provide an estimate of eligible eleventh and twelfth grade students that live more than twenty miles from a college offering running start.

(iii) For high schools that qualify for subsection (1)(c) of this section, applicant will provide an estimate of eligible

eleventh and twelfth grade students that are expected to qualify for free and reduced price lunch.

(4) Reimbursement of the college in the high school state-funded subsidies will occur as follows:

(a) Beginning with the 2015-16 school year, the college in the high school state-funded subsidies for college in the high school will be allocated at minimum sixty-five dollars per quarter credits.

(b) Starting with the 2017 calendar year, and for every four years after, the funding level for the college in the high school state-funded subsidies will be reviewed by the office of superintendent of public instruction, the student achievement council, the state board for community and technical colleges, and the council of presidents representing the public baccalaureate institutions and make recommendation to the legislature for an increase to the funding level of the college in the high school state funded subsidies.

(c) The college in the high school state-funded subsidies will be paid after the completion of the course.

(d) Districts, charter schools, and tribal compact schools with high schools eligible for the college in the high school state-funded subsidies will submit a request for payment of subsidies form to the office of the superintendent of public instruction. The request for payment will include the actual number of completed credits for eligible eleventh and twelfth grade students who have not exceeded the credit limitation pursuant to subsection (2) of this section.

(e) The office of the superintendent of public instruction will review the request for payment of subsidies form and fund the reporting district, charter school, and tribal compact school one hundred percent of the approved college in the high school subsidies on the following monthly apportionment payment.

(f) One hundred percent of the subsidies generated will be forwarded to the participating institution of higher education that provided the college in the high school program.

WSR 16-14-031
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 27, 2016, 2:59 p.m., effective July 28, 2016]

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

Purpose: WAC 392-121-124 requires updating to clarify that work based learning provided by a state approved skill center program is limited to preparatory work based learning.

Statutory Authority for Adoption: RCW 28A.150.305.

Adopted under notice filed as WSR 16-11-109 on May 18, 2016.

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 1 [0], Amended 0 [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: June 24, 2016.

Randy Dorn
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 16-06-124, filed 3/2/16, effective 4/2/16)

WAC 392-121-124 Full-time equivalent enrollment for work based learning. For work based learning provided pursuant to WAC 392-410-315 or by charter schools, a student's full-time equivalent shall be determined as follows:

(1) For cooperative work based learning experience, in accordance with WAC 392-410-315 (1)(g), divide the student's hours of work experience for the month by two hundred; for example: Forty hours of cooperative work experience equals two tenths of a full-time equivalent ($40 \div 200 = 0.20$). For instructional work based learning experience, in accordance with WAC 392-410-315 (1)(f) and 296-125-043(4), divide the student's enrolled hours of work experience for the month by one hundred; for example: Twenty hours of instructional work experience equals two tenths of a full-time equivalent ($20 \div 100 = 0.20$). Enrollment exclusions in WAC 392-121-108 apply to instructional work based learning enrolled hours.

(2) Estimated or scheduled hours of cooperative work based learning experience may be used in determining a student's full-time equivalent on an enrollment count date: Provided, That the combined monthly hours reported for the school year shall not exceed the student's actual hours of cooperative work based learning experience documented on the student's work records and maintained by the school district or charter school for audit purposes.

(3) Work based learning provided as part of a state-approved vocational education program qualifies for enhanced vocational funding and may be included in determining a student's vocational full-time equivalent enrollment.

(4) Preparatory work based learning provided as part of a state-approved skill center program qualifies for enhanced skill center vocational funding and may be included in determining a student's skill center vocational full-time equivalent enrollment.

(5) No more than three hundred sixty hours of cooperative work based learning may be claimed for funding for each credit a student pursues as reported on the student's transcript. No more than one hundred eighty hours of instructional work based learning may be claimed for funding for each credit a student pursues as reported on the student's transcript.

(6) Funding may be claimed only for work based learning hours that occur after the work based learning plan, work

based agreement, program orientation and new employee orientation, as defined in WAC 392-410-315, are completed.

WSR 16-14-035
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed June 28, 2016, 8:57 a.m., effective July 1, 2016]

Effective Date of Rule: July 1, 2016.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The stumpage value rule is also required by statute (RCW 84.33.091) to be effective on July 1, 2016.

Purpose: WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments, contains the stumpage values used by harvesters of timber to calculate the timber excise tax. This adopted rule provides the updated stumpage values to be used during the second half of 2016.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Statutory Authority for Adoption: RCW 82.01.060(2), 82.32.300, and 84.33.096.

Other Authority: RCW 84.33.091 and 84.33.140.

Adopted under notice filed as WSR 16-10-022 on April 25, 2016.

A final cost-benefit analysis is available by contacting Mark Bohe, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 534-1574, fax (360) 534-1606, e-mail markbohe@dor.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 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: June 28, 2016.

Kevin Dixon
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-01-069, filed 12/14/15, effective 1/1/16)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) Introduction. This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) **Stumpage value tables.** The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ((January)) July 1 through ((June 30)) December 31, 2016:

**Washington State Department of Revenue
STUMPAGE VALUE TABLE**

((January)) July 1 through ((June 30)) December 31, 2016

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Starting July 1, 2012, there are no separate

Quality Codes per Species Code.

Species Name	Species Code	SVA (Stumpage Value Area)	Haul Zone				
			1	2	3	4	5
((Douglas-fir ⁽²⁾)	DF	1	\$423	\$416	\$409	\$402	\$395
		2	459	452	445	438	431
		3	482	475	468	461	454
		4	506	499	492	485	478
		5	429	422	415	408	401
		6	307	300	293	286	279
Western Hemlock and Other Conifer ⁽³⁾	WH	1	266	259	252	245	238
		2	323	316	309	302	295
		3	310	303	296	289	282
		4	289	282	275	268	261
		5	280	273	266	259	252
		6	260	253	246	239	232
Western Red-cedar ⁽⁴⁾	RC	1-5	958	951	944	937	930
		6	783	776	769	762	755
Ponderosa Pine ⁽⁵⁾	PP	1-6	240	233	226	219	212
Red Alder	RA	1-5	476	469	462	455	448
Black Cottonwood	BC	1-5	86	79	72	65	58
Other Hardwood	OH	1-5	328	321	314	307	300
		6	32	25	18	11	4
Douglas-fir Poles & Piles	DFL	1-5	817	810	803	796	789
Western Red-cedar Poles	RCL	1-5	1544	1537	1530	1523	1516
		6	1026	1019	1012	1005	998
Chipwood ⁽⁶⁾	CHW	1-5	12	11	10	9	8
		6	4	3	2	1	1))
Douglas-fir ⁽²⁾	DF	1	\$369	\$362	\$355	\$348	\$341
		2	388	381	374	367	360
		3	444	437	430	423	416
		4	474	467	460	453	446
		5	373	366	359	352	345
		6	299	292	285	278	271
Western Hemlock and Other Conifer ⁽³⁾	WH	1	243	236	229	222	215
		2	262	255	248	241	234
		3	260	253	246	239	232
		4	248	241	234	227	220
		5	243	236	229	222	215
		6	243	236	229	222	215
Western Red-cedar ⁽⁴⁾	RC	1-5	1048	1041	1034	1027	1020
		6	887	880	873	866	859

Species Name	Species Code	SVA (Stumpage Value Area)	Haul Zone				
			1	2	3	4	5
Ponderosa Pine ⁽⁵⁾	PP	1-6	215	208	201	194	187
Red Alder	RA	1-5	468	461	454	447	440
Black Cottonwood	BC	1-5	86	79	72	65	58
Other Hardwood	OH	1-5	301	294	287	280	273
		6	23	16	9	2	1
Douglas-fir Poles & Piles	DFL	1-5	787	780	773	766	759
Western Red-cedar Poles	RCL	1-5	1576	1569	1562	1555	1548
		6	1104	1097	1090	1083	1076
Chipwood ⁽⁶⁾	CHW	1-5	13	12	11	10	9
		6	3	2	1	1	1
Small Logs ⁽⁶⁾	SML	6	25	24	23	22	21
RC Shake & Shingle Blocks ⁽⁷⁾	RCS	1-6	289	282	275	268	261
Posts ⁽⁸⁾	LPP	1-6	0.35	0.35	0.35	0.35	0.35
DF Christmas Trees ⁽⁹⁾	DFX	1-6	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	TFX	1-6	0.50	0.50	0.50	0.50	0.50

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes all Hemlock, Spruce and true Fir species, Lodgepole Pine in SVA 6, or any other conifer not listed on this page.
- (4) Includes Alaska-Cedar.
- (5) Includes Western White Pine in SVA 6, and all Pines in SVA 1-5.
- (6) Stumpage value per ton.
- (7) Stumpage value per cord.
- (8) Includes Lodgepole posts and other posts, Stumpage Value per 8 lineal feet or portion thereof.
- (9) Stumpage Value per lineal foot.

(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvest-

ing. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber** - Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber** - Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ((January)) July 1 through ((June 30)) December 31, 2016:

**TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, and 5**
((January)) July 1 through ((June 30)) December 31, 2016

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	-\$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	-\$85.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning		

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	-\$100.00

**TABLE 10—Harvest Adjustment Table
Stumpage Value Area 6**
((January)) July 1 through ((June 30)) December 31, 2016

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 8 thousand board feet per acre and less.	-\$8.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$50.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$75.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
Note:	A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.	
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00

TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
	SVAs 1 through 5 only:	\$0.00
Note:	This adjustment only applies to published MBF sawlog values.	

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before

the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

(5) **Forest-derived biomass**, has a \$0/ton stumpage value.

WSR 16-14-038
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 16-158—Filed June 28, 2016, 10:10 a.m., effective July 29, 2016]

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

Purpose: Recreational salmon fishing rules based on North of Falcon recommendations change from year to year to reflect current resource availability and to achieve conservation goals. Amendments to recreational salmon fishing rules are needed to implement the agreed-upon changes.

Citation of Existing Rules Affected by this Order: Amending WAC 220-310-185, 220-310-190, 220-310-200, 220-55-220, 220-55-230, and 232-28-620.

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

Adopted under notice filed as WSR 16-11-099 on May 18, 2016.

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 7, Repealed 0.

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

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

Date Adopted: June 27, 2016.

J. W. Unsworth
Director

AMENDATORY SECTION (Amending WSR 16-06-073, filed 2/26/16, effective 7/1/16)

WAC 220-310-185 Freshwater exceptions to state-wide rules—Southwest. (1) **Abernathy Creek and all tributaries including Cameron, Slide, and Wiest creeks (Cowlitz County):**

(a) From the mouth to a point 500 feet downstream from the Abernathy Technology Center:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Bass: No limit and no size restriction.

(iii) Channel catfish: No limit.

(iv) Walleye: No limit and no size restriction.

(v) Open the first Saturday in June through August 31 and November 1 through March 15.

(vi) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(A) First Saturday in June through August 31:

(I) No minimum size for trout.

(II) Release all fish except adipose clipped trout as evidenced by a healed scar at the location of the adipose fin.

(III) Three hatchery trout limit.

(B) November 1 through March 15: Catch and release except up to 3 hatchery steelhead may be retained.

(C) Salmon:

(I) Open November 1 through December 31.

(II) Limit 6; up to 2 may be adults.

(III) Only hatchery Chinook and hatchery coho may be retained.

(b) From 200 feet above Abernathy Falls to posted markers 500 feet downstream from the Abernathy Fish Technology Center: Closed.

(c) From 200 feet above Abernathy Falls upstream to source and all tributaries including Erick and ~~((Ordways))~~ Ordway creeks:

(i) Open the first Saturday in June through August 31.

(ii) Release all fish except adipose clipped trout as evidenced by a healed scar at the location of the adipose fin.

(iii) Trout: No minimum size.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead. Three hatchery trout limit.

(v) Selective gear rules apply.

(2) **Battle Ground Lake (Clark County):**

(a) Closed the Monday before Thanksgiving Day through Thanksgiving Day.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: It is unlawful to retain more than 2 fish twenty inches or greater in length.

(3) **Blue Creek (Lewis County), from the mouth to Spencer Road:**

(a) Closed from posted sign above rearing pond outlet to Spencer Road.

(b) Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(c) Night closure in effect.

(d) Open June 1 through April 14 for trout only:

(i) Limit 5; minimum length 12 inches; it is unlawful to retain more than 3 hatchery steelhead.

(ii) Release wild cutthroat.

(iii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((iv))~~ (e) Barbless hooks are required for salmon and steelhead.

(f) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(4) **Blue Lake (Cowlitz County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Catch and release only.

(5) **Blue Lake Creek (Lewis County):** Selective gear rules apply.

(6) **Butter Creek (Lewis County):**

(a) Selective gear rules apply.

(b) Trout: Minimum length 10 inches.

(7) **Canyon Creek (Clark County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Trout: Limit 5.

(8) **Canyon Creek tributaries including Fly, Little Fly, Big Rock, Sorehead, Jakes, and Pelvey creeks (Clark/Skamania counties):** Open.

(9) **Carlisle Lake (Lewis County):**

(a) Open the fourth Saturday in April through last day in February.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Landlocked salmon rules apply.

(10) **Carson Creek (Skamania County):** Selective gear rules apply.

(11) **Castle Lake (Cowlitz County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit one; minimum length 16 inches.

(12) **Cedar Creek (tributary of N.F. Lewis) (Clark County):**

(a) From the mouth to Grist Mill Bridge:

(i) Open the first Saturday in June through August 31 and November 1 through March 15.

(ii) Selective gear rules apply.

(iii) Release all trout except anglers may retain up to 3 hatchery steelhead.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(v) Salmon:

(A) Open November 1 through December 31.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(b) From the Grist Mill Bridge to 100 feet upstream of the falls: Closed.

(c) From 100 feet upstream of the falls upstream:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 3 hatchery steelhead.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(13) **Cedar Creek tributaries including Bitter, Brush, Chelatchie, John, and Pup creeks (Clark County):** Selective gear rules apply.

(14) **Chinook River (Pacific County):** From the Highway 101 Bridge upstream to source:

(a) Selective gear rules apply.

(b) Bass: No limit and no size restriction.

(c) Channel catfish: No limit.

(d) Walleye: No limit and no size restriction.

(15) **Cispus River (Lewis County):** From the mouth to the falls, not including the North Fork:

(a) Open year-round.

(b) Barbless hooks are required for salmon and steelhead.

~~((b) From the mouth to the North Fork:~~

~~(i) Open the first Saturday in June through October 31; release cutthroat.~~

~~(ii) Open from November 1 through the Friday before the first Saturday in June.)~~ (c) Release all trout except anglers may retain up to 2 hatchery steelhead.

~~((iii) Salmon:~~

~~(A) Open year-round.~~

~~(B) Limit 6; minimum size 8 inches.~~

~~(C) Release wild coho and wild Chinook.~~

~~(D) From January 1 through July 31, anglers may retain up to 2 adults as part of the limit.~~

~~(E) From August 1 through December 31, up to 2 of the limit may be adult Chinook.)~~ (d) Fly fishing only from the North Fork to the falls.

(e) Salmon:

(i) Open year-round.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(16) **Cispus River, North Fork (Lewis County):**

(a) Selective gear rules apply.

(b) Trout: Release cutthroat.

(17) **Coal Creek (Cowlitz County):**

(a) From the mouth to 400 feet below the falls:

(i) Open the first Saturday in June through August 31 and November 1 through last day in February.

(ii) Selective gear rules apply.

(iii) Bass: No limit and no size restriction.

(iv) Channel catfish: No limit.

- (v) Trout:
 (A) Release all fish except anglers may retain up to 3 hatchery steelhead.
 (B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 (vi) Walleye: No limit and no size restriction.
 (vii) Salmon:
 (A) Open November 1 through December 31.
 (B) Limit 6; up to 2 may be adults.
 (C) Only hatchery Chinook and hatchery coho may be retained.
 (b) From the falls to 400 feet downstream: Closed.
 (c) From the falls upstream to source including all tributaries: Release all fish except trout.
 (18) **Coldwater Lake (Cowlitz County):**
 (a) The Coldwater Lake inlet and outlet streams are closed.
 (b) Selective gear rules apply.
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (d) Trout: Limit one; minimum length 16 inches.
 (19) **Cougar Creek (tributary to Yale Reservoir) (Cowlitz County):** Open the first Saturday in June through August 31.
 (20) **Coweeman River (Cowlitz County):**
 (a) Barbless hooks are required for salmon and steelhead.
 (b) From the mouth to Baird Creek:
 (i) Open the first Saturday in June through August 31 and November 1 through March 15.
 (ii) Salmon:
 (A) Open November 1 through December 31.
 (B) Limit 6; up to 2 may be adults.
 (C) Only hatchery Chinook and hatchery coho may be retained.
 (c) From Baird Creek upstream to the source, open the first Saturday in June through August 31.
 (d) Release all trout, except anglers may retain up to 3 hatchery steelhead.
 (~~(iii) Barbless hooks are required for steelhead.~~
 (~~iv~~)) (e) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 (~~(b) From Baird Creek upstream to the source:~~
 (i) ~~Open the first Saturday in June through August 31.~~
 (ii) ~~Release all trout, except anglers may retain up to 3 hatchery steelhead.~~
 (iii) ~~Barbless hooks are required for steelhead.~~
 (iv) ~~Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~))
 (21) **Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County):**
 (a) The upstream boundary of the reservoir in the Cowlitz arm is at the posted Lewis County PUD sign on Peters Road.
 (b) The upstream boundary of the reservoir in the Cispus arm is at the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms.
 (c) Barbless hooks are required for salmon and steelhead.

- (d) Open year-round.
 (e) Trout:
 (i) Release cutthroat.
 (ii) Release rainbow trout, except those with a clipped adipose fin with a healed scar at the site of the clipped fin.
 (iii) From September 1 through the last day in February: Limit 10.
 (f) Salmon open year-round:
 (i) Limit 6; (~~minimum length 8 inches~~) up to 2 may be adults.
 (ii) (~~Release wild Chinook and wild coho.~~) Minimum length 8 inches.
 (iii) (~~From January 1 through July 31: No more than 2 adult salmon may be retained.~~
 (iv) ~~From August 1 through December 31: No more than 2 adult hatchery Chinook~~) Only hatchery Chinook and hatchery coho may be retained.
 (22) **Cowlitz River (Lewis County):**
 (a) From the boundary markers at the mouth to Mayfield Dam:
 (i) The following areas are closed:
 (A) 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.
 (B) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam.
 (C) Within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure, except open to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card within posted markers when adjacent waters are open.
 (D) Within a 100 foot radius of the Cowlitz Salmon Hatchery wheelchair ramp (within the posted fishing boundary) except for anglers with disabilities and who have a designated harvester companion card.
 (ii) Barbless hooks are required for salmon, steelhead, and cutthroat trout, except from the Lexington Drive Bridge (Sparks Road Bridge) at Lexington upstream to the barrier dam from June 1 through July 31.
 (iii) Game fish other than trout: Open first Saturday in June through March 31.
 (A) Bass: No limit and no size restriction.
 (B) Channel catfish: No limit.
 (C) Walleye: No limit and no size restriction.
 (iv) From Lexington Bridge to the barrier dam, fishing 2 poles is permissible so long as the angler possesses a valid two-pole endorsement.
 (v) From the mouth of Mill Creek to the Cowlitz Salmon Hatchery barrier dam:
 (A) April 1 through November 30:
 (I) Anti-snagging rule applies. Anglers may only retain fish hooked in the mouth when the anti-snagging rule applies.
 (II) Night closure in effect.
 (B) It is unlawful to fish from a floating device.
 (C) May 1 through June 15: It is unlawful to fish from the south side of the river.
 (vi) Trout: Open year-round.
 (A) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

- (B) First Saturday in June through March 31:
 (I) Limit 5; minimum length 12 inches.
 (II) Up to 3 hatchery steelhead may be retained.
 (III) Release wild cutthroat.
 (C) April 1 through the Friday before the first Saturday in June: Release all fish, except anglers may retain up to 3 hatchery steelhead.
 (vii) Salmon:
 (A) Open ((January 1 through July 31:
~~(H))~~ year-round.
 (B) Limit 6; up to 2 ((hatchery—adults)) may be ((retained)) adults.
 ((~~(H))~~) (C) Only hatchery Chinook and hatchery coho may be retained.
 ((~~(B)~~) Open August 1 through December 31:
 (H) Limit 6; up to 2 adult hatchery Chinook may be retained.
 ((~~(H)~~) Only hatchery Chinook and hatchery coho may be retained.))
 (b) From the posted PUD sign on Peters Road to the ((mouth of Ohanapeecosh River and the mouth of Muddy Fork)) Forest Road 1270 (old Jody's Bridge):
 (i) Barbless hooks are required for salmon and steelhead.
 (ii) September 1 through October 31: Anti-snagging rule applies and night closure in effect. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
 (iii) Open ((the first Saturday in June through October 31: Release cutthroat.
 ((~~(iv)~~) Open November 1 through the Friday before the first Saturday in June)) year-round: Release trout except anglers may retain up to 2 hatchery steelhead.
 ((~~(iv)~~)) (iv) Salmon:
 (A) Open ((January 1 through July 31:
~~(H))~~ year-round.
 (B) Limit 6; up to 2 ((adult salmon)) may be ((retained)) adults.
 ((~~(H)~~) Release wild coho and wild Chinook.
 ((~~(B)~~) Open August 1 through December 31:
 (H) Limit 6; up to 2 adult hatchery Chinook may be retained.
 ((~~(H)~~) Release wild coho and wild Chinook.)) (C) Only hatchery Chinook and hatchery coho may be retained.
 (23) **Cowlitz River, Clear and Muddy Forks (Lewis County):**
 (a) Selective gear rules apply.
 (b) Release cutthroat.
 (24) **Davis Lake (Lewis County):** Open the fourth Saturday in April to last day in February.
 (25) **Deep River (Wahkiakum County):**
 (a) Game fish:
 (i) Open year-round.
 (ii) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.
 (b) From mouth to town bridge:
 (i) Channel catfish: No limit.
 (ii) Walleye and bass: No limit and no size restriction.
 (iii) Salmon:
 (A) Open year-round((=
~~(A))~~).

- (B) From March 1 through June 15, on days when the mainstem Columbia River recreational fishery below Bonneville Dam is open to the retention of Chinook salmon, the salmonid daily limit in Deep River is the same as in the adjacent mainstem Columbia. Otherwise:
 ((~~(B)~~) From January 1 through July 31:
 ((~~(H)~~) (C) Limit 6, ((of which no more than)) up to 2 may be adults ((salmon)).
 ((~~(H)~~) Release wild Chinook and wild coho.
 ((~~(C)~~) From August 1 through December 31:
 (H) Limit 6, of which no more than 2 may be adult Chinook.
 ((~~(H)~~) Release chum and wild coho.) (D) Only hatchery Chinook and hatchery coho may be retained.
 (26) **Delemeter Creek (Cowlitz County):**
 (a) Closed from 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek.
 (b) Release all fish except ((mandatory)) hatchery steelhead ((retention)) and hatchery cutthroat. Three hatchery trout limit. ((No catch and release of hatchery steelhead.
 ((~~(e)~~) Release all trout except hatchery steelhead and hatchery cutthroat.
 ((~~(d)~~)) Mandatory hatchery steelhead retention.
 (c) Selective gear rules apply.
 (d) Salmon:
 (i) Open August 1 through October 31.
 (ii) Limit 6; up to 2 may be adults.
 (iii) Only hatchery Chinook and hatchery coho may be retained.
 (27) **Dog Creek (Skamania County):** From the falls upstream to the source, release all fish except trout.
 (28) **Drano Lake:** In the waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 Bridge:
 (a) Barbless hooks are required for salmon and steelhead except from March 16 through June 30 and from October 1 through December 31.
 (b) Closed on Wednesdays beginning the second Wednesday in April through June 30.
 (c) Closed from 6 p.m. Tuesdays through 6 p.m. Wednesdays during the month of October.
 (d) March 16 through June 30: Night closure in effect.
 (e) August 1 through December 31: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
 (f) May 1 through June 30 and October 1 through December 31:
 (i) Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.
 (ii) Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.
 (g) The area west of a line projected from the easternmost pillar of the Highway 14 Bridge to a posted marker on the north shore is open only to bank fishing from April 16 through June 30.
 (h) Open year-round.
 (i) Bass: No limit and no size restriction.
 (j) Channel catfish: No limit.

(k) Trout: Open January 1 through March 15; release trout, except anglers may retain up to 2 hatchery steelhead.

(l) Walleye: No limit and no size restriction.

(m) Salmon and steelhead: Open March 16 through December 31:

(i) From March 16 through July 31: Limit 2 hatchery steelhead or 2 hatchery Chinook, or one of each.

(ii) From August 1 through December 31: Limit 6; no more than 3 adults, of which only 2 hatchery steelhead may be retained.

(29) Elochoman River (Wahkiakum County):

(a) The following areas are closed:

(i) ~~((The waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack.~~

~~(ii) The 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.~~

~~(iii)) From 200 feet above the department of fish and wildlife temporary weir downstream to Foster (Risk) Road Bridge while the weir is installed in the river.~~

(ii) September 1 through October 31: From 200 feet above the temporary weir upstream to the Elochoman Hatchery Bridge.

(b) From the mouth to West Fork:

(i) Open the first Saturday in June through March 15.

(ii) August 1 through October 31: Anti-snagging rule, night closure, and stationary gear restriction apply. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(iii) August 1 through March 15: Barbless hooks are required for salmon and steelhead.

(iv) Trout: Release all fish except anglers may retain up to 3 hatchery steelhead.

(v) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) From the mouth to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack:

(i) Open the last Saturday in May through the Friday before the first Saturday in June for bass, channel catfish, salmon, steelhead, and walleye.

(ii) Selective gear rules apply.

(iii) Bass: No limit and no size restriction.

(iv) Channel catfish: No limit.

(v) Walleye: No limit and no size restriction.

(vi) Salmon and steelhead:

~~((Daily)) (A) Limit 6 ((fish)); up to 3 may be hatchery adult Chinook or hatchery steelhead, and no more than 2 may be salmon.~~

~~((A)) (B) Release wild Chinook salmon.~~

~~((B)) (C) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~((vi) Walleye: No limit and no size restriction.))~~

(vii) Salmon:

(A) Open the first Saturday in June through December 31.

(B) ~~((From the first Saturday in June through July 31:))~~ Limit 6 ~~((hatchery Chinook, of which no more than))~~; up to 2 may be adults.

~~(C) ((From August 1 through December 31:~~

~~(F) Limit 6 fish, of which no more than 2 may be adult Chinook.~~

~~(H) Release chum, wild coho, and wild Chinook.))~~ Only hatchery Chinook or hatchery coho may be retained.

(d) From West Fork upstream to the source:

(i) Release all fish except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iii) Salmon:

(A) Open the first Saturday in June through October 31.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(30) Falls Creek (Cowlitz County):

(a) Selective gear rules apply.

(b) Bass: No limit and no size restriction.

(c) Channel catfish: No limit.

(d) Walleye: No limit and no size restriction.

(31) **Fort Borst Park Pond (Lewis County):** Open the fourth Saturday in April through the last day in February, except closed the Monday before Thanksgiving Day through Thanksgiving Day.

(32) **Franz Lake (Skamania County):** Closed.

(33) **Germany Creek (Cowlitz County)** and all tributaries including John and Loper creeks:

(a) Open the first Saturday in June through August 31 and November 1 through March 15.

(b) Selective gear rules apply.

(c) Bass: No limit and no size restriction.

(d) Channel catfish: No limit.

(e) Trout:

(i) Release all trout except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(f) Walleye: No limit and no size restriction.

(g) Salmon:

(i) Open November 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(34) **Gobar Creek (tributary to Kalama River) (Cowlitz County):**

(a) Open the first Saturday in June through March 31.

(b) Selective gear rules apply.

(c) Release all fish except adipose clipped trout as evidenced by a healed scar at the location of the adipose fin.

(d) Trout: No minimum size. Three hatchery fish limit.

(e) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(35) **Goble Creek (Cowlitz County):**

(a) Open the first Saturday in June through August 31 and November 1 through March 15.

(b) Release all fish except anglers may retain up to 3 hatchery steelhead.

~~((b)) (c) Selective gear rules apply.~~

(d) Salmon:

(i) Open November 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(36) Grays River (Wahkiakum County): From the mouth to South Fork:

(a) Barbless hooks are required for salmon and steelhead.

(b) Open the first Saturday in June through March 15, except closed from Highway 4 Bridge to mouth of South Fork from October 16 through November 30.

(c) Closed from 400 feet below to 200 feet above the temporary weir while the weir is installed in the river.

(d) Anti-snagging rule, night closure and stationary gear restriction apply:

(i) From the mouth to the Highway 4 Bridge August 1 through November 15.

(ii) From the Highway 4 Bridge to the mouth of South Fork August 1 through October 15.

(iii) When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(e) Game fish:

(i) Release all fish except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iii) From the mouth to Highway 4 Bridge:

(A) Bass: No limit and no size restriction.

(B) Channel catfish: No limit.

(C) Walleye: No limit and no size restriction.

(f) From South Fork upstream to source, selective gear rules apply.

(g) Salmon:

(i) From the mouth to the Highway 4 Bridge: ~~((A))~~ Open the first Saturday in June through December 31.

~~((B) From the first Saturday in June through July 31:))~~

(A) Limit 6 ((hatchery Chinook, of which no more than)); up to 2 may be adults.

~~((C) From August 1 through December 31:~~

~~(f) Limit 6, of which no more than 2 may be adult Chinook.~~

~~(H) Release chum, wild coho, and unmarked Chinook.))~~

(B) Only hatchery Chinook or hatchery coho may be retained.

(C) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

(ii) From the Highway 4 Bridge to the South Fork: ~~((A))~~ Open the first Saturday in June through October 15 and December 1 through December 31.

~~((B) From the first Saturday in June through July 31:))~~

(A) Limit 6 ((hatchery Chinook, of which no more than)); up to 2 may be adults.

~~((C) From August 1 through October 15 and December 1 through December 31:~~

~~(f) Limit 6 fish, of which no more than 2 may be adult Chinook.~~

~~(H) Release chum, wild coho, and unmarked Chinook.~~

(g) From South Fork upstream to source: Selective gear rules apply.)) (B) Only hatchery Chinook or hatchery coho may be retained.

(C) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

(37) Grays River, East Fork (Wahkiakum County):

(a) Selective gear rules apply.

(b) Release all fish except anglers may retain up to 3 hatchery steelhead.

(c) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(d) Salmon:

(i) Open the first Saturday in June through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(iv) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

(38) Grays River, South Fork (Wahkiakum County):

(a) Release all fish except anglers may retain up to 3 hatchery steelhead.

(b) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Selective gear rules apply.

(d) Salmon:

(i) Open the first Saturday in June through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(iv) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

(39) Grays River, West Fork (Wahkiakum County):

(a) Downstream from the hatchery intake/footbridge:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Open the first Saturday in June through March 15, except closed October 16 through November 30 from the posted markers approximately 300 yards below the hatchery road bridge downstream to the mouth.

(iii) August 1 through November 15: Anti-snagging rule, night closure and stationary gear restriction apply. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(iv) From the first Sunday in June through March 15: Release all fish except anglers may retain up to 3 hatchery steelhead.

(v) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(vi) Salmon: Open from first Saturday in June through December 31.

(A) ~~((From the first Saturday in June through July 31:))~~ Limit 6 ~~((hatchery Chinook, of which no more than)); up to 2 may be adults.~~

~~(B) ((From August 1 through December 31:~~

~~(f) Limit 6, of which not more than 2 may be adult Chinook.~~

~~(H) Release chum, wild coho, and unmarked Chinook.))~~

Only hatchery Chinook or hatchery coho may be retained.

(C) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

(b) From the hatchery intake/footbridge upstream to source:

(i) Open the first Saturday in June through March 15.

(ii) Release all fish except anglers may retain up to 3 hatchery steelhead.

(iii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((i+))~~ (c) Selective gear rules apply.

(d) Salmon:

(i) Open the first Saturday in June through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(iv) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.

(40) **Green River (Cowlitz County):**

(a) From the mouth to Miner's Creek:

(i) Catch and release except up to 3 hatchery steelhead may be retained.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iii) From August 1 through November 30, barbless hooks are required for salmon and steelhead.

(iv) The following areas are closed:

(A) From 400 feet above and 400 feet below the salmon hatchery rack (or from the posted signs above and below the salmon hatchery rack) when the rack is installed in the river.

(B) From 400 feet below to 400 feet above the water intake at the upper end of the hatchery grounds from September 1 through November 30.

(C) From the 2800 Bridge to Miner's Creek.

(v) September 1 through October 31: Anti-snagging rule applies and night closure in effect from the mouth to 400 feet below the salmon hatchery rack. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(vi) Open the last Saturday in May through November 30(-); From the last Saturday in May through the Friday before the first Saturday in June in the waters from the mouth to 400 feet below the Toutle Hatchery water intake: Selective gear rules apply.

(vii) Salmon:

(A) Open August 1 through November 30.

(B) Limit 6(~~(, no more than 2 adult Chinook)~~); up to 2 may be (~~retained~~) adults.

(C) (~~(Release chum, wild coho, and wild Chinook.))~~
Only hatchery Chinook and hatchery coho may be retained.

(b) From Miner's Creek upstream to the source:

(i) Open from the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(41) **Grizzly Lake (Skamania County):** Closed.

(42) **Hamilton Creek (Skamania County):**

(a) Selective gear rules apply.

(b) Bass: No limit and no size restriction.

(c) Channel catfish: No limit.

(d) Trout:

(i) Release all trout except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(e) Walleye: No limit and no size restriction.

(f) All tributaries downstream from the Highway 14 Bridge: Closed.

(g) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(43) **Hemlock Lake (Trout Creek Reservoir) (Skamania County):** Closed.

(44) **Horseshoe Lake (Clark/Cowlitz counties):**

(a) Trout: It is unlawful to retain more than 2 trout 20 inches or more in length.

(b) Landlocked salmon rules apply.

(45) **Icehouse Lake (Skamania County):** It is unlawful to retain more than 2 trout 20 inches or greater in length.

(46) **Indian Heaven Wilderness Lakes (Skamania County):** Trout limit 3.

(47) **Johnson Creek (Lewis County) (Cowlitz River tributary):**

(a) Selective gear rules apply.

(b) Trout: Minimum length 10 inches.

(48) **Kalama River (Cowlitz County):**

(a) From boundary markers at the mouth upstream to 1,000 feet above the fishway at the upper salmon hatchery:

(i) Open year-round, except the following areas are closed:

(A) From 1,000 feet below to 1,000 feet above the fishway at upper salmon hatchery.

(B) From Modrow Bridge downstream to the markers 1,500 feet below the temporary rack when the rack is installed below Modrow Bridge.

(ii) Barbless hooks are required for salmon and steelhead.

(iii) Game fish:

(A) Release all fish except bass, channel catfish, trout, hatchery steelhead, and walleye.

(B) Bass: No limit and no size restriction.

(C) Channel catfish: No limit.

(D) Trout:

(I) Mandatory hatchery steelhead retention.

(II) No catch and release of hatchery steelhead.

(E) Walleye: No limit and no size restriction.

(iv) April 1 through October 31: Anti-snagging rule applies and night closure in effect from the railroad bridge below I-5 to the intake at the lower salmon hatchery. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(v) It is unlawful to fish from a floating device equipped with an internal combustion motor upstream of Modrow Bridge.

(vi) Open September 1 through October 31 for fly fishing only from the natural gas pipeline crossing to the posted deadline at the intake to the lower salmon hatchery.

(vii) From March 16 through the Friday before the first Saturday in June: Release all fish except anglers may retain up to 3 hatchery steelhead.

(viii) From the first Saturday in June through March 15: Release all fish except anglers may retain up to 3 adipose clipped trout as evidenced by a healed scar at the location of the adipose fin. No minimum size.

(ix) Salmon:

(A) Open (~~January 1 through April 30:~~

~~(+)) year-round.~~

(B) Limit 6 ((hatchery Chinook)); up to 2 may be adults.

~~((H) No more than one adult hatchery Chinook may be retained.~~

~~(B) Open August 1 through December 31:~~

~~(I) Limit 6; no more than 2 adult hatchery Chinook may be retained.~~

~~(H) Release all salmon other than hatchery Chinook and hatchery coho.)~~ (C) Only hatchery Chinook and hatchery coho may be retained.

(b) From 1,000 feet above the fishway at the upper salmon hatchery, upstream to Summers Creek:

(i) Open year-round.

(ii) It is unlawful to fish from a floating device equipped with a motor.

(iii) Selective gear rules apply.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(v) From March 16 through the Friday before the first Saturday in June: Release all fish except anglers may retain up to 3 hatchery steelhead.

(vi) From the first Saturday in June through March 15: Release all fish except anglers may retain up to 3 adipose clipped trout as evidenced by a healed scar at the location of the adipose fin. No minimum size.

(c) From Summers Creek upstream to Kalama Falls:

(i) Closed from the 6420 Road (approximately one mile above the gate at the end of the county road) to Kalama Falls.

(ii) Open the first Saturday in June through March 31 for fly fishing only.

(iii) Release all fish, except anglers may retain up to 3 adipose clipped trout as evidenced by a healed scar at the location of the adipose fin.

(A) No minimum size.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(d) From Kalama Falls upstream to source: Open.

(49) **Kanaka Creek (Skamania County):** Selective gear rules apply.

(50) **Kidney Lake (Skamania County):** Open the fourth Saturday in April through last day in February.

(51) **Klineline Ponds (Clark County):**

(a) Closed the Monday before Thanksgiving Day through Thanksgiving Day.

(b) It is unlawful to retain more than 2 trout 20 inches or more in length.

(52) **Kress Lake (Cowlitz County):**

(a) Closed the Monday before Thanksgiving Day through Thanksgiving Day.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to retain more than 2 trout 20 inches or more in length.

(d) Landlocked salmon rules apply.

(53) **Lacamas Creek (Clark County):**

(a) From the mouth to the footbridge at the lower falls:

(i) Open the first Saturday in June through August 31.

(ii) Release all fish except anglers may retain up to 3 hatchery steelhead.

(iii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iv) Selective gear rules apply.

(b) From the footbridge at the lower falls upstream to the source: It is permissible to fish up to the base of Lacamas Lake Dam.

(c) From footbridge at lower falls and from Round Lake upstream to source and all tributaries (Clark County) including Spring Branch, Big Ditch, Fifth Plain Creek, Matney Creek, Buck Creek, David Creek, North Fork and East Fork Lacamas Creek (Clark County): Statewide season, minimum size, and limits apply.

(54) **Lacamas Creek, tributary of Cowlitz River (Lewis County):**

(a) Selective gear rules apply.

(b) Trout: Limit 3.

(c) Release all trout except anglers may retain hatchery steelhead and hatchery cutthroat.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(55) **Lewis River (Clark County):**

(a) Mouth to the mouth of Colvin Creek:

(i) Open year-round except the following areas are closed:

(A) From Johnson Creek upstream May 1 through May 31.

(B) Those waters shoreward of the cable buoy and cork-line at the mouth of the Lewis River Salmon Hatchery fish ladder.

(ii) Barbless hooks are required for salmon and steelhead.

(iii) Fishing 2 poles is permissible from Railroad Bridge near Kuhns Road upstream to Johnson Creek, so long as the angler possesses a two-pole endorsement.

(iv) Anti-snagging rule applies and night closure in effect from Johnson Creek to Colvin Creek June 1 through November 30 and April 1 through April 30. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(v) Trout:

(A) Release all trout except anglers may retain up to 3 hatchery steelhead.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(vi) Salmon:

(A) Open January 1 through April 30: Limit 6 hatchery Chinook; ~~((no more than))~~ only one may be an adult.

(B) Open August 1 through the fourth Friday in September ~~((+5))~~:

(I) Limit 6 ~~((hatchery salmon; no more than))~~; up to 2 may be adults ~~((hatchery Chinook))~~.

(II) ~~((Release all salmon except))~~ Only hatchery Chinook and hatchery coho may be retained.

(C) Open the fourth Saturday in September ~~((+6))~~ through December 31:

(I) Limit 6; (~~no more than~~) up to 2 may be adults (~~Chinook~~).

(II) (~~Release all salmon except~~) Only Chinook and hatchery coho may be retained.

(vii) Bass: No limit and no size restriction.

(viii) Channel catfish: No limit.

~~((iv))~~ (ix) Walleye: No limit and no size restriction.

(b) From the mouth of Colvin Creek to the overhead powerlines at Merwin Dam:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Open June 1 through October 31 and December 16 through April 30.

(iii) Anti-snagging rule applies and night closure in effect April 1 through April 30 and June 1 through October 31. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(iv) Bass: No limit and no size restriction.

(v) Channel catfish: No limit.

(vi) Trout:

(A) Release all fish except anglers may retain up to 3 hatchery steelhead.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(vii) Walleye: No limit and no size restriction.

(viii) Salmon:

(A) Open August 1 through October 31 and December 16 through April 30.

(B) From January 1 through April 30: Limit 6 hatchery Chinook; only one may be an adult (~~salmon~~).

(C) From August 1 through the fourth Friday in September (~~(45)~~):

(I) Limit 6 (~~(hatchery salmon; only)~~); up to 2 may be adults (~~(hatchery Chinook)~~).

~~((Release all salmon except))~~ (II) Only hatchery Chinook and hatchery coho may be retained.

(D) From the fourth Saturday in September (~~(46)~~) through October 31 and December 16 through December 31:

(I) Limit 6 (~~(salmon; only)~~); up to 2 may be adults (~~(Chinook)~~).

~~((Release all salmon except))~~ (II) Only Chinook and hatchery coho may be retained.

(c) From the overhead powerlines below Merwin Dam to Merwin Dam: Closed.

(d) From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed.

(e) From the old Lewis River streambed between Swift No. 1 Powerhouse and Swift No. 2 Powerhouse and Lewis River Power Canal upstream to fishing pier: Closed.

(f) Within Lewis River Power Canal from the fishing pier to the access road at Swift Dam:

(i) Open the fourth Saturday in April through October 31.

(ii) It is unlawful to fish from a floating device.

(iii) Trout: Limit 5; no minimum size.

(A) From Eagle Cliff Bridge to the lower falls, including all tributaries: Selective gear rules apply.

(B) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(C) Catch and release only.

(g) From lower falls upstream and all tributaries including Copper, Alec, Quartz, Straight (tributary of Quartz), Snagtooth (tributary of Quartz), French (tributary of Quartz), Tillicum, Steamboat, Pin, Pass, Swampy, Riley, No Name (tributary of Riley), Big Spring (tributary of Riley), Mutton (tributary of Riley), and Boulder creeks (Skamania Co.): Statewide season, minimum size, and limits.

(56) Lewis River, East Fork (Clark/Skamania counties):

(a) The following areas are closed:

(i) From the posted markers at the lower end of Big Eddy to 100 feet above Lucia Falls.

(ii) From 400 feet below to 400 feet above Moulton Falls.

(iii) From 400 feet below Horseshoe Falls upstream, including all tributaries above Horseshoe Falls.

(b) From the mouth to 400 feet below Horseshoe Falls:

(i) Open the first Saturday in June through March 15.

(ii) Barbless hooks are required for salmon and steelhead.

(iii) Release all trout except anglers may retain up to 3 hatchery steelhead.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(d) From the mouth to the top boat ramp at Lewisville Park:

(i) Additional hatchery steelhead season from April 16 through the Friday before the first Saturday in June.

(ii) Selective gear rules apply.

(iii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iv) Release all fish except anglers may retain up to 3 hatchery steelhead.

(57) Little Ash Lake (Skamania County): It is unlawful to retain more than 2 trout 20 inches or more in length.

(58) Little Washougal River (Clark County):

(a) Release all fish except anglers may retain up to 3 hatchery steelhead.

(b) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Selective gear rules apply.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(59) Little White Salmon River (Skamania County) and all tributaries including Rock, Lapham, Lava, Moss, Wilson, Cabbage, Berry, Lusk, Homes, and Beetle creeks:

(a) Open the Saturday before Memorial Day through October 31, except Little White Salmon River is closed from the orange fishing boundary markers at Drano Lake upstream to the intake near the north boundary of the Little White Salmon National Fish Hatchery.

(b) Release all fish except trout.

- (c) Trout: Limit 5.
- (60) **Love Lake (Clark County):** Closed.
- (61) **Mayfield Lake (Reservoir) (Lewis County):**
- (a) Open from the Mayfield Dam to Onion Rock Bridge.
- (b) From the Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam: Closed.
- (c) Trout:
- (i) Minimum length 8 inches.
- (ii) Release cutthroat and rainbow trout, except it is permissible to retain rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin.
- (iii) September 1 through last day in February: Limit 10.
- (d) Salmon open September 1 through December 31:
- (i) Minimum length 8 inches.
- (ii) Limit 6, no more than 2 may be adults ~~((salmon))~~.
- (iii) ~~((Release wild coho and wild Chinook.))~~ Only hatchery Chinook and hatchery coho may be retained.
- (62) **Merrill Lake (Cowlitz County):**
- (a) Open for fly fishing only.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Catch and release only.
- (63) **Merwin Lake (Reservoir) (Clark/Cowlitz counties):**
- (a) Landlocked salmon rules apply.
- (b) Kokanee: Limit 10; kokanee do not count as part of the trout limit.
- (64) **Merwin Lake (Reservoir) (Clark/Cowlitz counties) tributaries including Marble, Cape Horn, Day, Jim, Indian George, Squaw, Buncombe Hollow, Rock creeks, Speelyai Creek and its tributaries, Brooks, and West Fork creeks (except Canyon Creek):** Statewide season, minimum size, and limits apply.
- (65) **Mill Creek (Cowlitz County):**
- (a) Open the first Saturday in June through August 31 and November 1 through March 15.
- (b) Selective gear rules apply.
- (c) Bass: No limit and no size restriction.
- (d) Channel catfish: No limit.
- (e) Trout:
- (i) Release all trout except anglers may retain up to 3 hatchery steelhead.
- (ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (f) Walleye: No limit and no size restriction.
- (g) Salmon:
- (i) Open November 1 through December 31.
- (ii) Limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.
- (66) **Mill Creek (Lewis County):** From the mouth to the hatchery road crossing culvert.
- (a) Selective gear rules apply.
- (b) Open the first Saturday in June through October 31 and from December 1 through December 31.
- (c) Anti-snagging rule applies and night closure in effect December 1 through December 31. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
- (d) Release all fish except anglers may retain up to 3 trout.
- (e) Release all trout except hatchery steelhead and hatchery cutthroat.
- (f) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (g) Salmon:
- (i) Open August 1 through October 31 and December 1 through December 31.
- (ii) Limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.
- (67) **Mineral Lake (Lewis County):** Open the fourth Saturday in April through September 30.
- (68) **Mulholland Creek (Cowlitz County):**
- (a) Open first Saturday in June through August 31 and November 1 through March 15.
- (b) Catch and release except anglers may retain up to 3 hatchery steelhead.
- ~~((b))~~ (c) Selective gear rules apply.
- (d) Salmon:
- (i) Open November 1 through December 31.
- (ii) Limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.
- (69) **Nelson Creek (Skamania County):** Selective gear rules apply.
- (70) **Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties):**
- (a) Selective gear rules apply.
- (b) Trout: Minimum length 12 inches.
- (71) **Olequa Creek (Lewis/Cowlitz counties):**
- (a) Closed from 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek.
- (b) Trout: Limit 3.
- (c) Release all trout except hatchery steelhead and hatchery cutthroat.
- (d) Selective gear rules apply.
- (e) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (f) Salmon:
- (i) Open August 1 through October 31.
- (ii) Limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.
- (72) **Ostrander Creek (Cowlitz County):** Selective gear rules apply.
- (73) **Outlet Creek (Cowlitz County):**
- (a) First Saturday in June through November 30.
- (b) Trout:
- (i) Release all trout except anglers may retain up to 3 hatchery steelhead.
- (ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (c) Selective gear rules apply.
- (d) Salmon:
- (i) Open August 1 through November 30.
- (ii) Limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.

(74) Packwood Lake (Lewis County):

(a) Closed: All inlet streams and the outlet from the log boom to the dam.

(b) Open the fourth Saturday in April through October 31.

(c) Selective gear rules apply.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) Trout: Minimum length 10 inches.

(75) Plummer Lake (Lewis County): Open the fourth Saturday in April through the last day in February.

(76) Rainey Creek (Lewis County):

(a) Open from the mouth to Highway 12.

(b) Trout limit 5; release cutthroat and rainbow trout, except it is permissible to retain rainbow trout that have a clipped adipose fin and a healed scar at the location of the clipped fin.

(77) Riffe Lake (Reservoir) (Lewis County):

(a) Open from Mossyrock Dam to Cowlitz Falls Dam, except closed from Cowlitz Falls Dam downstream to the Lewis County PUD safety signs located approximately 800 feet below the dam.

(b) It is permissible to fish up to the base of Swofford Pond Dam.

(c) Landlocked salmon rules apply.

(78) Riffe Lake (Reservoir) tributaries (Lewis County) (excluding Rainey Creek), including Sulphur, Simmons, Swigert, Shelton, Steel Canyon, Indian, Sand, Landers, Peterson, Goat, and Tumwater creeks: Statewide season, minimum size, and limits apply.

(79) Rock Creek (Skamania County):

(a) Open from the mouth to the falls at approximately river mile one.

(i) From the first Saturday in June through March 15.

(ii) Bass: No limit and no size restriction.

(iii) Channel catfish: No limit.

(iv) Walleye: No limit and no size restriction.

(v) Trout:

(A) Release all trout except anglers may retain up to 3 hatchery steelhead.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((C))~~ (b) Barbless hooks are required for salmon and steelhead.

~~((v))~~ Walleye: No limit and no size restriction.

~~((b))~~ (c) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(d) From the falls upstream to source/headwaters and all tributaries including Spring Creek, Hot Springs, Budweiser Creek, Forest Creek, Steep Creek, North Fork Rock Creek, and Snag Creek: Statewide seasons, minimum size, limits apply.

(80) Salmon Creek (Clark County): From the mouth to 182nd Avenue Bridge:

(a) Open the first Saturday in June through March 15.

(b) Bass: No limit and no size restriction.

(c) Channel catfish: No limit.

(d) Walleye: No limit and no size restriction.

(e) Trout:

(i) Release all trout except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((e))~~ Steelhead: Barbless hooks are required.

~~((f))~~ Walleye: No limit and no size restriction. (f) Barbless hooks are required for salmon and steelhead.

(g) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(81) Salmon Creek (Lewis County):

(a) Release all fish except anglers may retain up to 3 hatchery trout.

(b) Release all trout except hatchery steelhead and hatchery cutthroat.

(c) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(d) Selective gear rules apply.

(e) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook or hatchery coho may be retained.

(82) Silver Lake (Cowlitz County): Crappie limit 10; minimum length 9 inches.

(83) Silver Creek (tributary to Cowlitz River) (Lewis County):

(a) Open from the mouth to USFS Road 4778.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(84) Skamokawa Creek (Wahkiakum County):

(a) Open the first Saturday in June through August 31 and November 1 through March 15.

(b) Bass: No limit and no size restriction.

(c) Channel catfish: No limit.

(d) Walleye: No limit and no size restriction.

(e) Trout:

(i) Release all trout except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(f) Selective gear rules apply.

(g) Salmon:

(i) Open November 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(85) Skate Creek (tributary to Cowlitz River) (Lewis County):

(a) Release all cutthroat.

(b) Selective gear rules apply.

(86) South Lewis County Park Pond (Lewis County): Closed the Monday before Thanksgiving Day through Thanksgiving Day.

(87) Spirit Lake (Skamania County): Closed.

(88) Stillwater Creek (Lewis County):

- (a) Trout: Limit 3.
- (i) Release all trout except hatchery steelhead and hatchery cutthroat.
- (ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (b) Selective gear rules apply.
- (c) Salmon:
- (i) Open August 1 through October 31.
- (ii) Limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.
- (89) Swift Reservoir (Skamania County):**
- (a) Open the first Saturday in June through November 30.
- (b) Release all trout, except rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin may be retained.
- (c) From the posted markers approximately 3/8 mile below Eagle Cliff Bridge to the bridge: Selective gear rules apply.
- (d) From the dam to the markers approximately 3/8 mile below Eagle Cliff Bridge: Trout limit 10 from September 1 through November 30.
- (e) Salmon:
- (i) Open the first Saturday in June through November 30.
- (ii) Landlocked salmon rules apply.
- (iii) Maximum length 15 inches.
- (90) Swift Reservoir tributaries (Skamania County)** including Ole, Swift, Worm, Diamond, Marble, Range, Drift, and Camp creeks: Selective gear rules apply.
- (91) Swofford Pond (Lewis County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (92) Tilton River (Lewis County):**
- (a) Open year-round from the mouth to the West Fork.
- (b) Barbless hooks are required for salmon and steelhead.
- (c) First Saturday in June through July 31: Selective gear rules apply.
- (d) September 1 through October 31: Anti-snagging rule applies and night closure in effect. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
- (e) Release all ~~((cutthroat))~~ trout except 2 hatchery steelhead may be retained.
- (f) Salmon ~~((open August 1 through December 31: (i) Minimum length 8 inches.))~~:
- (i) Open year-round.
- (ii) Limit 6; ~~((no more than 2 adult Chinook may be retained))~~ up to 2 may be adults.
- (iii) ~~((Release wild coho and wild Chinook.))~~ Only hatchery Chinook and hatchery coho may be retained.
- (93) Tilton River, East, North, South and West Forks (Lewis County):**
- (a) Selective gear rules apply.
- (b) Trout: Minimum length 12 inches.
- (94) Toutle River (Cowlitz County):** From the mouth to the forks, and the North Fork from the mouth to the posted deadline below the fish collection facility:
- (a) Open the first Saturday in June through November 30.
- (b) September 1 through October 15: Anti-snagging rule applies and night closure in effect on the North Fork from the confluence with the South Fork to the mouth of Green River. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
- (c) Barbless hooks are required for salmon and steelhead.
- (d) Game fish:
- (i) Release all fish except anglers may retain up to 3 hatchery steelhead.
- (ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (e) Salmon open August 1 through November 30:
- (i) Limit 6~~((, no more than))~~; up to 2 may be adults ~~((Chinook)).~~
- (ii) ~~((Release chum, wild coho, and wild Chinook.))~~ Only hatchery Chinook and hatchery coho may be retained.
- (95) Toutle River, South Fork (Cowlitz County):**
- (a) Release all fish except anglers may retain up to 3 hatchery steelhead.
- (b) Trout:
- (i) Barbless hooks are required for salmon and steelhead from August 1 through November 30.
- (ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (c) Salmon:
- (i) Open August 1 through November 30.
- (ii) Limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.
- (d) From the mouth to 4700 Road Bridge:
- (i) Open the last Saturday in May to the Friday before the first Saturday in June.
- (ii) Selective gear rules apply.
- ~~((d))~~ (e) From the mouth to the 4100 Road Bridge:
- (i) Open the first Saturday in June through March 15.
- (ii) From December 1 through March 15 selective gear rules apply.
- ~~((e))~~ (f) From 4100 Road Bridge upstream to source: Open the first Saturday in June through November 30.
- (96) Tunnel Lake (Skamania County):** It is unlawful to retain more than 2 trout 20 inches or more in length.
- (97) Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County):**
- (a) Vancouver Lake flushing channel and the lake shoreline 400 feet east and west of the channel exit: Closed April 1 through May 31.
- (b) Chumming is permissible.
- (c) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.
- (98) Walupt Lake (Lewis County):**
- (a) All inlet streams are closed.
- (b) Open the fourth Saturday in April through October 31.
- (c) Selective gear rules apply.
- (d) Trout: Minimum length 10 inches.

(99) **Washougal River (Clark County):** From the mouth to the bridge at Salmon Falls:

(a) Closed from 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river.

(b) Open the first Saturday in June through March 15.

(c) Barbless hooks are required for salmon and steelhead.

(d) Night closure in effect:

(i) Year-round from the mouth to Mount Norway Bridge.

(ii) August 1 through October 31 from Mount Norway Bridge upstream.

(e) Anti-snagging rule applies:

(i) July 1 through October 31 from the mouth to Mount Norway Bridge; and

(ii) August 1 through October 31 from Mount Norway Bridge upstream.

(iii) When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(f) Bass: No limit and no size restriction.

(g) Channel catfish: No limit.

(h) Trout:

(i) Release all trout except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(i) Walleye: No limit and no size restriction.

(j) Open from April 16 through the Friday before the first Saturday in June:

(i) Selective gear rules apply.

(ii) Bass: No limit and no size restriction.

(iii) Channel catfish: No limit.

(iv) Trout:

(A) Release all trout except anglers may retain up to 3 hatchery steelhead.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(v) Walleye: No limit and no size restriction.

(k) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; ~~((no more than 2))~~ up to 2 may be adults ~~((may be hatchery Chinook)).~~

(iii) ~~((Release chum, wild coho, and wild Chinook.))~~ Only hatchery Chinook and hatchery coho may be retained.

(100) **Washougal River, West (North) Fork (Clark/Skamania counties):**

(a) From the mouth to the water intake at the department hatchery: Closed.

(b) From the intake at the department hatchery to the source:

(i) Open the first Saturday in June through March 15.

(ii) Trout:

(A) Release all trout except anglers may retain up to 3 hatchery steelhead.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((iii))~~ (c) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(d) Barbless hooks are required for salmon and steelhead.

(101) **Willame Lake (Lewis County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit 2; minimum length 15 inches.

(102) **Wind River (Skamania County):**

(a) From the mouth to 100 feet above Shipherd Falls:

(i) Barbless hooks are required for salmon and steelhead except from March 16 through June 30.

(ii) Closed from 400 feet below to 100 feet above Shipherd Falls fish ladder, including all tributaries.

(iii) March 16 through June 30: Night closure in effect.

(iv) March 16 through 31: Closed from the Highway 14 Bridge upstream.

(v) August 1 through October 31: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(vi) May 1 through June 30:

(A) Anti-snagging rule applies from the Highway 14 Bridge upstream. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) From the mouth to the Highway 14 Bridge, each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved and two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

(C) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(vii) Open year-round.

(viii) Bass: No limit and no size restriction.

(ix) Channel catfish: No limit.

(x) Trout:

(A) Open November 1 through March 15.

(B) Release all trout except anglers may retain up to 3 hatchery steelhead.

(xi) Salmon and steelhead:

(A) Open March 16 through July 31:

(I) Limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release wild Chinook.

(B) Open August 1 through October 31:

(I) From the mouth to the Highway 14 Bridge, the limit and retention regulations for hatchery and wild fish follows the most liberal regulations of the mainstem Columbia and Wind rivers when both areas are open concurrently for salmon.

(II) Limit 6; up to 2 adults may be retained.

(III) ~~((Release wild coho and wild Chinook.))~~ Only hatchery Chinook or hatchery coho may be retained.

(xii) Walleye: No limit and no size restriction.

(b) From 100 feet above Shipherd Falls to Moore Bridge:

(i) The following areas are closed: All tributaries; from 400 feet below to 100 feet above Coffey Dam.

(ii) From 100 feet above Shipherd Falls to 800 yards downstream from Carson National Fish Hatchery:

(A) Open September 16 through November 30:

(I) Catch and release only.

(II) Selective gear rules apply.

(B) Salmon and steelhead open May 1 through June 30:

(I) Limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained;

(II) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead;

(III) Anti-snagging rule applies;

(IV) Only fish hooked inside the mouth may be retained;

(V) Night closure in effect.

(iii) From 800 yards downstream from Carson National Fish Hatchery to Moore Bridge open September 16 through November 30:

(A) Catch and release only.

(B) Selective gear rules apply.

(103) **Winston Creek (tributary to Cowlitz River) (Lewis County):**

(a) Selective gear rules apply.

(b) Trout: Minimum length 10 inches.

(104) **Yale Reservoir (Cowlitz County):**

(a) Kokanee: Limit 16; kokanee do not count toward the trout limit.

(b) Landlocked salmon rules apply.

(105) **Yale Reservoir tributaries (Cowlitz and Clark counties)** excluding Cougar Creek and including Dog, Dry, Siouxon and its tributaries including North Siouxon, West, Horseshoe, Wildcat, Chinook, and Calamity creeks: State-wide season, minimum size and limits apply.

(106) **Yellowjacket Creek (tributary to Cispus River) (Lewis County):**

(a) Selective gear rules apply.

(b) Trout: Minimum length 12 inches.

AMENDATORY SECTION (Amending WSR 16-06-073, filed 2/26/16, effective 7/1/16)

WAC 220-310-190 Freshwater exceptions to state-wide rules—Puget Sound. (1) Beaver ponds located within or adjacent to streams that drain into Puget Sound listed as open to trout and other game fish follow the same rules as the adjacent stream.

(2) **County-wide freshwater exceptions to statewide rules:**

(a) Beaver ponds in Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3):

(i) Open the fourth Saturday in April through October 31.

(ii) Trout: No minimum length.

(b) Beaver ponds in Kitsap County and Mason County east of Belfair-Bremerton Highway (S.R. 3):

(i) Open the first Saturday in June through October 31.

(ii) Trout: No minimum length.

(3) **Alder Lake (Thurston County):** Kokanee limit 10; kokanee do not count toward the trout daily limit. See also Nisqually River.

(4) **Aldrich Lake (Mason County):** Open the fourth Saturday in April through October 31.

(5) **Alexander Lake (Kitsap County):** Closed.

(6) **All Creek (Skagit County) (Suitttle River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(7) **Alma Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to two hatchery steelhead.

(8) **American Lake (Pierce County):** Chumming is permissible.

(9) **Anderson Creek (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(10) **Anderson Creek (Whatcom County) (Nooksack River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(11) **Armstrong Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(12) **Bacon Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(13) **Bacus Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(14) **Bainbridge Island - All streams (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(15) **Baker Lake (Whatcom County):**

(a) Chumming is permissible.

(b) Closed waters within a two hundred foot radius around the pump discharge at the south end of the lake.

(c) Open the fourth Saturday in April through October 31:

(d) Kokanee: Minimum length 8 inches and maximum length 18 inches.

(e) Salmon: Open July 10 through September 7.

(i) Sockeye: Limit 4; minimum length 18 inches.

(ii) Each angler aboard a vessel may deploy salmon angling gear until the limit for all licensed and juvenile anglers aboard is reached.

(16) **Baker River (Skagit County):**

(a) From the mouth to Highway 20 Bridge:

(i) Open September 1 through October 31.

(ii) Night closure in effect.

(iii) Anti-snagging rule applies.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(b) From the Highway 20 Bridge to the Baker River fish barrier dam: Closed.

(c) From the Baker River fish barrier dam to the headwaters to Shannon and Baker lakes, including tributaries and their tributaries, except Channel Creek: Open the first Saturday in June through October 31.

(17) **Barnaby Slough (Skagit County):** Closed.

(18) **Beaver Creek (Pierce County) (South Prairie Creek tributary):** Open the first Saturday in June through October 31.

(19) **Beaver Creek (Thurston County) from the mouth to I-5:**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Night closure in effect.

(d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(20) **Beaver Lake (King County):** Trout: No more than 2 over 15 inches in length.

(21) **Benson Lake (Mason County):** Open the fourth Saturday in April through October 31.

(22) **Bertrand Creek (Whatcom County) (Nooksack River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(23) **Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties):** Open the first Saturday in June through August 31 to juvenile anglers only.

(24) **Big Beaver Creek (Whatcom County), from 1/4 mile upstream of the closed water markers on Ross Lake upstream, including tributary streams and beaver ponds:**

(a) Open July 1 through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(25) **Big Beef Creek (Kitsap County):**

(a) From Seabeck Highway Bridge to Lake Symington:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(v) August 1 through August 31: Closed within 100 feet of the Seabeck Highway N.W. Bridge.

(b) From Lake Symington upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Catch and release only.

(26) **Big Creek (Skagit County) (Suiattle River tributary):**

(a) From TeePee Falls to the source: Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(27) **Big Mission Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(28) **Big Quilcene River (Jefferson County):**

(a) From the mouth to Rodgers Street:

(i) Open the first Saturday in June through August 15.

(ii) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(b) From Rodgers Street to the Highway 101 Bridge:

(i) Open the first Saturday in June through October 31.

(ii) Catch and release only.

(iii) From the first Saturday in June through August 15:

(A) Selective gear rules apply.

(B) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) August 16 through October 31:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(v) Salmon:

(A) Open August 16 through October 31.

(B) Limit 4 coho only; only coho hooked inside the mouth may be retained.

(c) From the electric weir at Quilcene National Fish Hatchery to the upper boundary of Falls View campground:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(d) From the upper boundary of Falls View campground upstream: Open the Saturday before Memorial Day through October 31.

(29) **Big Scandia Creek (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(30) **Big Soos Creek (King County):** From the mouth to the hatchery rack:

(a) Open the first Saturday in June through August 31.

(b) Trout: Minimum length 14 inches.

(31) **Bingham Creek (Mason County) (Satsop River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(32) **Black Creek (Snohomish County) (South Fork Stillaguamish River tributary):** Open the Saturday before Memorial Day through October 31 from the Bear Creek confluence upstream.

(33) **Black Lake (Thurston County):** Crappie: Limit 10; minimum length 9 inches.

(34) **Black Lake Ditch (Thurston County):** From the confluence with Percival Creek upstream to Black Lake.

(a) Selective gear rules apply.

(b) Open the first Saturday in June through October 31.

(c) Trout: Minimum size 14 inches.

(d) Open November 1 through the first Friday in June: Catch and release only.

(35) **Blackjack Creek (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(36) **Blackman's Lake (Snohomish County):** Trout limit 5; no more than 2 over 15 inches in length.

(37) **Blooms Ditch (Thurston County) (Black River tributary):** From the mouth to I-5:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Night closure in effect.

(d) Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(38) **Boise Creek (King County) (White River tributary):** Open the first Saturday in June through October 31 upstream of the Highway 410 crossing.

(39) **Bosworth Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(40) **Boulder Creek (Skagit County) (Cascade River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(41) **Boulder River (Snohomish County) (N.F. Stillaguamish River tributary):**

(a) From the mouth to Boulder Falls:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(b) From Boulder Falls upstream: Open the Saturday before Memorial Day through October 31.

(42) **Boxley Creek (North Bend, King County) (Tributary to the South Fork Snoqualmie River):** Open the Saturday before Memorial Day through October 31 upstream from the falls located approximately at river mile 0.9.

(43) **Boyle Lake (King County):**

(a) Open the fourth Saturday in April through October 31.

(b) The inlet and outlet streams to Boyle Lake are closed.

(44) **Bradley Lake (Pierce County):**

(a) Open May 15 through the last day of free fishing weekend, as defined in WAC 220-55-160, to juvenile anglers only.

(b) Salmon: Landlocked salmon rules apply.

(45) **Bridges Lake (King County):**

(a) Open the fourth Saturday in April through October 31.

(b) The inlet and outlet streams to Bridges Lake are closed.

(46) **Buck Creek (Skagit County) (Suiattle River tributary):**

(a) Open the first Saturday in June through October 31 from the upstream boundary of Buck Creek campground.

(b) Selective gear rules apply.

(47) **Buck Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

(48) **Burley Creek (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(49) **Cady Lake (Mason County):**

(a) Open to fly fishing only.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

(50) **Cain Lake (Whatcom County):** Open the fourth Saturday in April through October 31.

(51) **California Creek (Whatcom County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(52) **Calligan Lake (King County):**

(a) Open June 1 through October 31.

(b) All tributary streams and the upper third of the outlet are closed.

(c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(53) **Camp Creek (Snohomish County) (Whitechuck River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(54) **Campbell Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(55) **Campbell Lake (Skagit County):**

Grass carp: No limit for anglers and bow and arrow fishing.

(56) **Canyon Creek (Snohomish County) (Suiattle River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(57) **Canyon Creek (Snohomish County) (S.F. Stillaguamish River):**

(a) Open the first Saturday in June through January 31 from the mouth to the forks.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(58) **Canyon Creek (Whatcom County) (North Fork Nooksack River):**

(a) Open the Saturday before Memorial Day through October 31 from Canyon Creek Road Bridge upstream, including tributaries.

(b) Selective gear rules apply.

(59) **Capitol Lake (Thurston County):** Closed.

(60) **Carbon River (Pierce County):**

(a) From the mouth to Voight Creek:

(i) Open September 1 through January 15.

(ii) From September 1 through November 30: Night closure in effect and anti-snagging rule applies.

(iii) Trout:

(A) September 1 through November 30: Minimum length 14 inches.

(B) From December 1 through January 15:

(I) Selective gear rules apply.

(II) Release all fish except anglers may retain up to 2 hatchery steelhead.

(iv) Salmon:

(A) Open September 1 through November 30.

(B) Limit 6 fish of which no more than 4 may be adult salmon and, of the 4 adults, no more than 2 may be adult hatchery Chinook.

(C) Release chum and wild adult Chinook salmon.

(b) From Voight Creek to the Highway 162 Bridge:

(i) Open from November 1 through January 15.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

- (61) **Carney Lake (Pierce County):**
 (a) Open the fourth Saturday in April through June 30 and September 1 through November 30.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Salmon: Landlocked salmon rules apply.
- (62) **Carson Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (63) **Cascade Creek (San Juan County):**
 (a) Open the first Saturday in June through October 31 from the mouth to Cascade Lake.
 (b) Selective gear rules apply.
 (c) Release all fish except anglers may retain eastern brook trout.
- (64) **Cascade Lake (San Juan County):** Open the fourth Saturday in April through October 31.
- (65) **Cascade River (Skagit County):**
 (a) From the mouth to the Rockport-Cascade Road Bridge:
 (i) Open June 1 through July 15 and September 16 through January 31:
 (A) Anti-snagging rule applies and night closure in effect June 1 through July 15 and September 16 through November 30.
 (B) Trout: Limit 2; minimum length 14 inches. Anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.
 (ii) Salmon:
 (A) Open June 1 through July 15:
 (I) Up to 4 hatchery Chinook may be retained; only 2 hatchery Chinook may be adults.
 (II) Release all other salmon.
 (B) Open September 16 through November 30:
 (I) Up to 4 coho may be retained.
 (II) Release all other salmon.
 (b) From the Rockport-Cascade Road Bridge upstream:
 (i) Open the first Saturday in June through January 31.
 (ii) Selective gear rules apply.
 (iii) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (66) **Cavanaugh Creek (Whatcom County) and all tributaries:** Open the Saturday before Memorial Day through October 31 upstream from where Cavanaugh Creek first flows into Whatcom County, 0.4 lineal miles from its confluence with the South Fork Nooksack River.
- (67) **Cavanaugh Lake (Skagit County):** Chumming is permissible.
- (68) **Cayada Creek (Pierce County) (Carbon River tributary):** Open the first Saturday in June through October 31.
- (69) **Cedar Creek (Mason County):** Open the Saturday before Memorial Day through October 31.
- (70) **Cedar River (King County):**
 (a) Open the first Saturday in June through August 31 from the mouth to Landsburg Road.
 (b) Selective gear rules apply and night closure.
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (d) Trout: Catch and release only.
- (71) **Chain Lake (Snohomish County):**

- (a) Selective gear rules apply.
 (b) Trout: Limit 2; minimum length 14 inches.
- (72) **Chambers Creek (Pierce County):**
 (a) From the mouth (Burlington Northern Bridge) to the markers 400 feet below the Boise-Cascade Dam (Pierce County):
 (i) Selective gear rules apply, except bait is permissible September 1 through October 15.
 (ii) Open July 1 through November 15 for game fish and salmon.
 (iii) Night closure in effect and anti-snagging rule applies.
 (iv) Trout: Catch and release.
 (v) Salmon:
 (A) Limit 6 fish of which no more than 4 may be adult salmon.
 (B) Release wild coho.
 (b) From Boise-Cascade Dam to Steilacoom Lake:
 (i) Open July 1 through October 31.
 (ii) Night closure in effect and selective gear rules apply.
 (iii) Trout: Minimum size 14 inches.
- (73) **Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County):**
 (a) Selective gear rules apply.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Trout: Catch and release only.
- (74) **Channel Creek (Skagit County) (Baker River tributary):** Open the first Saturday in June through August 31.
- (75) **Chaplain Creek (Snohomish County) (Sultan River tributary):**
 (a) Above the falls near the mouth to the inlet to the beaver pond (Grass Lake) below the water filtration plant gate, including tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.
 (b) Waters adjacent to the water filtration plant, from the inlet to the beaver pond (Grass Lake) below the water filtration plant gate to the waterfall approximately .4 miles upstream: Closed.
 (c) Above the waterfall located approximately .4 miles upstream of the water filtration plant gate, including tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.
- (76) **Chaplain Lake (Snohomish County):** Closed.
- (77) **Cherry Creek (King/Snohomish County) (tributary to the Snoqualmie River):** Open the Saturday before Memorial Day through October 31 above Cherry Creek Falls (located at river mile 9.3, approximately 1 mile upstream of Stossel/Kelly Rd), including all tributaries and beaver ponds.
- (78) **Chilliwack River (Whatcom County):** Open the first Saturday in June through October 31, including all tributaries and their tributaries.
- (79) **Church Creek (Mason County):** Open the Saturday before Memorial Day through October 31 upstream of the bridge on U.S. Forest Service Road #2361.
- (80) **Clara Lake (also known as "Don Lake") (Mason County):** Open the fourth Saturday in April through October 31.
- (81) **Clarks Creek (Pierce County):**

(a) Open the first Saturday in June through August 15 from the mouth to 12th Avenue S.W.

(b) Selective gear rules apply.

(c) Trout: Limit 2; minimum length 14 inches.

(82) Clear Creek (Snohomish County) (Sauk River tributary): Open the Saturday before Memorial Day through October 31 from Asbestos Creek Falls.

(83) Clear Lake (Pierce County):

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

(c) Kokanee: Limit 10; no size restrictions.

(d) Salmon: Landlocked salmon rules apply.

(84) Clear Lake (Thurston County): Open the fourth Saturday in April through October 31.

(85) Clearwater River (Pierce County):

(a) Open July 1 through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(86) Clover Creek (Pierce County):

(a) Open July 1 through October 31 upstream of Steila-coom Lake, including all tributaries.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(87) Coal Creek (tributary of Lake Washington) (King County): Open the first Saturday in June through August 31 to juvenile anglers only.

(88) Coal Creek (near Snoqualmie) (King County):

(a) From the mouth to Highway I-90:

(i) Open the fourth Saturday in April through October 31 to juvenile anglers only.

(ii) Trout: No minimum length.

(b) From Highway I-90 upstream: Open the Saturday before Memorial Day through October 31.

(89) Copper Creek (Snohomish County) (Clear Creek tributary, a tributary of Sauk River): Open the Saturday before Memorial Day through October 31.

(90) Cottage Lake (King County): Open the fourth Saturday in April through October 31.

(91) Coulter Creek (Kitsap/Mason counties):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(92) County Line Ponds (Skagit County): Closed.

(93) Crabapple Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(94) Cranberry Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(95) Crescent Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(96) Crescent Lake (Pierce County): Open the fourth Saturday in April through October 31.

(97) Cumberland Creek (Whatcom County): Open the Saturday before Memorial Day through October 31 upstream from the USFS 17 Road Bridge located 0.7 lineal

miles from its confluence with the Skagit River, including all tributaries.

(98) Dakota Creek (Whatcom County):

(a) Open the first Saturday in June through December 31 from the mouth to Giles Road Bridge.

(b) Selective gear rules apply.

(c) Salmon:

(i) Open October 1 through December 31.

(ii) Limit 2 salmon.

(iii) Release wild Chinook.

(99) De Coursey Pond (Pierce County):

(a) Open the fourth Saturday in April through November 30 to juvenile anglers only.

(b) Salmon: Landlocked salmon rules apply.

(100) Decker Creek (Mason County) (Satsop River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(101) Deer Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(102) Deer Lake (Island County): Open the fourth Saturday in April through October 31.

(103) Deer Lake (Mason County): Open the fourth Saturday in April through October 31.

(104) Dempsey Creek (Thurston County) (Black River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(105) Deschutes River (Thurston County):

(a) From Old Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park:

(i) Selective gear rules apply, except bait is allowed September 1 through October 15.

(ii) Trout: Open year-round; catch and release only.

(iii) All other game fish: Open the first Saturday in June through October 15.

(iv) Salmon:

(A) Open July 1 through October 15.

(B) Limit 6; no more than 2 adult salmon may be retained.

(C) Release coho.

(b) From Henderson Boulevard Bridge upstream:

(i) Open year-round.

(ii) Selective gear rules apply.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open July 1 through October 15.

(B) Limit 6; no more than 2 adult salmon may be retained.

(C) Release coho.

(106) Devereaux Lake (Mason County): Open the fourth Saturday in April through October 31.

(107) Dewatto River (Mason County):

(a) From the mouth to Dewatto-Holly Road Bridge:

(i) Open the first Saturday in June through August 15 and October 1 through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) October 1 through October 31: Night closure in effect.

(v) Game fish: Catch and release only.

(vi) Salmon:

(A) Open October 1 through October 31.

(B) Limit 2 coho.

(b) From Dewatto-Holly Road Bridge upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(108) Diobsud Creek (Skagit County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(109) Dogfish Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(110) Dosewallips River (Jefferson County):

(a) From the mouth to Highway 101 Bridge:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all gamefish.

(v) Salmon:

(A) Open November 1 through December 15.

(B) Limit 2 chum only.

(b) From Highway 101 Bridge to Olympic National Park boundary about three-quarters of a mile downstream of the falls:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all gamefish.

(111) Downey Creek (Snohomish County) (Suittle River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(112) Duckabush River (Jefferson County):

(a) From the mouth to Mason County PUD #1 overhead distribution line:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all game fish.

(v) Salmon:

(A) Open November 1 through December 15.

(B) Limit 2 chum only.

(b) From Mason County PUD #1 overhead distribution line to the Olympic National Park boundary:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(113) Dyes Inlet (Kitsap County):

(a) Open the first Saturday in June through October 31 for all streams.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(114) Eaton Creek (Thurston County) (Lake St. Clair tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(115) Echo Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(116) Eglon Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(117) Erie Lake (Skagit County): Open the fourth Saturday in April through October 31.

(118) Evans Creek (Pierce County) (Carbon River tributary): Open the first Saturday in June through October 31 from Carbon River Fairfax Road upstream.

(119) Falls Creek (Snohomish County) (Sauk River tributary): From the falls located 0.4 mile upstream from the mouth to the headwaters: Open the Saturday before Memorial Day through October 31.

(120) Fazon Lake (Whatcom County):

(a) It is unlawful to fish from any floating device from the first Friday in October through January 27.

(b) Channel catfish: Limit 2.

(121) Finch Creek (Mason County): Anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card may fish from the ADA accessible site at the Hoodspout Salmon Hatchery, so long as those anglers follow all applicable rules of the adjoining waters of Marine Area 12.

(122) Finney Creek (Skagit County) including all tributaries from upstream of the USFS 17 road bridge: Open the Saturday before Memorial Day through October 31.

(123) Fisher Slough (Snohomish County):

(a) Open the first Saturday in June through October 31 from the mouth to the I-5 Bridge.

(b) Trout: Minimum length 14 inches.

(124) Fishtrap Creek (Whatcom County): Open from Kok Road to Bender Road from the first Saturday in June through October 31 for juvenile anglers only.

(125) Fiske Creek (Pierce County) (Puyallup River tributary): Open upstream from Fiske Road from the first Saturday in June through October 31.

(126) Fortson Mill Pond #2 (Snohomish County): Open the fourth Saturday in April through October 31 for juvenile anglers only.

(127) Found Creek (Skagit County) (Cascade River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(128) Fox Creek (Pierce County) (Puyallup River tributary): Open upstream from Fiske Road from the first Saturday in June through October 31.

(129) Friday Creek (Whatcom County) (Samish River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(130) Fulton Creek (Mason County):

- (a) From the mouth to falls at river mile 0.8:

- (i) Open the first Saturday in June through October 31.
- (ii) Selective gear rules apply.
- (iii) Catch and release only.

- (b) From the falls at river mile 0.8 upstream: Open the Saturday before Memorial Day through October 31.

(131) Gale Creek (Pierce County) (South Prairie Creek tributary): Open upstream of the confluence with Wilkeson Creek from the first Saturday in June through October 31.**(132) Gamble Creek (Kitsap County):**

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Catch and release only.

(133) Geneva Lake (King County): Open the fourth Saturday in April through October 31.**(134) Gissberg Pond, North (Snohomish County):** Open for juvenile anglers only.**(135) Gissberg Ponds (Snohomish County):** Channel catfish limit 2; no minimum size.**(136) Goldsborough Creek (Mason County):**

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Catch and release only.

(137) Goodell Creek (Skagit County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(138) Goodman Creek (Skagit County) above the Mountain Loop Highway: Open Saturday before Memorial Day through October 31.**(139) Goodwin Lake (Snohomish County):** Chumming is permissible.**(140) Goss Lake (Island County):** Open the fourth Saturday in April through October 31.**(141) Grade Creek (Snohomish County) (Suiattle River tributary):**

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(142) Granite Lakes (near Marblemount) (Skagit County): Grayling: Catch and release only.**(143) Grass Lake (Mason County):** Open the fourth Saturday in April through October 31.**(144) Green (Duwamish) River (King County):**

- (a) From the First Avenue South Bridge to Tukwila International Boulevard/Old Highway 99:

- (i) September 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

- (ii) November 1 through January 15: It is unlawful to fish from any floating device.

- (iii) Open the first Saturday in June through July 31 and September 1 through January 15: Trout minimum length 14 inches.

- (iv) In years ending in odd numbers, open for game fish and salmon August 20 through August 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use bait.

- (D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.

(E) Trout: Minimum length 14 inches.

(v) Salmon:

(A) In years ending in odd numbers:

(I) Open August 20 through December 31.

- (II) Limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(III) Release Chinook.

(B) In years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit 6; no more than 3 adults may be retained.

(III) Release Chinook.

- (b) From Tukwila International Boulevard/Old Highway 99 to the Interstate 405 Bridge:

(i) September 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

- (ii) In years ending in odd numbers: Open for salmon and gamefish August 20 through August 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use bait.

- (D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.

(E) Trout: Minimum length 14 inches.

- (ii) November 1 through January 15: It is unlawful to fish from any floating device.

- (iv) Open the first Saturday in June through July 31 and September 1 through January 15; trout minimum length 14 inches.

- (v) In years ending in odd numbers, open for gamefish and salmon August 20 through December 31.

(vi) Salmon:

(A) In years ending in odd numbers:

(I) Open August 20 through December 31.

- (II) Limit 6 salmon; no more than 3 may be any combination of adult coho and adult chum.

(III) Release Chinook.

(B) In years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit 6; only 3 adults may be retained.

(III) Release Chinook.

- (c) From the Interstate 405 Bridge to South 277th Street Bridge in Auburn:

(i) October 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

- (ii) November 1 through January 15: It is unlawful to fish from any floating device.

- (iii) Open the first Saturday in June through July 31 and October 1 through January 15: Trout minimum length 14 inches.

- (iv) In years ending in odd numbers, open for game fish and salmon September 1 through September 30:

- (A) Night closure in effect.
- (B) Anti-snagging rule applies.
- (C) It is unlawful to use bait.
- (D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.
- (E) Trout: Minimum length 14 inches.
- (v) Salmon:
 - (A) In years ending in odd numbers:
 - (I) Open September 1 through December 31.
 - (II) Limit 6; no more than 3 may be any combination of adult coho and adult chum.
 - (III) Release Chinook.
 - (B) In years ending in even numbers:
 - (I) Open October 1 through December 31.
 - (II) Limit 6; only 3 adults may be retained.
 - (III) Release Chinook.
- (d) From the 277th Street Bridge to Auburn-Black Diamond Road Bridge:
 - (i) October 16 through November 30:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
 - (ii) November 1 through January 31: It is unlawful to fish from a floating device.
 - (iii) Open the first Saturday in June through August 15 and October 16 through January 31; trout minimum length 14 inches.
 - (iv) In years ending in odd numbers, open for game fish and salmon September 16 through October 15:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
 - (C) It is unlawful to use bait.
 - (D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.
 - (E) Trout: Minimum length 14 inches.
 - (v) Salmon:
 - (A) In years ending in odd numbers:
 - (I) Open September 16 through December 31.
 - (II) Limit 6; no more than 3 may be any combination of adult coho and adult chum.
 - (III) Release Chinook.
 - (B) In years ending in even numbers:
 - (I) Open October 16 through December 31.
 - (II) Limit 6; only 3 adults may be retained.
 - (III) Release Chinook.
 - (e) From the Auburn-Black Diamond Road Bridge to the mouth of Cristy Creek at Flaming Geyser State Park:
 - (i) Closed waters within 150 feet of the mouth of Keta (Crisp) Creek.
 - (ii) August 1 through September 15 and November 1 through November 30:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
 - (iii) Open the first Saturday in June through September 15 and November 1 through January 31; trout minimum length 14 inches.
 - (iv) Salmon open November 1 through December 31.
 - (A) In years ending in odd numbers:
 - (I) Limit 6; no more than 3 may be any combination of adult coho and adult chum.
 - (II) Release Chinook.
 - (B) In years ending in even numbers:
 - (I) Limit 6; only 3 adults may be retained.
 - (II) Release Chinook.
 - (f) From the mouth of Cristy Creek at Flaming Geyser State Park to the water pipeline walk bridge (1/2 mile downstream of Tacoma Headworks Dam):
 - (i) Closed waters within 150 feet of the Palmer Pond outlet rack.
 - (ii) August 1 through November 30:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
 - (iii) Open the first Saturday in June through January 31: Trout minimum length 14 inches.
 - (iv) Salmon open November 1 through December 31:
 - (A) In years ending in odd numbers:
 - (I) Limit 6; no more than 3 may be any combination of adult coho and adult chum.
 - (II) Release Chinook.
 - (B) In years ending in even numbers:
 - (I) Limit 6; only 3 adults may be retained.
 - (II) Release Chinook.
 - (g) From Friday Creek upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.
 - (145) **Greenwater River (King County):**
 - (a) From the mouth to Greenwater Lakes:
 - (i) Open November 1 through January 31.
 - (ii) Release all fish except whitefish.
 - (iii) Whitefish gear rules apply.
 - (b) From Greenwater Lakes upstream: Open the first Saturday in June through October 31.
 - (146) **Grovers Creek (Kitsap County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Trout: Minimum size 14 inches.
 - (147) **Hamma Hamma River (Mason County):**
 - (a) From the mouth to 400 feet below the falls:
 - (i) Open the first Saturday in June through August 31.
 - (ii) Selective gear rules apply.
 - (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iv) Catch and release only.
 - (b) From the falls upstream: Open the Saturday before Memorial Day through October 31.
 - (148) **Hancock Lake (King County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) All tributary streams and the upper third of the outlet are closed.
 - (c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
 - (149) **Hansen Creek (Skagit County):** Including all tributaries and their tributaries:
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (150) **Harrison Slough (Skagit County):** Open the first Saturday in June through October 31.
 - (151) **Hatchery Lake (Mason County):** Open the fourth Saturday in April through October 31.

(152) **Haven Lake (Mason County):** Open the fourth Saturday in April through October 31.

(153) **Heart Lake (near Anacortes) (Skagit County):** Open the fourth Saturday in April through October 31.

(154) **Heins Lake (Kitsap County):** Closed.

(155) **Hicks Lake (Thurston County):** Open the fourth Saturday in April through October 31.

(156) **Hilt Creek (Skagit County) (Sauk River tributary) and all connected tributaries and beaver ponds above the falls (located 0.2 miles above the Highway 530 crossing):** Open the Saturday before Memorial Day through October 31.

(157) **Horseshoe Lake (Kitsap County):**

(a) Open the fourth Saturday in April through October 31.

(b) Salmon: Landlocked salmon rules apply.

(158) **Howard Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from where Howard Creek flows into Section 13 of Township 36N, Range 6E, 0.3 lineal miles upstream from the South Fork Nooksack River, including all tributaries.

(159) **Howard Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(160) **Howell Lake (Mason County):** Open the fourth Saturday in April through October 31.

(161) **Hozomeen Lake (Whatcom County):**

(a) Open July 1 through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(162) **Hylebos Creek (Pierce County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(163) **Illabot Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(164) **Illahee Creek (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(165) **Issaquah Creek (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.

(166) **Jackman Creek (Skagit County):** Open the Saturday before Memorial Day through October 31 from the falls located 0.7 miles above Highway 20 upstream.

(167) **Jackson Lake (Pierce County):** Open the fourth Saturday in April through October 31.

(168) **Jefferson Creek (Mason County):** Open the Saturday before Memorial Day through October 31.

(169) **Jennings Park Pond (Snohomish County):** Open the fourth Saturday in April through October 31 for juvenile anglers only.

(170) **Johns Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(171) **Johnson Creek (Thurston County) (Skookumchuck River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(172) **Johnson Creek (Whatcom County):** Open the first Saturday in June through October 31 from the Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas for juvenile anglers only.

(173) **Jones Creek (Skagit County):** Open the Saturday before Memorial Day through October 31 above the falls located 0.6 miles above Highway 20 upstream.

(174) **Jordan Creek (Skagit County) (Cascade River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(175) **Jorsted Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(176) **Kelsey Creek (tributary of Lake Washington) (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.

(177) **Kendall Creek (Whatcom County) (N.F. Nooksack tributary):** ~~((a))~~ Open the Saturday before Memorial Day through October 31 above the hatchery grounds.

~~((b) Selective gear rules apply.)~~

(178) **Kennedy Creek (Mason County):**

(a) From the mouth to ~~((400 feet below the falls))~~ Highway 101 Bridge:

(i) Open the first Saturday in June through the last day in February.

(ii) October 1 through December 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout minimum length 14 inches.

(iv) Salmon:

(A) Open October 1 through November 30.

(B) Limit 6; no more than 2 adults may be retained.

(C) Release wild coho.

(b) From Highway 101 Bridge to 400 feet below the falls:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply ((January 1 through September 30)).

(iii) Trout: Catch and release only.

(iv) October 1 through ~~((December))~~ October 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

((iv) Trout: Minimum length 14 inches.

(v) Salmon:

(A) ~~Open October 1 through November 30 from the mouth to the northbound Highway 101 Bridge.~~

(B) ~~Limit 6; no more than 2 adults may be retained.~~

(C) ~~Release wild coho.~~

~~((b))~~ (c) From the falls upstream, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply within the mainstem of Kennedy Creek.

(179) **Kennedy Creek Pond (Thurston County):** Open the fourth Saturday in April through October 31.

(180) **Ki Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(181) Kimball Creek (near Snoqualmie) (King County):

(a) Open the fourth Saturday in April through October 31 for juvenile anglers only.

(b) Trout: No minimum length.

(182) Kindy Creek (Skagit County) (Cascade River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(183) King's Creek (Pierce County) (Puyallup River tributary): Open the first Saturday in June through October 31.

(184) Kings Lake Bog (King County): Closed.

(185) Klaus Lake (King County):

(a) Open the fourth Saturday in April through October 31.

(b) The inlet and outlet to first Weyerhaeuser spur are closed.

(186) Koeneman Lake (Fern Lake) (Kitsap County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Catch and release only.

(187) Ladder Creek (Skagit County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(188) Langlois Lake (King County): Open the fourth Saturday in April through October 31.

(189) LeBar Creek (Mason County): Open the Saturday before Memorial Day through October 31 from the falls at river mile one upstream.

(190) Lena Creek (Mason County): Open the Saturday before Memorial Day through October 31.

(191) Lilliwaup River (Mason County):

(a) From the mouth to 200 feet below the falls:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(b) From the falls upstream: Open the Saturday before Memorial Day through October 31.

(192) Lime Creek (Snohomish County) (Suiattle River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(193) Limerick Lake (Mason County): Open the fourth Saturday in April through October 31.

(194) Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Open the first Saturday in June through August 31 for juvenile anglers only.

(195) Little Mission Creek (Mason County) from falls upstream:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(196) Little Scandia Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(197) Lone Lake (Island County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit 1; minimum length 18 inches.

(d) Grass carp: No limit for anglers and bow and arrow fishing.

(198) Long's Pond (Thurston County): Open for juvenile anglers only.

(199) Lyle Creek (King County) (White River tributary): Open the first Saturday in June through October 31.

(200) Maggie Lake (Mason County): Open the fourth Saturday in April through November 30.

(201) Malaney Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(202) Maple Creek (Whatcom County) (N.F. Nooksack tributary) above Maple Falls: Open the Saturday before Memorial Day through October 31.

(203) Marble Creek (Skagit County) (Cascade River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(204) Margaret Lake (King County): Open the fourth Saturday in April through October 31.

(205) Marsh Creek (Snohomish County) (Sultan River tributary): Open the Saturday before Memorial Day through October 31 above the falls, including tributaries and beaver ponds.

(206) Martha Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(207) Martha Lake (Warm Beach) (Snohomish County):

(a) Selective gear rules apply.

(b) Trout: Limit 2; minimum length 14 inches.

(208) May Creek (tributary of Lake Washington) (King County):

Open the first Saturday in June through August 31 for juvenile anglers only.

(209) McAllister Creek (Thurston County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(d) Salmon:

(i) Open July 1 through November 30.

(ii) Limit 6; of which no more than 2 may be adults.

(210) McLane Creek (Thurston County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release.

(d) Night closure in effect.

(211) McLane Creek Ponds (Thurston County): Open the fourth Saturday in April through October 31.

(212) McMurray Lake (Skagit County):

- (a) Open the fourth Saturday in April through October 31.
- (b) Landlocked salmon rules apply.
- (213) **Melbourne Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (214) **Mercer Slough (tributary of Lake Washington) (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.
- (215) **Milk Creek (Snohomish County) (Suiattle River tributary):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (216) **Mill Creek (Mason County):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Minimum length 14 inches.
- (217) **Mill Pond (Auburn) (King County):** Open the fourth Saturday in April through October 31 for juvenile anglers only, except open for all anglers during free fishing weekend, as defined by department rule.
- (218) **Mima Creek (Thurston County) (Black River tributary):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (219) **Minter Creek (Pierce/Kitsap counties):** From the mouth to the fishing boundary markers approximately 50 feet downstream of the hatchery rack:
- (a) Open for salmon November 1 through December 31.
- (b) Night closure in effect.
- (c) Limit 4 chum; release all other salmon.
- (220) **Mission Lake (Kitsap County):** Open the fourth Saturday in April through October 31.
- (221) **Monte Cristo Lake (Snohomish County):**
- (a) Open the first Saturday in June through August 31.
- (b) Selective gear rules apply.
- (c) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (222) **Mountain Lake (San Juan County):** It is unlawful to retain more than one trout over 18 inches in length.
- (223) **Mud Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (224) **Munn Lake (Thurston County):**
- (a) Selective gear rules apply.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Catch and release only.
- (225) **New Pond Creek (Pierce County) (South Prairie Creek tributary):** Open the first Saturday in June through October 31.
- (226) **Newhalem Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 above the power facility.
- (227) **Newhalem Ponds (Whatcom County):** Closed.
- (228) **Nisqually River (Pierce County):**
- (a) From the mouth to Military Tank Crossing Bridge:
- (i) Closed August 3 through August 5, August 10 through August 12, August 17 through August 19, August 24 through August 26, August 31 through September 2, September 8 through September 10, September 14 through September 16, September 21 through September 23, and September 28 through September 29.
- (ii) July 1 through January 31:
- (A) Anti-snagging rule applies.
- (B) Night closure in effect.
- (C) Barbless hooks are required.
- (iii) Open July 1 through January 31:
- (A) From July 1 through November 30: Trout minimum length 14 inches.
- (B) From December 1 through January 31: Catch and release.
- (iv) Salmon open July 1 through January 31.
- (A) In years ending in even numbers, from July 1 through October 31:
- (I) Limit 6; no more than 3 adults may be retained, and only 2 adults may be any combination of chum and coho.
- (II) Release wild Chinook.
- (B) In years ending in odd numbers, from July 1 through October 31:
- (I) Limit 6; no more than 3 adults may be retained plus one pink salmon; no more than 2 adults may be any combination of chum and coho.
- (II) Release wild Chinook.
- (C) From November 1 through January 31:
- (I) Limit 6; only 2 adults may be retained.
- (II) Release wild Chinook.
- (b) From Military Tank Crossing Bridge to 400 feet below La Grande Powerhouse:
- (i) Open July 1 through October 31.
- (ii) Selective gear rules apply.
- (iii) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (iv) From Alder Reservoir upstream including all tributaries:
- (A) Open the Saturday before Memorial Day through October 31.
- (B) Selective gear rules apply.
- (C) Trout minimum length 14 inches.
- (v) Alder Reservoir tributaries:
- (A) Open the Saturday before Memorial Day through October 31.
- (B) Trout: Daily limit 2 over 14 inches in length.
- (C) Selective gear rules apply.
- (229) **Nookachamps Creek (Skagit County):**
- (a) Open the first Saturday in June through October 31, including all tributaries and their tributaries.
- (b) Selective gear rules apply.
- (230) **Nooksack River (Whatcom County):**
- (a) From the Lummi Indian Reservation boundary to the yellow marker at the FFA High School barn at Deming:
- (i) Open the first Saturday in June through January 31.
- (ii) From the first Saturday in June through November 30:
- (A) Anti-snagging rule applies.
- (B) Night closure in effect.
- (iii) Trout: Minimum length 14 inches.
- (iv) Salmon:
- (A) Open September 1 through December 31:
- (I) Limit 2, plus 2 additional coho.

(II) Release wild Chinook September 1 through September 30.

(B) Open July 16 through August 31 from Lummi Indian Reservation boundary to Highway 544 Bridge at Everson during odd-numbered years:

(I) Limit 4 pink salmon.

(II) It is unlawful to use bait.

(III) It is unlawful to use anything other than single-point hooks measuring 1/2 inch or less from point to shank.

(b) From the yellow marker at the FFA High School barn in Deming to the confluence of the forks:

(i) Open from October 1 through January 31.

(ii) October 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(iv) Salmon open October 1 through December 31: Limit 2, plus anglers may retain 2 additional coho.

(231) Nooksack River, North Fork (Whatcom County):

(a) From the mouth to Maple Creek:

(i) Open the first Saturday in June through February 15.

(ii) From the first Saturday in June through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) November 1 through February 15: It is unlawful to fish from a floating device equipped with a motor.

(iv) Trout minimum length 14 inches.

(v) Salmon open October 1 through November 30: Limit 2 salmon, plus anglers may retain 2 additional coho.

(b) From Maple Creek to Nooksack Falls:

(i) Open the first Saturday in June through January 31.

(ii) Selective gear rules apply.

(iii) November 1 through January 31: It is unlawful to fish from a floating device equipped with a motor.

(iv) Trout: Minimum length 14 inches.

(c) The waters above Nooksack Falls, including all tributaries and their tributaries are open the Saturday before Memorial Day through October 31.

(232) Nooksack River, Middle Fork (Whatcom County):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to the city of Bellingham diversion dam:

(i) November 1 through January 31: It is unlawful to use motors.

(ii) Open the first Saturday in June through January 31.

(iii) Selective gear rules apply.

(iv) Trout: Minimum size 14 inches.

(c) The waters above the diversion dam, including all tributaries and their tributaries are open the Saturday before Memorial Day through October 31.

(233) Nooksack River, South Fork (Skagit/Whatcom counties):

(a) Release all fish except mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to Skookum Creek:

(i) Open the first Saturday in June through January 31.

(ii) Selective gear rules apply.

(iii) From the first Saturday in June through November 30: Night closure in effect.

(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(v) Salmon open October 1 through December 31:

(A) Limit 2; plus anglers may retain 2 additional coho.

(B) Release chum.

(C) In years ending in odd numbers, release pink salmon.

(c) Upstream from and including Wanlick Creek, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31 for fly fishing only.

(ii) Catch and release only except mandatory hatchery steelhead retention.

(234) North Creek (Snohomish/King counties) (tributary of Sammamish River): Open the first Saturday in June through August 31 for juvenile anglers only.

(235) North Lake (King County): Open the fourth Saturday in April through October 31.

(236) Northern State Hospital Pond (Skagit County): Open the fourth Saturday in April through October 31 for juvenile anglers only.

(237) Ohop Creek (Pierce County):

(a) Open July 1 through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(238) Ohop Lake (Pierce County): There are no size restrictions for kokanee.

(239) Olalla Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(240) Old Fishing Hole Pond (Kent, King County): Open the fourth Saturday in April through October 31 for juvenile anglers only.

(241) Olney Creek (Snohomish County) (Wallace River tributary): The waters upstream of Olney Falls, including tributaries and beaver ponds are open the Saturday before Memorial Day through October 31.

(242) Olson Creek (Skagit County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(243) Osborne Lake (Mason County): Open the fourth Saturday in April through October 31.

(244) O'Toole (Marietta) Creek (Whatcom County): The waters upstream from Marietta Falls, located 0.3 lineal miles from the Skagit River, are open the Saturday before Memorial Day through October 31.

(245) Outlet Creek (Mason County) (Satsop River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(246) Owl Creek (Snohomish County) (Whitechuck River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(247) Padden Lake (Whatcom County):

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(248) **Panhandle Lake (Mason County):** Open the fourth Saturday in April through October 31.

(249) **Panther Lake (Kitsap/Mason counties):** Open the fourth Saturday in April through October 31.

(250) **Pass Lake (Skagit County):**

(a) Open to fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Catch and release only.

(251) **Percival Creek (Thurston County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(252) **Perry Creek (Thurston County):**

(a) Open the first Saturday in June through October 31 from the mouth to the falls.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(253) **Phillips Lake (Mason County):** Open the fourth Saturday in April through October 31.

(254) **Pilchuck Creek (Snohomish County):**

(a) From the mouth to the Highway 9 Bridge:

(i) Open the first Saturday in June through January 31.

(ii) From the first Saturday in June through November 30: Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(b) From the Highway 9 Bridge to Pilchuck Falls:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(c) From Pilchuck Falls upstream, including all tributaries and their tributaries, and all tributaries to Lake Cavanaugh: Open the Saturday before Memorial Day through October 31.

(255) **Pilchuck River (Snohomish County):**

(a) Open from December 1 through January 31 from the mouth to 500 feet downstream from the Snohomish City diversion dam.

(b) It is unlawful to fish from any floating device.

(c) Trout: Minimum length 14 inches.

(256) **Pine Creek (Mason County):** Open the Saturday before Memorial Day through October 31.

(257) **Pine Lake (King County):** Open the fourth Saturday in April through October 31.

(258) **Pine Lake (Mason County):** Open the fourth Saturday in April through October 31.

(259) **Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County):** Closed.

(260) **Plumbago Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from the Sierra Pacific 140 road bridge located 0.5 lineal miles upstream from the South Fork Nooksack River, including all tributaries.

(261) **Pratt River (tributary to Middle Fork Snoqualmie River) (King County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(262) **Pressentin Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from the waterfall located 0.3 miles from the Skagit River, including all tributaries.

(263) **Prices Lake (Mason County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

(264) **Pugh Creek (Snohomish County) (Whitechuck River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(265) **Puyallup River (Pierce County):**

(a) From the mouth to Freeman Road:

(i) Open for game fish and salmon August 10 through December 31.

(ii) Closed August 30 through August 31, September 6 through September 8, September 13 through September 15, September 20 through September 23, September 27 through September 30, October 4 through October 7, and October 11 through October 14.

(iii) Closed within 400 feet of the mouth of Clarks Creek.

(iv) August 10 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) Barbless hooks are required.

(v) Trout: Minimum length 14 inches.

(vi) Salmon:

(A) In years ending in odd numbers:

(I) Limit 6. No more than 2 adults may be retained. Two pink adults may be retained in addition to the 2 adult limit.

(II) Release wild adult Chinook.

(B) In years ending in even numbers:

(I) Limit 6; no more than 2 adults may be retained.

(II) Release wild adult Chinook.

(b) From Freeman Road to the East Main Avenue Bridge:

(i) Open for game fish and salmon August 1 through December 31.

(ii) Closed August 9, August 30 through August 31, September 6 through September 8, September 13 through September 15, September 20 through September 23, and September 27 through September 30.

(iii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) Barbless hooks are required.

(iv) Trout: Minimum length 14 inches.

(v) Salmon:

(A) In years ending in odd numbers:

(I) Limit 6. No more than 2 adults may be retained. In addition to the 2 adults, 2 adult pinks may also be retained.

(II) Release wild adult Chinook.

(B) In years ending in even numbers:

(I) Limit 6; no more than 2 adults may be retained.

(II) Release wild adult Chinook.

(c) From the East Main Avenue Bridge to Carbon River:

(i) Open for game fish and salmon August 1 through December 31.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure is in effect.

(C) Barbless hooks are required.

(iii) Trout: Minimum length 14 inches.

(iv) Salmon:

(A) In years ending in odd numbers:

(I) Limit 6. No more than 2 adults may be retained. In addition to the 2 adults, 2 adult pinks may be retained.

(II) Release wild adult Chinook.

(B) In years ending in even numbers:

(I) Limit 6; no more than 2 adults may be retained.

(II) Release wild adult Chinook.

(d) From Carbon River upstream:

(i) Open September 1 through January 15.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(266) **Pyramid Creek (King County) upstream of Forest Service Road 7000:** Open the first Saturday in June through October 31.

(267) **Racehorse Creek (Whatcom County) (N.F. Nooksack tributary) above the falls located 0.2 miles above the North Fork Road:** Open the Saturday before Memorial Day through October 31.

(268) **Raging River (King County):**

(a) From the mouth to the Highway 18 Bridge:

(i) Open the first Saturday in June through January 31.

(ii) Trout: Minimum length 14 inches.

(b) From Highway 18 Bridge upstream: Open the first Saturday in June through October 31.

(269) **Rapjohn Lake (Pierce County):** Open the fourth Saturday in April through October 31.

(270) **Rattlesnake Lake (King County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit 2; minimum length 14 inches.

(271) **Ravensdale Lake (King County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit 2; minimum length 12 inches.

(272) **Red Creek (King County) (White River tributary):** Open the first Saturday in June through October 31.

(273) **Rendsland Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(274) **Riley Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(275) **Roaring Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from the confluence with Deer Creek, including all tributaries.

(276) **Robbins Lake (Mason County):** Open the fourth Saturday in April through October 31.

(277) **Rocky Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(278) **Roesiger Lake (Snohomish County):** Crappie limit 10; minimum length 9 inches.

(279) **Rose Lake (Mason County):** Open the fourth Saturday in April through October 31.

(280) **Ross Lake (Reservoir) (Whatcom County):**

(a) Open July 1 through October 31:

(b) Selective gear rules apply.

(c) Trout, except eastern brook trout: Limit 1; minimum length 16 inches.

(d) Eastern brook trout: Limit 5; no minimum length.

(281) **Ross Lake tributary streams, and their tributaries, except Big Beaver Creek and Ruby Creek (Whatcom County):**

(a) From one mile above the mouths to the headwaters: Open July 1 through October 31.

(b) Tributaries to Ruby Creek: Open July 1 through October 31.

(282) **Salmon Creek (Thurston County) (Black River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Night closure in effect.

(d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(283) **Salmonberry Creek (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(284) **Samish Lake (Whatcom County):** Cutthroat trout limit 2; minimum length 13 inches.

(285) **Samish River (Skagit County):**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to the I-5 Bridge:

(i) Open the first Saturday in June through November 30.

(ii) From the first Saturday in June through November 30: Trout minimum length 14 inches.

(iii) From August 1 through November 30:

(A) Night closure in effect.

(B) It is unlawful to use anything other than one single-point hook.

(iv) From December 1 through December 31:

(A) Selective gear rules apply.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(v) Salmon:

(A) Open August 1 through November 30.

(B) Limit 2; anglers may only retain fish hooked inside the mouth.

(C) Release wild coho.

(c) From the I-5 Bridge to the Hickson Bridge:

(i) Closed from the Old Highway 99 Bridge to the WDFW salmon rack.

(ii) Closed from the I-5 Bridge to the Old Highway 99 Bridge September 1 through November 30.

(iii) Open the first Saturday in June through November 30:

(A) Selective gear rules apply.

(B) Release all fish except mandatory hatchery steelhead retention.

(d) From the Hickson Bridge upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(286) Sammamish Lake (King County):

(a) Closed to fishing within 100 yards of the mouth of Issaquah Creek August 16 through November 30.

(b) Kokanee: Catch and release only.

(c) December 1 through June 30: Release all steelhead and rainbow trout over 20 inches in length.

(287) Sammamish River (Slough) (King County):

From the 68th Avenue N.E. Bridge to Lake Sammamish:

(a) Open from January 1 through August 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Catch and release only.

(288) Sauk River (Skagit/Snohomish counties):

(a) Selective gear rules apply.

(b) Release all fish except anglers may retain up to 2 hatchery steelhead.

(c) From the mouth to the mouth of the White Chuck River:

(i) Open the first Saturday in June through January 31.

(ii) From the mouth to Darrington Bridge: It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) From the mouth of the White Chuck River to the headwaters, including the North Fork and the South Fork upstream to Elliot Creek: Open the first Saturday in June through October 31.

(e) In the South Fork upstream from Elliot Creek: Open the first Saturday in June through August 31.

(289) Sauk, North Fork, (Snohomish County): Open the Saturday before Memorial Day through October 31 above North Fork falls including all tributaries.

(290) Sawyer Lake (King County): Chumming is permissible.

(291) Scatter Creek (King County) (White River tributary): Open the first Saturday in June through October 31.

(292) Scatter Creek (Thurston County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(293) Schneider Creek (Thurston County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(294) Serene Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(295) Shady Lake (King County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than one trout over 14 inches in length.

(296) Shannon, Lake (Skagit County):

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

(c) Trout: Minimum length 6 inches and maximum length 18 inches.

(297) Shelton Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(298) Sherman Creek (Thurston County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(299) Sherwood Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(300) Sherwood Creek Mill Pond (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Trout: Limit 2; minimum length 14 inches.

(301) Shoe Lake (Mason County): Open the fourth Saturday in April through October 31.

(302) Silesia Creek (Chilliwack River tributary) (Whatcom County): Open the first Saturday in June through October 31.

(303) Silver Creek (Skagit County) (Samish River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(304) Silver Creek (Whatcom County) (Nooksack River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(305) Silver Lake (Pierce County): Open the fourth Saturday in April through October 31.

(306) Silver Lake (Whatcom County): Open the fourth Saturday in April through October 31.

(307) Sixteen Lake (Skagit County): Open the fourth Saturday in April through October 31.

(308) Skagit River (Skagit/Whatcom counties):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to Highway 530 Bridge at Rockport:
(i) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull Trout with a minimum length of 20 inches as part of the trout limit.

(ii) From Highway 530 Bridge in Rockport to Cascade River Road in Marblemount: June 1 through January 31: Catch and release only except mandatory hatchery steelhead retention.

(c) From the mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon):

(i) Open March 1 through January 31.

(ii) March 1 through July 31:

(A) Selective gear rules apply, except anglers fishing for sturgeon must use bait.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iii) Salmon:

(A) Open September 1 through December 31 in years ending in even numbers.

(B) Open August 1 through December 31 in years ending in odd numbers.

(C) Limit 4; only 2 wild coho may be retained.

(D) Release Chinook and chum.

(d) From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek:

(i) Open June 1 through January 31.

(ii) June 1 through November 30:

(A) September 1 through November 30: Anti-snagging rule applies, except anglers fishing for sturgeon must use bait.

(B) Night closure in effect.

(C) June 1 through June 15 and July 16 through July 31:

(I) Selective gear rules apply, except for sturgeon.

(II) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iii) Salmon:

(A) Open June 16 through July 15; Limit 3 sockeye only.

(B) Open September 1 through December 31 in years ending in even numbers.

(C) Open August 1 through December 31 in years ending in odd numbers.

(D) Limit 4 salmon; only 2 wild coho may be retained.

(E) Release Chinook and chum.

(e) From Gilligan Creek to The Dalles Bridge at Concrete:

(i) Open June 1 through January 31.

(ii) June 1 through November 30:

(A) September 1 through November 30: Anti-snagging rule applies.

(B) Night closure in effect August 16 through November 30.

(C) From June 1 through August 15:

(I) Selective gear rules apply.

(II) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iii) Salmon:

(A) In years ending in even numbers, open September 1 through December 31.

(B) In years ending in odd numbers, open August 16 through December 31.

(C) Limit 4 salmon; only 2 wild coho may be retained.

(D) Release Chinook and chum.

(f) From The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport:

(i) Open June 1 through January 31.

(ii) June 1 through August 31: Closed between a line projected across the thread of the river 200 feet above the east bank of the Baker River to a line projected across the thread of the river 200 feet below the west bank of the Baker River.

(iii) June 1 through November 30:

(A) September 1 through November 30: Anti-snagging rule applies.

(B) Night closure in effect.

(C) June 1 through August 31:

(I) Selective gear rules apply.

(II) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iv) Salmon:

(A) Open September 1 through December 31.

(B) Limit 4 salmon; only 2 wild coho may be retained.

(C) Release Chinook and chum.

(g) From the Highway 530 Bridge at Rockport to the Cascade River Road (Marblemount Bridge):

(i) Open June 1 through January 31: Trout catch and release only, except mandatory hatchery steelhead retention.

(ii) June 1 through November 30:

(A) June 1 through July 15 and September 1 through November 30: Anti-snagging rule applies.

(B) Night closure in effect.

(C) July 16 through August 31:

(I) Selective gear rules apply.

(II) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iii) Salmon:

(A) Open June 1 through July 15:

(I) Limit 4 hatchery Chinook only.

(II) Only 2 adult hatchery Chinook may be retained as part of the limit.

(B) Open September 1 through December 31.

(I) Limit 4 salmon; only 2 wild coho may be retained.

(II) Release Chinook and chum.

(h) From Cascade River Road to the Gorge Powerhouse:

(i) Open June 1 through January 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all fish except anglers may retain up to 2 hatchery steelhead.

(i) Gorge and Diablo lakes' tributary streams and their tributaries, except Stetattle Creek: Open the first Saturday in June through October 31.

(309) Skokomish River (Mason County):

(a) From the mouth to the city of Tacoma PUD overhead distribution lines: Closed.

(b) From the city of Tacoma PUD overhead distribution lines to the Highway 106 Bridge:

(i) Open the first Saturday in June through July 13 and October 1 through December 15 for game fish: Catch and release only.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use anything other than single point, barbless hooks.

(iii) September 15 through December 15: Terminal gear (hooks, weights, lures, or baits) may not be within 25 feet of tribal gillnets.

(iv) Salmon:

(A) Open August 1 through September 1:

(I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.

(II) Release chum and wild Chinook.

(B) Open September 15 through December 15:

(I) Limit 6; no more than 4 adults may be retained.

(II) Release Chinook; release chum through October 15.

(c) From the Highway 106 Bridge to the mouth of Purdy Creek:

(i) Open the first Saturday in June through July 13 and October 1 through December 15 for game fish: Catch and release only.

(ii) July 24 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use anything other than single point, barbless hooks.

(iii) September 15 through December 15: Terminal gear (hooks, weights, lures, or baits) may not be within 25 feet of tribal gillnets.

(iv) July 24 through July 31: Bait or lure must be suspended below a float.

(v) Salmon:

(A) Open July 24 through July 31:

(I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.

(II) Release chum and wild Chinook.

(B) Open August 1 through August 21 on Fridays, Saturdays, and Sundays only:

(I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.

(II) Release chum and wild Chinook.

(C) Open August 22 through September 1:

(I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.

(II) Release chum and wild Chinook.

(D) Open September 15 through December 15:

(I) Limit 6; no more than 4 adults may be retained.

(II) Release Chinook; release chum through October 15.

(d) From the mouth of Purdy Creek to the Highway 101 Bridge:

(i) Open the first Saturday in June through July 13 and October 1 through December 15 for game fish: Catch and release only.

(ii) July 24 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use anything other than single-point, barbless hooks.

(iii) July 24 through December 15: Terminal gear (hooks, weights, lures, or baits) may not be within 25 feet of tribal gillnets.

(iv) July 24 through September 1: Bait or lures must be suspended below a float.

(v) Salmon:

(A) Open July 24 through September 1:

(I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.

(II) Release chum and wild Chinook.

(B) Open September 15 through December 15:

(I) Limit 6; no more than 4 adults may be retained.

(II) Release Chinook; release chum through October 15.

(e) From the Highway 101 Bridge upstream to the forks:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(310) Skokomish River, North Fork (Mason County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

(d) From the mouth to the lower dam: Open the first Saturday in June through October 31.

(e) Above Lake Cushman, from the mouth to Olympic National Park boundary: Open the first Saturday in June through August 31.

(311) Skokomish River, South Fork (Mason County):

(a) From the mouth to the mouth of LeBar Creek:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(b) From the mouth of Rule Creek to the headwaters:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout: Minimum length 12 inches.

(312) Skookum Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(313) Skookum Creek (Whatcom County): From the mouth of Arlecho Creek upstream, including Arlecho Creek and all other tributaries: Open the Saturday before Memorial Day through October 31.

(314) Skookumchuck Reservoir (Thurston County):

(a) Open the first Saturday in June through October 31.

(b) Trout: Daily limit 2; minimum length 12 inches.

(315) Skykomish River (Snohomish County):

(a) From the mouth to the mouth of Wallace River:

(i) Open June 1 through January 31.

(ii) Anti-snagging rule applies and night closure in effect:

(A) August 1 through November 30 from the mouth to Lewis Street Bridge in Monroe; and

(B) June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River.

(iii) November 1 through January 31: It is unlawful to fish from any floating device from the boat ramp below Lewis Street Bridge at Monroe downstream 2,500 feet.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of twenty inches as part of the trout limit.

(v) Salmon:

(A) Open June 1 through July 31: Limit 4 hatchery Chinook; no more than 2 of which may be adults.

(B) For years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit 3 coho only.

(C) For years ending in odd numbers:

(I) Open August 16 through December 31 from the mouth to Lewis Street Bridge in Monroe.

(II) Open September 1 through December 31 from the Lewis Street Bridge to Wallace River.

(III) Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(b) From the mouth of the Wallace River to the forks:

(i) Open June 1 through January 31.

(ii) From the Highway 2 Bridge at the Gold Bar/Big Eddy Access to the confluence of the North and South Forks: Also open February 1 through February 15.

(iii) August 1 through November 30: Anti-snagging rule applies and night closure in effect.

(iv) June 1 through February 15: It is unlawful to fish from any floating device in the area 1,500 feet upstream and 1,000 feet downstream of the outlet at Reiter Ponds.

(v) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(vi) Salmon:

(A) Open September 1 through December 31.

(B) For years ending in even numbers: Limit 3 coho only.

(C) For years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(316) Skykomish River, North Fork (Snohomish County):

(a) From the mouth to 1,000 feet downstream of Bear Creek Falls:

(i) Open the first Saturday in June through January 31.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(b) From Deer Falls (about 1/4 mile upstream of Goblin Creek) upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

(317) Skykomish River, South Fork (King/Snohomish counties):

(a) From the mouth to 600 feet downstream from the Sunset Falls fishway:

(i) Open the first Saturday in June through January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(b) From Sunset Falls to the source, including all tributaries and their tributaries:

(i) Open the first Saturday in June through November 30.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(iv) December 1 through the last day in February:

(A) All tributaries of this river section are closed.

(B) Open for whitefish only; release all other fish.

(318) Smith Creek (Whatcom County) (Nooksack River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(319) Snohomish River (Snohomish County):

(a) From the Burlington-Northern Railroad bridges to Highway 9 Bridge, including all channels, sloughs, and interconnected waterways, but excluding all tributaries:

(i) Sturgeon catch and release is permissible year-round.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies; except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(B) Night closure in effect.

(iii) Gamefish:

(A) Open the first Saturday in June through January 31.

(B) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(iv) Salmon:

(A) For years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit 3 coho only.

(B) For years ending in odd numbers:

(I) Open August 1 through December 31.

(II) Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(b) From the Highway 9 Bridge to the confluence of the Skykomish and Snoqualmie rivers (all channels):

(i) Open the first Saturday in June through January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(iv) Salmon:

(A) For years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit 3 coho only.

(B) For years ending in odd numbers:

(I) Open August 16 through December 31.

(II) Limit 3 plus 1 additional pink; release Chinook and chum.

(320) Snoqualmie River (King County):

(a) From the mouth to Snoqualmie Falls:

(i) Closed within the Puget Power tunnel at the falls and within 50 feet of any point on Puget Power's lower Plant #2 building (north bank).

(ii) From the first Saturday in June through November 30: Selective gear rules apply.

(iii) September 1 through November 30: Night closure in effect.

(iv) From the mouth to the boat ramp at the Plum access: Open the first Saturday in June through January 31.

(v) From the boat ramp at the Plum access to the falls: Open the first Saturday in June through February 15.

(vi) From November 1 through February 15: It is unlawful to fish from any floating device in the waters from the boat ramp at the Plum access to the mouth of Tokul Creek (about 1/4 mile).

(vii) Trout: Minimum length 14 inches.

(viii) Salmon open September 1 through December 31.

(A) For years ending in even numbers: Limit 3 coho only.

(B) For years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(b) From Snoqualmie Falls upstream, including the North and South Forks:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Open the Saturday before Memorial Day through October 31: Trout minimum length 10 inches.

(iv) Open November 1 through the Friday before Memorial Day: Catch and release only.

(c) Snoqualmie River tributaries upstream of the falls, and the tributaries of the North and South Forks (except Tate, Sunday and Phillapa creeks): Open the Saturday before Memorial Day through October 31. From November 1 through the Friday before Memorial Day: Catch and release only.

(d) In the Snoqualmie River Middle Fork from the mouth to the source, including all tributaries except Pratt and Taylor rivers:

(i) Open year-round.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(321) **South Prairie Creek (Pierce County):** Open the Saturday before Memorial Day through October 31 from the city of Buckley diversion dam upstream.

(322) **Spada Lake (Reservoir) (Snohomish County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Maximum length 12 inches.

(323) **Spada Lake (Reservoir) tributaries (Snohomish County):** Closed.

(324) **Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County):** Open year-round.

(325) **Squalicum Creek (Whatcom County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(326) **Squalicum Lake (Whatcom County):**

(a) Open for fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Trout: Limit 2.

(327) **Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(328) **Steel Lake (King County):** Open the fourth Saturday in April through October 31.

(329) **Stetattle Creek (Whatcom County):** Open the first Saturday in June through October 31 above the mouth of Bucket Creek (approximately 1.5 miles upstream).

(330) **Stevens, Lake (Snohomish County):**

(a) Chumming is permissible.

(b) Kokanee: Limit 10; kokanee do not count toward the trout limit.

(331) **Steves Lake (Mason County):** Open the fourth Saturday in April through October 31.

(332) **Stickney Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(333) **Stillaguamish River (Snohomish County):**

(a) From the mouth to Marine Drive, including all sloughs:

(i) Open year-round.

(ii) Night closure in effect.

(iii) August 1 through November 30: Anti-snagging rule applies; except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iv) Trout: Minimum length 14 inches.

(v) Salmon open September 1 through November 30.

(A) For years ending in even numbers: Limit 2 coho only.

(B) For years ending in odd numbers: Limit 2; release Chinook and chum.

(b) From Marine Drive to the forks:

(i) From the barrier dam (downstream of I-5) downstream 200 feet: Closed.

(ii) Open the first Saturday in June through November 30.

(A) Selective gear rules apply.

(B) Night closure in effect from August 1 through November 30.

(C) Release all fish except anglers may retain up to 2 hatchery steelhead.

(iii) Open December 1 through January 31: ~~((A))~~ Trout ~~((:))~~ minimum length 14 inches.

~~((B))~~ (iv) Salmon open September 1 through November 30 ~~((-~~

~~((+))~~;

(A) For years ending in even numbers: Limit 2 coho only.

~~((H))~~ (B) For years ending in odd numbers: Limit 2; release Chinook and chum.

(334) **Stillaguamish River, North Fork (Snohomish County):**

(a) From the North Fork mouth to the mouth of French Creek:

(i) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) It is unlawful to fish from any floating device upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).

(iii) It is unlawful to fish from any floating device equipped with a motor downstream from the Highway 530 Bridge.

(iv) Open the first Saturday in June through January 31:

(A) From the first Saturday in June through November 30:

(I) Fly fishing only.

(II) Release all fish except anglers may retain up to 2 hatchery steelhead.

(B) From December 1 through January 31: Trout minimum length 14 inches.

(b) From the mouth of French Creek to Swede Heaven Bridge:

(i) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) Open the first Saturday in June through February 15:

(A) From the first Saturday in June through November 30:

(I) Fly fishing only.

(II) Release all fish except anglers may retain up to 2 hatchery steelhead.

(B) December 1 through February 15: Trout minimum length 14 inches.

(c) From Swede Heaven Bridge to the falls approximately one mile upstream of Cascade Creek:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(d) Upstream of the falls, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

(335) Stillaguamish River, South Fork (Snohomish County):

(a) From the mouth to 400 feet downstream of the outlet to Granite Falls fishway:

(i) Open the first Saturday in June through January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(b) From the Mountain Loop Highway Bridge above Granite Falls upstream to the source:

(i) Open the first Saturday in June through November 30.

(ii) Selective gear rules apply.

(iii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(336) Stimson Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply

(c) Catch and release only.

(337) Storm Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(338) Straight Creek (Snohomish County) (Suiattle River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(339) Suiattle River (Skagit County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: It is permissible to retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of trout limit.

(340) Sulphur Creek (Snohomish County) (Suiattle River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(341) Sultan River (Snohomish County):

(a) From the mouth to a point 400 feet downstream from the diversion dam at river mile 9.7:

(i) Open the first Saturday in June through January 31.

(ii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(b) Upstream of the diversion dam to Culmback Dam: Open the first Saturday in June through October 31.

(342) Sumas River (Whatcom County): Open the first Saturday in June through October 31, including all tributaries except Johnson Creek.

(343) Summit Lake (Thurston County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 over 14 inches in length, except there are no size restrictions for kokanee.

(344) Susan Lake (Thurston County):

(a) Selective gear rules apply.

(b) Catch and release only.

(345) Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Open the first Saturday in June through August 31 for juvenile anglers only.

(346) Swan's Mill Pond (Stossel Creek) (King County): Open the first Saturday in June through October 31.

(347) Symington Lake (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(348) Tahuya River (Mason County):

(a) From the mouth to the steel bridge approximately 1 mile upstream of North Shore Road Bridge:

(i) Open the first Saturday in June through August 15 and October 1 through October 31.

(ii) Selective gear rules apply.

(iii) October 1 through October 31: Night closure in effect.

(iv) Release all gamefish.

(b) From the steel bridge approximately one mile upstream of North Shore Road Bridge upstream:

(i) Open the first Saturday in June through August 15 and October 1 through October 31.

(ii) Selective gear rules apply.

(iii) October 1 through October 31: Night closure in effect.

(iv) Catch and release only.

(349) Tanwax Creek (Thurston County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(350) Tanwax Lake (Pierce County): Crappie: Limit 10; minimum length 9 inches.

(351) Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Open year-round.

(352) Taylor River (tributary to the Middle Fork Snoqualmie) (King County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(353) Tenmile Creek (Whatcom County) (Nooksack River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(354) Tenas Creek (Skagit County) (Suitttle River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(355) Tenas Lake (Mason County): Open the fourth Saturday in April through October 31.

(356) Tennant Lake (Whatcom County): It is unlawful to fish from any floating device from the first Friday in October through January 27.

(357) Terrell Creek (Whatcom County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(358) Terrell, Lake (Whatcom County): It is unlawful to fish from any floating device from the first Saturday after Labor Day through the following Friday and from October 1 through January 31, except fishing from a floating dock is permissible.

(359) Texas Pond (Skagit County): No limit for eastern brook trout.

(360) Thomas Creek (Skagit County) (Samish River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(361) Thompson Creek (Thurston County) (Skookumchuck River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(362) Thornton Creek (tributary to Lake Washington) (King County): Open the first Saturday in June through August 31 for juvenile anglers only.

(363) Thornton Creek (Whatcom County):

(a) Open the first Saturday in June through October 31.

(b) Release all fish except anglers may retain up to 2 hatchery steelhead and there is no limit on cutthroat trout.

(364) Thornton Lake, lower (Whatcom County): Cutthroat trout: No limit.

(365) Tibbetts Creek (tributary to Lake Sammamish) (King County): Open the first Saturday in June through August 31 for juvenile anglers only.

(366) Tiger Lake (Kitsap/Mason counties): Open the fourth Saturday in April through October 31.

(367) Toad Lake (Whatcom County): Open the fourth Saturday in April through October 31.

(368) Tokul Creek (King County) (Snoqualmie River tributary):

(a) From the mouth to the Fish Hatchery Road Bridge:

(i) Open December 1 through February 15, except closed to fishing from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rule applies.

(iii) Trout: Minimum length 14 inches.

(b) From Fish Hatchery Road Bridge to the posted cable boundary marker located approximately 400 feet downstream of the hatchery intake:

(i) Open January 15 through February 15, except closed to fishing from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rule applies.

(iii) Trout: Minimum length 14 inches.

(c) From Tokul Road S.E. upstream, including all tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.

(369) Tolt River (King County):

(a) From the mouth to the USGS trolley cable near the confluence of the North and South Forks:

(i) Open the first Saturday in June through January 31: Selective gear rules apply.

(ii) Trout: Minimum length 14 inches.

(b) From the falls upstream, on the North Fork, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(c) On the South Fork, from the dam upstream:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 10 inches.

(370) Twenty-two Lake Creek (Snohomish County): Open the Saturday before Memorial Day through October 31 upstream from the falls located approximately at river mile 0.25 upstream.

(371) Tye River (King County):

(a) From Foss River to Alpine Falls:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(iv) Open November 1 through the last day in February for whitefish only; release all other fish.

(b) From Alpine falls upstream, and all tributaries to the Tye River, including their tributaries: Open the first Saturday in June through October 31.

(372) U Lake (Mason County): Open the fourth Saturday in April through October 31.

(373) Uncle John Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(374) Union River (Mason County):

(a) From the mouth to the North Shore Road Bridge:

(i) Open the first Saturday in June through August 15.

(ii) Catch and release only.

(b) From the North Shore Road Bridge to the lower bridge on Old Belfair Highway:

(i) Open the first Saturday in June through August 15.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(c) From the lower bridge on Old Belfair Highway upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(375) Vogler Lake (Skagit County):

(a) Fly fishing only.

(b) Catch and release only.

(376) Voight Creek (Pierce County): Open the Saturday before Memorial Day through October 31 from the falls, approximately 4.0 river miles upstream of the mouth and under the power lines, upstream.

(377) Waddell Creek (Thurston County) (Black River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(378) Wagners Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(379) Walker Lake (King County): Open the fourth Saturday in April through October 31.

(380) Wallace River (Snohomish County):

(a) From the mouth to 363rd Ave. S.E./Reece Rd:

(i) Open from the first Saturday in June through February 15.

(ii) From June 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) From November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(v) Salmon open September 16 through November 30:

(A) In years ending in even numbers: Limit 3 coho only.

(B) In years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(b) From 363rd Avenue S.E./Reece Road to 200 feet upstream of the water intake of the salmon hatchery:

(i) Open September 16 through February 15.

(ii) September 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(v) Salmon open September 16 through November 30:

(A) In years ending in even numbers: Limit 3 coho only.

(B) In years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(c) From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls:

(i) Open November 1 through January 31.

(ii) It is unlawful to fish from any floating device.

(iii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(d) From Wallace Falls upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

(381) Wapato Lake (Pierce County): Open to juvenile anglers only.

(382) Washington Creek (Mason County): Open the Saturday before Memorial Day through October 31.

(383) Washington Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) Open year-round.

(c) It is unlawful to fish from a floating device within 100 yards of either side of the floating bridges.

(d) Chumming is permissible.

(e) Trout:

(i) December 1 through the last day in February: Release steelhead and rainbow trout over 20 inches in length.

(ii) March 1 through June 30:

(A) Minimum length 12 inches.

(B) Release steelhead and rainbow trout over 20 inches in length.

(f) Salmon:

(i) Open September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge.

(ii) Limit 4 coho only.

(384) Washington Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) East of the Fremont Bridge: Chumming is permissible.

(c) From the west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed.

(d) From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary:

(i) Open year-round for game fish.

(ii) Trout:

(A) Open December 1 through the last day in February: No minimum length.

(B) Open March 1 through June 30: Minimum length 12 inches.

(C) Open July 1 through November 30: No minimum length.

(D) Release steelhead and rainbow trout over 20 inches in length.

(385) Waughop Lake (Pierce County): Landlocked salmon rules apply.

(386) Whatcom Creek (Whatcom County):

(a) From the mouth to the markers below the footbridge below Dupont Street in Bellingham:

(i) Open the first Saturday in June through December 31.

(ii) August 1 through December 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(iv) Salmon: Open August 1 through December 30.

(A) Limit 6; anglers may retain up to 2 adult salmon.

(B) Anglers fishing lawfully within 50 yards of the Bellingham Technical College Hatchery Collection Tube and on

the hatchery side of the creek that hook and land chum salmon may remove those chum salmon from the water and immediately place them unharmed into the Hatchery Collection Tube.

(b) From the footbridge below Dupont Street in Bellingham to the stone bridge at Whatcom Falls Park:

(i) Open the first Saturday in June through October 31.

(ii) August 1 through October 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(c) From the stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Open the fourth Saturday in April through October 31 for juvenile anglers only. Trout: No minimum length.

(387) Whatcom, Lake (Whatcom County):

(a) Open the fourth Saturday in April through October 31, except the waters between the Electric Avenue Bridge and the outlet dam are closed.

(b) Cutthroat trout: Catch and release only.

(388) Whatcom, Lake, tributaries (Whatcom County): Closed.

(389) White (Stuck) River (Pierce County):

(a) From the mouth to R Street Bridge in Auburn:

(i) Open October 1 through October 31:

(A) Fly fishing only.

(B) Catch and release only.

(ii) Open November 1 through January 15: Trout minimum length 14 inches.

(iii) October 1 through January 15:

(A) Selective gear rules apply.

(B) Night closure in effect.

(b) From R Street Bridge to the Highway 410 Bridge at Buckley:

(i) Open October 1 through October 31, except closed in the Puget Power canal, including the screen bypass channel above the screen at Dingle Basin.

(ii) Selective gear rules apply.

(iii) Night closure in effect.

(iv) Trout: Minimum length 14 inches.

(c) From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) upstream to the source:

(i) Open July 1 through October 31.

(A) October 1 through October 31: Night closure in effect.

(B) Selective gear rules apply.

(C) Catch and release only.

(ii) Open for whitefish only November 1 through January 31; whitefish gear rules apply.

(390) Whitechuck River (Snohomish County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) It is permissible to retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(391) Wildberry Lake (Mason County): Open the fourth Saturday in April through October 31.

(392) Wildcat Lake (Kitsap County): Open the fourth Saturday in April through October 31.

(393) Wilderness Lake (King County):

(a) Open the fourth Saturday in April through October 31.

(b) Landlocked salmon rules apply.

(394) Wilkeson Creek (Pierce County) (South Prairie Creek tributary) upstream of confluence with Gale Creek: Open the first Saturday in June through October 31.

(395) Woodard Creek (Thurston County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(396) Wood Lake (Mason County): Open the fourth Saturday in April through October 31.

(397) Woodland Creek (Thurston County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(398) Woods Creek, East Fork (Snohomish County) (Skykomish River tributary): Open the first Saturday before Memorial Day through October 31 upstream of Old Pipeline Road above Woods Creek Falls, including tributaries and beaver ponds.

(399) Wooten Lake (Mason County): Open the fourth Saturday in April through October 31.

(400) Wye Lake (Kitsap County): Open the fourth Saturday in April through October 31.

(401) Youngs Creek (Snohomish County) (Skykomish River tributary) (Elwell Creek tributary, Skykomish River tributary near town of Sultan): Open the Saturday before Memorial Day through October 31 above Potson Road (299th Avenue S.E. Bridge) including all tributaries and beaver ponds.

AMENDATORY SECTION (Amending WSR 16-06-073, filed 2/26/16, effective 7/1/16)

WAC 220-310-200 Freshwater exceptions to statewide rules—Columbia. The following exceptions to statewide rules apply to the Columbia River, including impoundments and all connecting sloughs, except Wells Ponds:

(1) General Columbia River rules:

(a) In the concurrent waters of the Columbia River between Washington and Oregon, the license of either state is valid when fishing from a vessel.

(i) Anglers must comply with the fishing regulations of the state in which they are fishing.

(ii) This subsection does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington except as otherwise provided by department rule.

(iii) Anglers fishing the Columbia River are restricted to one limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

(b) It is unlawful to possess in the field salmon or steelhead mutilated so that size, species, or fin clip cannot be determined until the angler has reached their automobile or principal means of land transportation and completed his or her daily angling.

(c) Salmon and trout handling rules provided in WAC 220-56-118 apply to the Columbia River, except from February 15 through June 15 in the mainstem Columbia from the

Rocky Point/Tongue Point line upstream to the Washington-Oregon border where WAC 220-56-118 applies only to anglers fishing from vessels less than 30 feet in length (as substantiated by Coast Guard documentation or Marine Board registration).

(d) From Buoy 10 to the Washington/Oregon border:

(i) From March 1 through May 15, the mainstem Columbia River is open for retention of adipose fin-clipped steelhead and shad only during days and in areas that are open for the retention of adipose fin-clipped spring Chinook salmon.

(ii) From August 1 through December 31, each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(e) Open year-round unless otherwise provided.

(f) Barbless hooks are required for salmon and steelhead.

(g) Walleye and bass: No limit and no size restriction.

(h) Channel catfish: No limit.

(2) **Rules by river section:**

(a) **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:**

(i) Fishing from the north jetty is permissible when Marine Area 1 or Buoy 10 areas are open for salmon, and the limit and minimum size restrictions follow the most liberal regulations if both areas are open. Only single point barbless hooks may be used for salmon and steelhead.

(ii) Release all trout, except anglers may retain hatchery steelhead.

(iii) Salmon and steelhead:

(A) Open June 16 through July 31:

(I) Closed to fishing for salmon and steelhead from Buoy 10 to the Megler-Astoria Bridge.

(II) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(III) Release all salmon other than sockeye and hatchery Chinook.

~~((IV) From July 7 through July 31, release adult Chinook and sockeye.))~~

(B) Open August 1 through September ~~((7))~~ 5:

(I) Limit 2 ~~((salmon, or 2)), of which only one Chinook and/or one hatchery steelhead ((, or one of each))~~ may be retained.

(II) Release all salmon except Chinook and hatchery coho.

(III) Chinook minimum length 24 inches ~~((; only one Chinook may be retained as part of the limit)).~~

(IV) On Sundays and Mondays, all Chinook must be adipose fin clipped to be retained.

(V) Coho minimum length 16 inches.

(C) Open September ~~((8))~~ 6 through September 30:

(I) Limit 2 ~~((; hatchery coho or)), of which only one hatchery steelhead ((or one of each))~~ may be retained.

(II) Release all salmon other than hatchery coho.

(III) Coho minimum length 16 inches.

(D) Open October 1 through December 31:

(I) Limit 6; no more than 2 adult salmon, or ~~((2))~~ one adult salmon and one hatchery steelhead ((, or one of each)), may be retained.

(II) Release all salmon except Chinook and hatchery coho.

(E) Open January 1 through March 31:

(I) Limit 6; no more than 2 adult hatchery Chinook, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook.

(iv) Shad open May 16 through March 31.

(v) Forage fish and bottomfish: Marine Area 1 general rules apply; eulachon closed.

(b) 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:

(i) Trout:

(A) Open May 16 through March 31.

(B) Release all trout except hatchery cutthroat and hatchery steelhead (the limit is as provided under (b)(v) of this subsection).

(I) Anglers may retain up to 2 hatchery cutthroat.

(II) Hatchery cutthroat minimum length 12 inches.

(III) Barbless hooks are required for cutthroat trout.

(ii) Salmon and steelhead:

(A) Open May 16 through July 31:

(I) Release all salmon except hatchery Chinook and sockeye.

(II) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(III) Release sockeye and adult Chinook May 16 through June 15 ~~((and July 7 through July 31)).~~

(B) Open August 1 through September 30:

(I) Upstream of Warrior Rock line: Limit 6; no more than 2 adult salmon, or ~~((2))~~ one adult salmon and one hatchery steelhead, ((or one of each;)) may be retained. Release all salmon except Chinook and hatchery coho.

(II) Downstream of Warrior Rock line: Limit 6; no more than 2 adult salmon, ~~((and only one))~~ or one adult ((Chinook)) salmon and one hatchery steelhead, may be retained. Only one may be an adult Chinook. Release wild Chinook from September ~~((8))~~ 10 through September 14, and release all Chinook from September 15 through September 30.

(C) For the purpose of this subsection, "Warrior Rock line" is defined as a line projected from the Warrior Rock Lighthouse, through Red Buoy 4, to the orange marker atop the dolphin on the Washington shore.

(D) Open October 1 through December 31:

(I) Limit 6; no more than 2 adult salmon, or ~~((2))~~ one adult salmon and one hatchery steelhead, ((or one of each;)) may be retained.

(II) Release all salmon except Chinook and hatchery coho.

(E) Open January 1 through March 31:

(I) Limit 6 fish; no more than 2 adult hatchery Chinook, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook.

(iii) Shad open May 16 through March 31.

(c) From the I-5 Bridge to Bonneville Dam:

(i) The following waters are closed:

(A) From the upstream line of Bonneville Dam to boundary markers 600 feet below the fish ladder at the powerhouse.

(B) January 1 through April 30 from a line between the upstream end of Sand Island (near Rooster Rock) on the Columbia River, to the boundary marker on the Oregon shore, downstream to a line between the lower end of Sand Island and the boundary marker on the Oregon shore.

(C) Closed to angling from a floating device or 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 the westernmost tip of Robins Island.

(ii) Camas Slough:

(A) It is permissible for an angler licensed in Oregon or Washington to fish from a floating device.

(B) In the waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island:

(I) From August 1 through December 31: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(II) From August 1 through December 31: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(III) Open for salmon when the adjacent mainstem Columbia or Washougal rivers are open for salmon.

(IV) The limit for salmon is the same as the most liberal regulation of either area, except anglers may only retain hatchery Chinook and hatchery coho; release all other salmon.

(iii) Release all trout except hatchery steelhead.

(iv) Salmon and steelhead:

(A) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook and sockeye.

~~((III) Release adult Chinook and sockeye July 7 through July 31.))~~

(B) Open August 1 through December 31:

(I) Limit 6; no more than 2 adult salmon ~~((or 2)), or one adult salmon and one~~ hatchery steelhead, ~~((or one of each,))~~ may be retained ~~((except no more than 3 adults, of which no more than 2 may be hatchery coho or 2 hatchery steelhead, or one of each, may be retained upstream from a line projected from the lower end of the Steamboat Landing dock on the Washington shore through navigation Light #50 to the Oregon shore)).~~

(II) Release all salmon except Chinook and hatchery coho.

(III) Closed to fishing for salmon and steelhead November 1 through December 31 from Beacon Rock to Bonneville Dam.

(v) Steelhead: Open January 1 through March 31.

(vi) Shad: Open May 16 through March 31.

(d) From Bonneville Dam to The Dalles Dam:

(i) Closed waters:

(A) Within one quarter mile of the USFWS Spring Creek Hatchery Grounds, between posted markers located one quarter mile on either side of the fish ladder entrance.

(B) At The Dalles between the upstream line of The Dalles Dam to the upstream side of the Interstate 197 Bridge, except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore.

(ii) Release all trout, except anglers may retain hatchery steelhead.

(iii) Salmon and steelhead:

(A) When open from March 16 through June 15:

(I) Bank fishing only from Bonneville Dam to Tower Island powerlines (approximately 6 miles below The Dalles Dam).

(II) Only hand-cast lines may be used. It is unlawful to use a floating device to set lines for salmon and steelhead.

(B) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except sockeye and hatchery Chinook.

(C) Open August 1 through December 31:

(I) August 1 through October 15: Anti-snagging rule applies and night closure in effect. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(II) Limit 6; no more than ~~((3)) 2~~ adults, of which no more than 2 ~~((may be coho or 2 hatchery steelhead, or one of each, may be retained))~~ adult salmon or 2 hatchery steelhead, or one of each, except September 1 through December 31 when no more than one hatchery steelhead may be retained.

(III) Release all salmon except Chinook and coho.

(IV) Release wild coho from Bonneville Dam to Hood River Bridge.

(iv) Steelhead: Open January 1 through March 31.

(e) From The Dalles Dam to McNary Dam:

(i) Closed waters:

(A) At John Day Dam between the upstream line of John Day Dam to markers approximately 3,000 feet downstream, except that bank fishing is permitted up to 400 feet below the fishway entrance on the Washington shore.

(B) At McNary Dam between the upstream line of 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.

(ii) Release all trout except hatchery steelhead.

(iii) Salmon and steelhead:

(A) When open from March 16 through June 15:

(I) Anglers may possess up to 4 hatchery adult Chinook salmon in fresh form.

(II) Anglers aboard a boat may only possess one daily limit of salmon in fresh form.

(B) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook and sockeye.

(C) Open August 1 through December 31:

(I) August 1 through October 15: Anti-snagging rule applies and night closure in effect. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(II) Limit 6; no more than ~~((3))~~ 2 adults, of which no more than 2 may be ~~((coho))~~ adult salmon or 2 hatchery steelhead, or one of each, except September 1 through December 31 when no more than one hatchery steelhead may be retained.

(III) Release all salmon except Chinook and coho.

(iv) Steelhead: Open January 1 through March 31.

(f) From McNary Dam to Highway 395 Bridge at Pasco:

(i) The Snake River Confluence Protection Area includes waters of the Columbia River from the railroad bridge between Burbank and Kennewick, upstream approximately 2.1 miles to the first power line crossing the Columbia upstream of the navigation light on the point of Sacajawea State Park. For all species, limits, seasons, size restrictions and gear restrictions are the same as those in the adjacent portion of the Snake River.

(ii) Release all trout except hatchery steelhead.

(iii) Salmon and steelhead:

(A) When open from March 16 through June 15 from McNary Dam to the Washington/Oregon border:

(I) Anglers may possess up to 4 hatchery adult Chinook in fresh form.

(II) Anglers aboard a boat may only possess one daily limit of salmon in fresh form.

(B) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook and sockeye.

(C) Open August 1 through December 31:

(I) Limit 6; no more than ~~((3 adults, of which no more than 2 may be coho))~~ 2 adult salmon or 2 hatchery steelhead~~(s))~~ or one of each, except November 1 through December 31 when no more than one hatchery steelhead may be retained.

(II) Release all salmon except Chinook and coho.

(iv) Steelhead: Open January 1 through March 31.

(g) From the Highway 395 Bridge at Pasco to the Interstate 182 Bridge:

(i) Closed waters: Within a 400 foot radius of the Columbia Irrigation District (CID) fish barrier at the mouth of the CID wasteway at Columbia Park.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Trout:

(A) October 1 through October 31 release all trout, except 2 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) November 1 through March 31 release all trout, except anglers may retain up to 2 hatchery steelhead.

(iv) Salmon:

(A) Open June 16 through August 15:

(I) Limit 3; no more than 1 adult hatchery Chinook salmon ~~((and no more than 2 sockeye))~~ may be retained.

(II) Release wild adult Chinook and sockeye salmon.

(B) Open August 16 through October 31: Limit 6; no more than 3 adult salmon may be retained. Once the adult salmon or steelhead limit is retained, anglers may not con-

tinue to fish for ~~((any))~~ either species the remainder of the day.

(h) From the Interstate 182 Bridge to the Old Hanford townsite wooden powerline towers, in Sec. 30, T13N, R28E:

(i) Closed waters:

(A) The area of the Columbia River between the markers located 100 feet upstream and 100 feet downstream of the Ringold Springs Hatchery Creek, and extending 100 feet towards the middle of the river.

(B) September 1 through November 30: West Branch Esquatzel Coulee Block 1 Irrigation Wasteway Lagoon in the Columbia River.

(ii) 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:

(A) Fishing is allowed only from the bank and only on the hatchery side of the river.

(B) Release all trout, except anglers may retain up to 2 hatchery steelhead from April 1 through April 15.

(iii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iv) Trout:

(A) October 1 through October 31 release all trout, except 2 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) November 1 through March 31 release all trout, except anglers may retain up to 2 hatchery steelhead.

(v) Salmon:

(A) Open June 16 through August 15:

(I) Limit ~~((8))~~ 4; no more than 2 adult hatchery Chinook ~~((and no more than 6 sockeye))~~ may be retained.

(II) Release wild adult Chinook and sockeye.

(B) Open August 16 through October 31: Limit 6; no more than 3 adult salmon may be retained. Once the adult salmon or steelhead daily limit has been retained, anglers may not continue to fish for ~~((any))~~ either species the remainder of the day.

(i) From the Old Hanford townsite wooden power line towers, in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24):

(i) Open February 1 through October 22.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open June 16 through August 15:

(I) Limit ~~((8))~~ 4; no more than 2 adult hatchery Chinook ~~((and no more than 6 sockeye))~~ may be retained.

(II) Release wild adult Chinook and sockeye.

(B) Open August 16 through October 22: Limit 6; no more than 3 adult salmon may be retained. ~~((Once the adult salmon daily limit is retained, anglers may not continue to fish for any species the remainder of the day.))~~

(j) From Vernita Bridge (Highway 24) to Priest Rapids Dam:

(i) Closed waters:

(A) At Priest Rapids Dam; waters between the upstream line of Priest Rapids Dam downstream to the boundary markers 650 feet below the fish ladders.

(B) At Jackson (Moran) Creek, or Priest Rapids Hatchery Outlet Creek; waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia River between boundary markers located 100 feet upstream and 400 feet downstream of the mouth.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open June 16 through August 15:

(I) Limit ((8)) 4; no more than 2 adult hatchery Chinook ~~((and no more than 6 sockeye))~~ may be retained.

(II) Release wild adult Chinook and sockeye.

(B) Open August 16 through October 22: Limit 6; no more than 3 adult salmon may be retained. ~~((Once the adult salmon daily limit is retained, anglers may not continue to fish for any species the remainder of the day.))~~

(k) **From Priest Rapids Dam to Rock Island Dam:**

(i) Closed waters:

(A) Wanapum Dam, between the upstream line of Wanapum Dam to the boundary markers 750 feet downstream of the east fish ladder and 500 feet downstream of the west fish ladder.

(B) Rock Island Dam, between the upstream line of Rock Island Dam to boundary markers 400 feet downstream of the fish ladders.

(ii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) Release all trout.

(iv) Salmon:

(A) Open July 1 through August 31:

(I) Limit ((8)) 4; no more than 2 adult hatchery Chinook ~~((and no more than 6 sockeye))~~ may be retained.

(II) Release sockeye, coho and wild adult Chinook.

(B) Open September 1 through October 22: Open for Chinook only; limit 6 ((Chinook)), no more than 3 adults ((Chinook salmon)) may be retained. Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(l) **From Rock Island Dam to Wells Dam:**

(i) Closed waters:

(A) At Rocky Reach Dam between the upstream line of the dam to boundary markers 400 feet downstream of the fish ladders.

(B) At Wells Dam, between the upstream line of Wells Dam to boundary markers 400 feet downstream of the spawning channel discharge (on Chelan County side) and fish ladder (on Douglas County side).

(ii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) ~~((Trout: Catch and release only.))~~ Release all trout.

(iv) Salmon open July 1 through October 15:

(A) Limit ((8)) 4; no more than 2 adult hatchery Chinook ~~((and no more than 6 sockeye))~~ may be retained.

(B) Release sockeye, coho and wild adult Chinook.

(m) **From Wells Dam to Highway 173 Bridge at Brewster:**

(i) July 16 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(ii) Release all trout.

(iii) Salmon open July 16 through August 31:

(A) Limit ((8)) 4; no more than 2 adult hatchery Chinook ~~((and no more than 6 sockeye))~~ may be retained.

(B) Release sockeye, coho and wild adult Chinook.

(n) **From Highway 173 Bridge at Brewster to Chief Joseph Dam:**

(i) Closed waters:

(A) From the Okanogan County shore between Chief Joseph Dam and the Highway 17 Bridge.

(B) From the Douglas County shore from Chief Joseph Dam to the rock jetty at the upstream shoreline of Foster Creek.

(ii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) It is unlawful to fish from a floating device downstream of Chief Joseph Dam from the boundary marker to the Corps of Engineers safety zone marker.

(iv) ~~((Trout: Catch and release only.))~~ Release all trout.

(v) Salmon: Open July 1 through October 15:

(A) Limit ((8)) 4; no more than 2 adult hatchery Chinook ~~((and no more than 6 sockeye))~~ may be retained.

(B) Release sockeye, coho and wild adult Chinook.

(o) **Above Chief Joseph Dam:** See Rufus Woods Lake in WAC 220-310-195.

(p) **Above Grand Coulee Dam:** See Lake Roosevelt in WAC 220-310-195.

AMENDATORY SECTION (Amending WSR 16-06-073, filed 2/26/16, effective 7/1/16)

WAC 220-55-220 Two-pole endorsement. Anglers who possess a valid two-pole endorsement may fish with two lines in all lakes and ponds open to fishing, with the following exceptions:

Water Body	County
Para-juvenile Lake	Adams
Headgate Pond	Asotin
Columbia Park Pond	Benton
Blackbird Island Pond	Chelan
Aldwell Lake	Clallam
Beaver Lake	Clallam
Carrie Blake Pond	Clallam
Dickey Lake	Clallam
Lake Pleasant	Clallam
Lincoln Pond	Clallam
Sutherland Lake	Clallam

Water Body	County		Water Body	County	
Vancouver Lake	Clark	Includes all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River.	Cushman Reservoir	Mason	
			Prices Lake	Mason	
			Stump Lake	Mason	
			Silvernail Lake	Okanogan	
Big Four Lake	Columbia		Cases Pond	Pacific	
Dayton Pond	Columbia		South Bend Mill Pond	Pacific	
Blue Lake	Cowlitz		Bradley Lake	Pierce	
Castle Lake	Cowlitz		De Coursey Pond	Pierce	
Coldwater Lake	Cowlitz		Ohop Lake	Pierce	
Lewis River Power Canal	Cowlitz		Tanwax Lake	Pierce	
			Wapato Lake	Pierce	
			Granite Lakes	Skagit	Near Marblemount.
			Northern State Hospital Pond	Skagit	
Merrill Lake	Cowlitz				
Silver Lake	Cowlitz				
Pit Lake	Douglas				
Ping Pond	Grant				
Mill Creek Pond	Grays Harbor				
Quigg Lake	Grays Harbor	Located at Friends Landing near Montesano.	Swift Reservoir	Skamania	January 1 through April 30 and July 1 through September 30. From dam to Eagle Cliff Bridge.
Vance Creek Pond #1	Grays Harbor		Fortson Mill Pond #2	Snohomish	
Gibbs Lake	Jefferson		Jennings Park Pond	Snohomish	
Horseshoe Lake	Jefferson		Monte Cristo Lake	Snohomish	
Teal Lake	Jefferson		North Gissburg Pond	Snohomish	
Lake Sammamish	King		Spada Lake	Snohomish	
Lake Union	King		Bear Lake	Spokane	
Lake Washington	King	Including that portion of Sammamish River from 68th Ave. NE bridge downstream.	North Silver Lake	Spokane	
			Lucky Duck Pond	Stevens	
Lake Washington Ship Canal	King	(Including Lake Union, Portage Bay, and Salmon Bay) Waters east of a north-south line 400' west of the Chittenden Locks to the Montlake Bridge.	Long's Pond	Thurston	
			Munn Lake	Thurston	
			Jefferson Park Pond	Walla Walla	
			Lions Park Pond	Walla Walla	College Place.
			Diablo Lake	Whatcom	
Mill Pond	King	Auburn.	Gorge Lake	Whatcom	
Old Fishing Hole Pond	King	Kent.	Lake Whatcom	Whatcom	
Portage Bay	King		Ross Lake	Whatcom	
Salmon Bay	King		Squalicum Lake	Whatcom	
Swans Mill Pond	King		Garfield Juvenile Pond	Whitman	
Koeneman Lake	Kitsap	Formerly Fern Lake.	Clear Lake	Yakima	
Kachess Lake	Kittitas		Leech Lake	Yakima	White Pass area.
Keechelus Lake	Kittitas		Mud Lake	Yakima	
Kiwanis Pond	Kittitas		Myron Lake	Yakima	
Naneum Pond	Kittitas		Sarge Hubbard Park Pond	Yakima	
Cowlitz Falls Reservoir	Lewis		Yakima Sportsmen's Park Ponds	Yakima	
Mayfield Lake	Lewis	Mayfield Dam to Mossyrock Dam.			
Packwood Lake	Lewis				
Scanewa Lake	Lewis	Cowlitz Falls Reservoir.			
Walupt Lake	Lewis				
Willame Lake	Lewis				
Cady Lake	Mason				

Anglers who possess a valid two-pole endorsement may fish with two lines in the following river sections:

River	County	Section
Chehalis	Grays Harbor	From Highway 101 Bridge in Aberdeen to South Elma Bridge (Wakefield Road): ((July)) August 1 through November 30.
Columbia		Camas Slough: August 1 through December 31. From Highway 395 Bridge at Pasco to Old Hanford townsite wooden power-line towers: Year-round, except for sturgeon. From wooden powerline towers to Vernita Bridge: February 1 through October 22, except for sturgeon. From Vernita Bridge to Priest Rapids Dam: Year-round, except for sturgeon. From Priest Rapids Dam to Wanapum Dam: July 1 through August 31. From Wanapum Dam to Wells Dam: July 1 through August 31. From Wells Dam to Highway 173 Bridge at Brewster: July 16 through August 31. From Highway 173 Bridge at Brewster to Chief Joseph Dam: July 1 through August 31.
Cowlitz	Lewis	Lexington Bridge Drive in Kelso upstream to the barrier dam.
Lewis	Clark	From railroad bridge near Kuhn's Road to mouth of East Fork Lewis.
North Fork Lewis	Clark/Cowlitz	Mouth to Johnson Creek.
Naselle	Pacific/Wahkiakum	From Highway 101 Bridge to Highway 401: August 1 through January 31.
Okanogan	Okanogan	From the mouth to Highway 97 Bridge immediately upstream of the mouth: July 1 through ((October 15)) August 31.
Pend Oreille	Pend Oreille	
Palouse	Whitman	Mouth to base of Palouse Falls: June 16 through August 31.
Spokane	Spokane and Stevens	Lower Spokane River from mouth (SR 25 bridge) to 400' below Little Falls Dam.

River	County	Section
Willapa	Pacific	From the city of South Bend boat launch to the 2nd bridge on Camp One Road: August 1 through January 31.
Wind	Skamania	Salmon and steelhead: Mouth (boundary line/markers) to the Highway 14 Bridge: May 1 through June 30.
Yakima	Yakima	From Highway 240 Bridge to 400' below Prosser Dam: March 1 through August 31.

Anglers who possess a valid two-pole endorsement may fish for salmon with two lines in the following marine areas:

Description	Marine Area
Willapa	2-1. ((East of a line from Cape Shoalwater to Leadbetter Point.)) When permissible in WAC 232-28-620.
Port Susan and Port Gardner	Tulalip Terminal Area: May 1 through September 30.
Seattle/Bremerton Area	Sinclair Inlet: July 1 through September 30.
South Puget Sound	13.

AMENDATORY SECTION (Amending WSR 15-13-081, filed 6/12/15, effective 7/13/15)

WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits. (1) It is unlawful to take, fish for, or possess salmon taken by angling for personal use except from the following coastal areas, during the following seasons, in the quantities and the sizes provided for in WAC 220-56-180, and for the species designated in this section. An area is open when a daily limit is provided:

(2) Catch Record Card Area 1:

(a) May 1 through ~~((May 29))~~ June 30: Closed.

(b) ~~((May 30 through June 12))~~ July 1 through August 31:

(i) Daily limit of 2 salmon; no more than one may be a Chinook.

(ii) Release wild coho ~~((and wild Chinook.~~

~~((e) June 13 through September 30:~~

~~((i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.~~

~~((ii) Release wild coho)).~~

~~((d) October))~~ (c) September 1 through April 30: Closed.

~~((e))~~ (d) Closed in the Columbia River Mouth Control Zone 1 during all open periods. See WAC 220-56-195.

(3) Catch Record Card Area 2:

(a) May 1 through ~~((May 29))~~ June 30: Closed.

(b) ~~((May 30 through June 12))~~ July 1 through August 21:

(i) Daily limit of ~~((2))~~ one salmon.

(ii) Release coho ~~((and wild Chinook)).~~

~~((e) June 13 through September 30:~~

(i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(ii) Release wild coho.

~~(d) October 1~~) (iii) Beginning August 8, the Grays Harbor Control Zone is closed. Grays Harbor Control Zone - The area defined by a line drawn from the Westport Lighthouse (46°53.18'N latitude, 124°07.01'W longitude) to Buoy #2 (46°52.42'N latitude, 124°12.42'W longitude) to Buoy #3 (46°55.00'N latitude, 124°14.48'W longitude) to the Grays Harbor north jetty (46°55.36'N latitude, 124°10.51'W longitude).

(c) August 22 through April 30 - Closed.

(4) Willapa Bay (Catch Record Card Area 2-1):

(a) May 1 through ~~((May 29))~~ June 30: Closed.

(b) ~~((May 30))~~ July 1 through July ~~((+5))~~ 31: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) ~~((July 16))~~ August 1 through January 31:

(i) Daily limit of 6 salmon; no more than 4 may be adult salmon.

(ii) Release wild Chinook.

(iii) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(iv) Waters north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green) then, northeasterly to the power transmission pole located at 46°43.19'N, 123°50.83'W are closed August 1 through September 30.

(d) February 1 through April 30: Closed.

(5) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

(a) May 1 through July 31: Closed.

(b) August 1 through September ~~((+5))~~ 24:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

(iii) Waters south of a line running from the south end of the eastern jetty at Ocean Shores Marina to the fishing boundary marker on Sand Island (46°57.52'N, 124°03.36'W) to the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) are closed.

(c) September ~~((+6))~~ 25 through September 30: Closed.

(d) October 1 through November 30:

(i) Daily limit of ~~((3))~~ 1 salmon.

(ii) Release wild Chinook.

(iii) Waters west of a line running from the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) through channel marker 27 (green) to the mouth of Johns River (Highway 105 Bridge) are closed.

~~((+))~~ (e) December 1 through April 30: Closed.

~~((+))~~ (f) Notwithstanding the provisions of this subsection, the Westport Boat Basin and Ocean Shores Boat Basin are open only August 16 through January 31:

(i) Daily limit of 6 salmon; no more than 4 may be adult salmon.

(ii) Release Chinook.

(iii) Night closure and anti-snagging rule in effect.

(6) Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line):

(a) ~~((August 10))~~ May 1 through ~~((May 29))~~ June 30: Closed.

(b) ~~((May 30))~~ July 1 through August ~~((9))~~ 7: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

~~(c) August 8 through April 30: Closed.~~

(7) Catch Record Card Area 3:

(a) May 1 through June ~~((13))~~ 30: Closed~~((; except May 15 through May 16, May 22 through May 23, and May 30 through June 12:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release coho and wild Chinook).~~

~~(b) ((June 13 through September 30))~~ July 1 through August 21:

(i) Daily limit of 2 salmon.

(ii) Release ~~((wild))~~ coho.

(iii) In years ending in odd numbers, two additional pink salmon may be retained as part of the daily limit.

~~(c) ((October 1))~~ August 22 through April 30: Closed.

~~((d) Notwithstanding the provisions of this subsection, waters north of 47°50'00"N latitude and south of 48°00'00"N latitude are also open September 30 through October 11:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release wild coho.)~~

(8) Catch Record Card Area 4:

(a) May 1 through June ~~((13))~~ 30: Closed~~((; except May 15 through May 16, May 22 through May 23, and May 30 through June 12:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release coho and wild Chinook.~~

~~(iii) Waters east of a true north-south line through Sail Rock are closed).~~

~~(b) ((June 13 through September 30))~~ July 1 through August 21:

(i) Daily limit of 2 salmon.

(ii) Release ~~((wild))~~ coho ~~((salmon))~~.

(iii) In years ending in odd numbers, two additional pink salmon may be retained as part of the daily limit.

(iv) Waters east of a true north-south line through Sail Rock are closed through July 31.

~~(v) ((Release Chinook salmon caught))~~ Waters east of the Bonilla-Tatoosh line closed beginning August 1.

(vi) Release chum salmon beginning August 1.

~~(c) ((September))~~ August 22 through April 30: Closed.

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

AMENDATORY SECTION (Amending WSR 15-13-081, filed 6/12/15, effective 7/13/15)

WAC 220-55-230 Columbia River endorsement.

Anglers 15 years of age and older must purchase and have a valid Columbia River endorsement in their possession to fish for salmon or steelhead in the following waters:

(1) In the mainstem Columbia River from the Rocky Point/Tongue Point line to Chief Joseph Dam

- (2) Deep River (Wahkiakum County)
- (3) Grays River (Wahkiakum County) from the mouth to the mouth of the South Fork
- (a) Grays River, West Fork
- (b) Grays River, South Fork
- (c) Grays River, East Fork
- (4) Skamokawa River (Wahkiakum County)
- (5) Elochoman River (Wahkiakum County)
- (6) Mill Creek (Cowlitz County)
- (7) Abernathy Creek (Cowlitz County), including all tributaries
- (8) Germany Creek (Cowlitz County), including all tributaries
- (9) Coal Creek (Cowlitz County) from the mouth to 400 feet below the falls
- (10) Cowlitz River (Cowlitz County) from the mouth to the mouth of Ohanapecosh and Muddy forks
- (a) Olequa Creek
- (b) Lacamas Creek (Lewis County)
- (c) Blue Creek
- (d) Mill Creek (Lewis County)
- (e) Mayfield Lake
- (f) Tilton River from the mouth to West Fork
- (g) Tilton River, East Fork
- (h) Tilton River, North Fork
- (i) Tilton River, South Fork
- (j) Tilton River, West Fork
- (k) Lake Scanewa (Cowlitz Falls Reservoir)
- (l) Cispus River (Lewis County) mouth to North Fork
- (m) Cowlitz River, Clear Fork and Muddy Fork
- (11) Coweeman River (Cowlitz County)
- (12) Toutle River (Cowlitz County) from the mouth to forks
- (a) Toutle River, North Fork
- (b) Toutle River, South Fork
- (c) Green River (Cowlitz County) from the mouth to Miner's Creek
- (13) Kalama River (Cowlitz County) from the mouth to Kalama Falls; Gobar Creek
- (14) Lewis River (Clark/Cowlitz counties) from the mouth to Merwin Dam
- (a) Lewis River, East Fork
- (b) Cedar Creek (Clark County)
- (15) Salmon Creek (Clark County) from the mouth to 182nd Ave. Bridge
- (16) Camas Slough (Clark County) (waters outside the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island)
- (17) Washougal River (Clark County)
- (a) Little Washougal
- (b) Washougal River West, North Fork
- (18) Hamilton Creek (Skamania County)
- (19) Rock Creek (Skamania County) from the mouth to the falls at approximately river mile 1
- (20) Wind River (Skamania County)
- (21) Drano Lake (Skamania County) (Little White Salmon River downstream of the markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of Highway 14 Bridge)
- (22) White Salmon River (Klickitat/Skamania counties) from the mouth to Big Brother Falls at river mile 16
- (23) Klickitat River (Klickitat County)
- (24) Walla Walla River (Walla Walla County) and tributaries
- (25) Mill Creek (Walla Walla County)
- (26) Touchet River (Columbia/Walla Walla counties) from the mouth to the confluence of North Fork and South Fork
- (a) Touchet River, North Fork
- (b) Touchet River, South Fork
- (c) Touchet River, Wolf Fork
- (27) Grande Ronde River (Asotin County)
- (28) Snake River mainstem; Palouse River (Whitman County) (below the falls)
- (29) Tucannon River (Columbia/Garfield counties)
- (30) Yakima River (Benton/Yakima/Kittitas counties)
- (a) From the mouth to ~~((400 feet below Prosser Dam))~~ the Mabton-Sunnyside Rd. (SR 241) Bridge
- (b) ~~((From Highway 223 Bridge at Zillah to Sunnyside (Parker) Dam~~
- ~~(c))~~ From the Interstate 82 Bridge at Union Gap to Roza Dam
- (31) Wenatchee River from the mouth to ~~((Lake Wenatchee))~~ Tumwater Dam
- (32) Chelan River (Chelan County) from the mouth (railroad bridge) to Chelan PUD safety barrier below the powerhouse
- (33) Icicle River (Chelan County) from the mouth to ~~((Leland Creek))~~ Icicle Irrigation Peshastin District foot-bridge
- (34) Lake Wenatchee (Chelan County)
- (35) Entiat River (Chelan County) from the mouth to Entiat Falls
- (36) Methow River (Okanogan County) from the mouth to Foghorn Dam
- (37) Okanogan River (Okanogan County)
- (38) Lake Osoyoos (Okanogan County)
- (39) Similkameen River (Okanogan County) mouth to Enloe Dam

WSR 16-14-045**PERMANENT RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 16-160—Filed June 28, 2016, 4:26 p.m., effective July 29, 2016]

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

Purpose: Amends rules for recreational salmon fishing in coastal freshwater bodies based on the 2016 North of Falcon recommendations. Rules for recreational salmon fishing change year to year to reflect resource availability and achieve conservation goals. Amendments to other recreational fishing in freshwater waterbodies (WAC 220-310-200, 220-55-230, 220-55-220, 232-28-620, 220-310-185, 220-310-195, 220-310-190) occurred under a separate filing (WSR 16-11-099 on May 18, 2016).

Citation of Existing Rules Affected by this Order: Amending WAC 220-310-180, 220-16-220, and 220-56-185.

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

Adopted under notice filed as WSR 16-11-103 on May 18, 2016.

Changes Other than Editing from Proposed to Adopted Version: The following changes were made after the CR-102 was filed for language consistency, clarification, or as a result of public response during the North of Falcon sport fishing process.

WAC 220-310-180 Freshwater exceptions to statewide rules—Coast:

1. Hoh River, all reaches outside of the Olympic National Park boundary: The opening date was changed to say, "Open September 1" The rule had not been updated from 2015, when it said "Open August 1" This change makes the rule consistent with discussions held and decisions made during the North of Falcon process.

2. Dungeness River, from mouth to the forks at Dungeness Forks Campground: The trout opening date was corrected to say "Open October 16" consistent with previous years. A typographical error had changed the opening date to "Open October 6"

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

Number of Sections Adopted at 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: June 27, 2016.

J. W. Unsworth
Director

AMENDATORY SECTION (Amending WSR 91-08-054, filed 4/2/91, effective 5/3/91)

WAC 220-16-220 Geographical definitions—Willapa Bay. The term "Willapa Bay" shall be construed to include all the waters of Willapa Bay outside the mouth of any tributary river or stream inside and easterly of a line from Leadbetter Point (~~((to Willapa Bay Channel Marker 8 (Buoy 8) and))~~) (~~(46°39'12"N, 124°3'31"W) due west to 46°39'12"N, 124°5'20"W~~) then due north to the westerly most landfall on Cape Shoalwater at 46°44'40"N, 124°5'20"W.

AMENDATORY SECTION (Amending WSR 10-07-105, filed 3/19/10, effective 5/1/10)

WAC 220-56-185 Marine area codes. The term "marine area code numbers" is defined as the catch area for the catch record card. The following is a list of the catch areas:

(1) Area 1 (Ilwaco): Waters west of the Buoy 10 Line and north to Leadbetter Point.

(2)(a) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.

(b) Area 2-1: Willapa Bay east of a line from Leadbetter Point (~~((to Willapa Channel Marker 8 (Buoy 8))~~) (~~(46°39'12"N, 124°3'31"W) due west to 46°39'12"N, 124°5'20"W~~) then due north to the westerly most landfall on Cape Shoalwater at 46°44'40"N, 124°5'20"W.

(c) Area 2-2: Grays Harbor east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty.

(3) Area 3 (La Push): From the Queets River north to Cape Alava.

(4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(6) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) - Rosario Strait Traffic Lane Entrance Lighted Buoy R (USCG Light List No. 16340, referenced as Y "R" on National Ocean Service Chart No. 18400-1 dated 1997-08-30) - Smith Island - the most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

(7) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(8)(a) Area 8 (Deception Pass, Hope and Camano Islands): Line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point - Shipwreck Line.

(b) Area 8-1 (Deception Pass and Hope Island): East of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough, north of the Highway 532 Bridge between Camano Island and the mainland, and westerly of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #4 on Camano Island (Fl red 4 sec.).

(c) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #4 on Camano Island (Fl red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

(9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(11) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(12) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

AMENDATORY SECTION (Amending WSR 16-06-073, filed 2/26/16, effective 7/1/16)

WAC 220-310-180 Freshwater exceptions to state-wide rules—Coast. (1) **Aberdeen Lake (Grays Harbor County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: No more than 2 trout over 15 inches in length may be retained.

(2) **Alder Creek (Pacific County) (Naselle River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(3) **Anderson Lake (Jefferson County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Open September 1 through October 31:

(i) Selective gear rules apply.

(ii) Trout: Catch and release only.

(4) **Bear Creek (Clallam County) (Bogachiel River tributary):**

(a) Open the first Saturday in June through ~~((October))~~ August 31.

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait.

(d) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release wild (unclipped) rainbow trout.

(5) **Bear Creek (Clallam County) (Sol Duc River tributary):**

(a) Open the first Saturday in June through ~~((October))~~ August 31.

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait.

(d) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release wild (unclipped) rainbow trout.

(6) **Bear River (Pacific County):**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) Open the first Saturday in June through March 31.

(c) August 16 through November 30: Night closure in effect.

(i) From the mouth (Highway 101 Bridge) to Lime Quarry Road (approximately two river miles):

(A) August 16 through November 30:

(I) Barbless hooks required.

(II) Anti-snagging rule applies.

(B) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(C) Salmon:

(I) Open September 1 through January 31.

(II) Limit 6 fish; only 4 may be adults.

(III) Release wild Chinook.

(ii) From the Lime Quarry Road upstream to the Longview Fiber Bridge:

(A) Selective gear rules apply.

(B) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(7) **Beaver Creek (Clallam County) (Sol Duc River tributary):**

(a) From the mouth upstream to Beaver Falls:

(i) Open the first Saturday in June through ~~((October))~~ August 31.

(ii) It is unlawful to use anything other than one barbless hook.

(iii) It is unlawful to use bait.

(iv) Trout:

(A) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(B) Release wild (unclipped) rainbow trout.

(b) From Beaver Falls upstream to Beaver Lake: Open the first Saturday in June through October 31.

(8) **Beaver Lake (Clallam County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Maximum length 12 inches.

(9) **Big Creek (Grays Harbor County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(10) **Big River (Clallam County), outside of Olympic National Park:**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) Open the first Saturday in June through October 15, and January 1 through the last day of February.

(c) Selective gear rules apply.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

(11) **Black Creek (Grays Harbor County) (Wynoochee River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(12) **Black Lake (Pacific County):** Open the fourth Saturday in April through October 31.

(13) **Black River (Grays Harbor/Thurston counties):**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to State Highway 12:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(c) From Highway 12 to bridge on 128th Ave. S.W.:

(i) Anti-snagging rule applies.

(ii) Night closure in effect.

(iii) Barbless hooks are required.

(iv) Open for game fish the first Saturday in June through October 31; trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~((v) Salmon open October 1 through January 31:~~

~~(A) From October 1 through November 30:~~

~~(I) Limit 6; only 2 adults may be retained.~~

~~(H) Release Chinook and chum.~~

~~(B) From December 1 through January 31:~~

~~(I) Limit 6; only 2 adults may be retained and only one may be a wild adult coho.~~

~~(H) Release Chinook and chum.)~~

(d) From bridge on 128th Avenue S.W. (west of Litterock) to Black Lake:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(14) **Bogachiel River (Clallam County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Release wild (unclipped) rainbow trout.

(c) It is unlawful to use anything other than one barbless hook.

(d) From the mouth to ~~((Highway 101 Bridge))~~ mouth of Mill Creek:

(i) Open the first Saturday in June through August 31 and November 16 through April 30.

(ii) It is unlawful to use bait the first Saturday in June through September 30 and February 16 through April 30.

(iii) Trout:

(A) From the first Saturday in June through August 31 and November 16 through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(B) From April 1 through April 30: Trout minimum length 14 inches.

(C) November ~~((+))~~ 16 through last day in February: The limit may include one additional hatchery steelhead.

(iv) Salmon open July 1 through August 31 and November 16 through 30:

(A) From July 1 through August 31:

(I) Limit 6; no more than 2 adults may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) From ~~((September +))~~ November 16 through November 30: Limit ~~((6; only one adult may be retained))~~ one; release wild coho.

(e) From the mouth of Mill Creek to the Highway 101 Bridge ~~((to Olympic National Park boundary))~~:

(i) Open the first Saturday in June through August 31 and December 1 through April 30.

(ii) It is unlawful to use bait the first Saturday in June through September 30 and February 16 through April 30.

(iii) Trout:

(A) From the first Saturday in June through August 31 and December 1 through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(B) From April 1 through April 30: Trout minimum length 14 inches.

(C) December 1 through last day in February: The limit may include one additional hatchery steelhead.

(iv) Salmon open July 1 through August 31.

(I) Limit 6; no more than 2 adults may be retained.

(II) Release wild adult Chinook and wild adult coho.

(f) From Highway 101 Bridge to Olympic National Park boundary:

(i) Open the first Saturday in June through August 31 and December 1 through April 30.

(ii) It is unlawful to use bait.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.

(15) **Bone River (Pacific County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(16) **Bunker Creek (Lewis County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(17) **Butte Creek (Pacific County) (Smith River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(18) **Calawah River (Clallam County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Release wild (unclipped) rainbow trout.

(c) It is unlawful to use anything other than one barbless hook.

(d) From the mouth to the Highway 101 Bridge:

(i) Open the first Saturday in June through August 31 and November 16 through April 30.

(ii) It is unlawful to use bait the first Saturday in June through September 30 and February 16 through April 30.

(iii) Trout:

(A) From the first Saturday in June through August 31 and November 16 through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(B) From April 1 through April 30: Trout minimum length 14 inches.

(C) From November ~~((+))~~ 16 through the last day in February: The limit may include one additional hatchery steelhead.

(iv) Salmon open July 1 through August 31 and November 16 through November 30:

- (A) From July 1 through August 31:
 (I) Limit 6; only 2 adults may be retained.
 (II) Release wild adult Chinook and wild adult coho.
- (B) From ~~((September 1))~~ November 16 through November 30: Limit ~~((6; only one adult may be retained))~~ one; release wild coho.
- (e) From the Highway 101 Bridge to the forks:
 (i) Open the first Saturday in June through August 31 and December 1 through April 30.
 (ii) It is unlawful to use bait.
 (iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.
- (19) Calawah River, North Fork (Clallam County):**
 (a) Open the first Saturday in June through ~~((October))~~ August 31.
 (b) It is unlawful to use anything other than one barbless hook.
 (c) It is unlawful to use bait.
 (d) Trout:
 (i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 (ii) Release wild (unclipped) rainbow trout.
- (20) Calawah River, South Fork (Clallam County):**
 (a) Open the first Saturday in June through August 31 and December 1 through the last day in February from the mouth to the Olympic National Park boundary.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) It is unlawful to use anything other than one barbless hook.
 (d) It is unlawful to use bait.
 (e) Trout:
 (i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 (ii) Release wild (unclipped) rainbow trout.
- (21) Cases Pond (Pacific County):**
 (a) Open the fourth Saturday in April through November 30 to juvenile anglers only.
 (b) Landlocked salmon rules apply.
- (22) Cedar Creek (Clallam County), outside of Olympic National Park:**
 (a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 (b) Open the first Saturday in June through October 31.
 (c) Selective gear rules apply.
 (d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
- (23) Cedar Creek (Grays Harbor/Thurston counties) (Chehalis River tributary):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
- (24) Cedar Creek (Jefferson County), outside Olympic National Park:**
 (a) Open the first Saturday in June through the last day in February.
 (b) Selective gear rules apply.
- (c) Trout: Minimum length 14 inches except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
- (25) Cedar River (Pacific County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Catch and release only.
- (26) Chehalis River (Grays Harbor County), including all channels, sloughs, and interconnected waterways:**
 (a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 (b) From the mouth (Highway 101 Bridge in Aberdeen) to South Elma Bridge (Wakefield Road) including all channels, sloughs, and interconnected waterways:
 (i) All species ~~((July))~~ August 1 through November 30:
 (A) Single-point barbless hooks are required.
 (B) Anglers may fish with two poles from the mouth to the South Elma Bridge (Wakefield Road), provided they possess a valid two-pole endorsement.
 (ii) Game fish:
 (A) Open the first Saturday in June through April 15:
 (B) Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 (iii) Salmon:
 (A) Open ~~((May 1))~~ April 16 through June 30: Limit one salmon.
 (B) Open ~~((July 1))~~ August 1 through ~~((November 30))~~ September 15:
 (I) Limit 6 ~~((; only 3 adults may be retained)).~~
 (II) Release adult ~~((Chinook))~~ salmon.
 (C) ~~((December 1))~~ September 16 through January 31:
 (I) Limit 6; only ~~((2))~~ one adult~~((s))~~ may be retained ~~((and only one may be a wild adult coho)).~~
 (II) Release wild Chinook and wild coho.
 (c) From South Elma Bridge (Wakefield Road) to the ~~((Black River))~~ Porter Boat Launch:
 (i) All species: Single-point barbless hooks are required August ~~((46))~~ 1 through November 30.
 (ii) Game fish:
 (A) Open the first Saturday in June through April 15.
 (B) Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 (iii) Salmon:
 (A) Open ~~((May 1))~~ April 16 through June 30: Limit one salmon.
 (B) Open ~~((September 16))~~ August 1 through ~~((November 30))~~ September 15:
 (I) Limit 6 ~~((; only 3 adults may be retained)).~~
 (II) Release adult ~~((Chinook))~~ salmon.
 (C) Open ~~((December 1))~~ September 16 through January 31:
 (I) Limit 6; only ~~((2))~~ one adult~~((s))~~ may be retained ~~((; and only one may be a wild adult coho)).~~
 (II) Release wild Chinook and wild coho.
 (d) From ~~((Black River))~~ Porter Boat Launch to the Highway 6 Bridge in the town of Adna:
 (i) All species August 16 through November 30: Single-point barbless hooks are required.

- (ii) Game fish:
 - (A) Open the first Saturday in June through April 15:
 - (B) Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
- (iii) Salmon:
 - (A) Open (~~(May 1)~~) April 16 through June 30: Limit one salmon.
 - (B) Open September 16 through (~~(November 30)~~) January 31:
 - (I) Limit 6; only ~~((3))~~ one adult(~~(s))~~ may be retained.
 - (II) Release (~~(adult)~~) wild Chinook, wild coho, and chum.
 - ~~((C) Open December 1 through January 31:~~
 - ~~(I) Limit 6; only 2 adults may be retained and only one may be a wild adult coho.~~
 - ~~(II) Release Chinook and chum.)~~
 - (e) From the Highway 6 Bridge in the town of Adna to the high bridge on Weyerhaeuser 1000 line approximately 400 yards downstream of Roger Creek (south of Pe Ell):
 - (i) All species August 16 through November 30: Single-point barbless hooks are required.
 - (ii) Game fish:
 - (A) Open the first Saturday in June through April 15.
 - (B) Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 - (iii) Salmon:
 - (A) Open (~~(October 1)~~) September 16 through (~~(November 30)~~) January 31:
 - (I) Limit 6; only ~~((3))~~ one adult(~~(s))~~ may be retained.
 - (II) Release Chinook, wild coho, and chum.
 - ~~((B) Open December 1 through January 31:~~
 - ~~(I) Limit 6; only 2 adults may be retained and only one may be a wild adult coho.~~
 - ~~(II) Release Chinook and chum.)~~
 - (f) From high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell, including all forks) upstream:
 - (i) Open the first Saturday in June through April 15.
 - (ii) Selective gear rules apply.
 - (iii) Release all fish, except anglers may retain up to 2 hatchery steelhead.
 - (27) **Chehalis River, South Fork (Lewis County):**
 - (a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 - (b) From the mouth to County Highway Bridge near Boistfort School:
 - (i) Open the first Saturday in June through April 15.
 - (ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 - (c) From the County Highway Bridge near Boistfort School, upstream:
 - (i) Open the first Saturday in June through October 31.
 - (ii) Selective gear rules apply.
 - (28) **Chenois Creek (Grays Harbor County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (29) **Chester Creek (Grays Harbor County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (30) **Chimacum Creek (Jefferson County):**
 - (a) From the mouth to Ness's Corner Road:
 - (i) Open the first Saturday in June through August 31.
 - (ii) Selective gear rules apply.
 - (iii) Catch and release only.
 - (b) From Ness's Corner Road to headwaters:
 - (i) Open the first Saturday in June through October 31.
 - (ii) Selective gear rules apply.
 - (iii) Catch and release only.
 - (31) **Clallam River (Clallam County):**
 - (a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 - (b) Open the first Saturday in June through January 31.
 - (c) Selective gear rules apply from the first Saturday in June through October 31.
 - (d) From the first Saturday in June through October 31: Catch and release only.
 - (e) Trout: Minimum length 14 inches.
 - (32) **Clearwater River (Jefferson County):**
 - (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (b) It is unlawful to use anything other than one barbless hook.
 - (c) Release wild (unclipped) rainbow trout.
 - (d) From the mouth to Snahapish River:
 - (i) Open the first Saturday in June through August 31 and December 1 through April 15:
 - (ii) It is unlawful to use bait the first Saturday in June through September 30 and February 16 through April 15.
 - (iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 - ~~((iv) Salmon:~~
 - ~~(A) Open September 1 through November 30.~~
 - ~~(B) Limit 6; only one may be an adult.~~
 - ~~(C) Release wild adult coho.)~~
 - (e) From Snahapish River upstream:
 - (i) Open the first Saturday in June through (~~(October)~~) August 31.
 - (ii) It is unlawful to use bait.
 - (iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.
 - (33) **Cloquallum Creek (Grays Harbor County):**
 - (a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 - (b) From the mouth to the outlet at Stump Lake:
 - (i) Open the first Saturday in June through the last day in February.
 - (ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.
 - (c) From the outlet at Stump Lake upstream:
 - (i) Open the first Saturday in June through October 31.
 - (ii) Selective gear rules apply.
 - (34) **Coal Creek (Clallam County) tributary to Ozette River, outside the Olympic National Park boundary:**
 - (a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.

(ii) Release kokanee.

(35) Connor Creek (Grays Harbor County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(36) Cook Creek (Grays Harbor County), from the Quinault Indian Reservation boundary upstream:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(37) Copalis River (Grays Harbor County):

(a) General river rules:

(i) From the first Saturday in June through last day in February: Open for game fish.

(ii) It is permissible to retain hatchery steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(b) Rules by river section:

(i) From the mouth to Carlisle Bridge:

(A) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(B) Salmon:

(I) Open (~~(September)~~) October 1 through January 31.

(II) Limit 6; only ~~((2))~~ one adult salmon may be retained.

(III) Release adult Chinook and chum.

(ii) From Carlisle Bridge upstream: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(38) Crim Creek (Lewis County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(39) Crocker Lake (Jefferson County): Closed.

(40) Crooked Creek (Clallam County) and tributaries that are outside of Olympic National Park:

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

(41) Damon Lake (Grays Harbor County): Open the first Saturday in June through October 31.

(42) Deep Creek (Clallam County) (Humptulips River tributary):

(a) Open December 1 through January 31.

(b) Selective gear rules apply.

(c) Release all fish, except mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(43) Deep Creek (Grays Harbor County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(44) Delezene Creek (Grays Harbor County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(45) Dickey River (Clallam County):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Release wild (unclipped) rainbow trout.

(c) It is unlawful to use anything other than one barbless hook.

(d) From Olympic National Park boundary upstream to the confluence of the East and West forks:

(i) Open the first Saturday in June through August 31 and December 1 through April 30.

(ii) It is unlawful to use bait the first Saturday in June through September 30 and February 16 through April ~~((+5))~~ 30.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iv) Salmon open July 1 through ~~((November 30;~~

~~(A) From July 1 through))~~ August 31:

(I) Limit 6; only 2 adult salmon may be retained.

(II) Release wild adult Chinook and wild adult coho.

~~((B) From September 1 through November 30; Limit 6; only one adult may be retained.))~~

(e) From the confluence of the East and West forks upstream (for both forks):

(i) Open the first Saturday in June through August 31 and December 1 through April 30.

(ii) It is unlawful to use bait.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(46) Donkey Creek (Grays Harbor County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(47) Duck Lake (Grays Harbor County):

(a) Crappie: No limit and no minimum length.

(b) Grass carp: No limit for anglers and bow and arrow fishing.

(48) Dungeness River (Clallam County):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to the forks at Dungeness Forks Campground:

(i) Open October 6 through January 31.

(ii) Trout: Minimum length 14 inches.

(iii) Salmon:

(A) Open only from the mouth to the hatchery intake pipe at river mile 11.3 from October 16 through December 31.

(B) Limit 4 coho only.

(c) From Gold Creek upstream: Open the Saturday before Memorial Day through October 31.

(49) East Twin River (Clallam County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Catch and release only.

(50) Eight Creek (Lewis County) (tributary to Elk Creek, which is a Chehalis River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(51) Elk Creek (Clallam County), outside of Olympic National Park:

- (a) Open the first Saturday in June through October 15.
- (b) Selective gear rules apply.
- (c) Trout:
 - (i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 - (ii) Release kokanee.

(52) Elk Creek (Lewis County) (Chehalis River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(53) Elk Lake (Clallam County):

- (a) Open the first Saturday in June through October 15.
- (b) Selective gear rules apply.
- (c) Trout:
 - (i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 - (ii) Release kokanee.

(54) Elk River (Grays Harbor County):

- (a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (b) From the mouth (Highway 105 Bridge) to the confluence of ~~((east and))~~ the middle ~~((branches))~~ branch:
 - (i) Open the first Saturday in June through the last day in February.
 - (ii) From August 16 through November 30: Single-point barbless hooks are required.
 - (iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~((iv) Salmon open October 1 through November 30:~~~~(A) Limit 6; only one adult may be retained.~~~~(B) Release Chinook.))~~

- (c) From confluence of ~~((east and))~~ the middle ~~((branches))~~ branch upstream:

- (i) Open the first Saturday in June through the last day in February.
- (ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(55) Elkhorn Creek (Pacific County) (Smith Creek tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(56) Ellis Creek (Pacific County) (Willapa River tributary):

- (a) Open the first Saturday in June through October 15.
- (b) Selective gear rules apply.

(57) Ellsworth Creek (Pacific County) (Naselle River tributary):

- (a) Open the first Saturday in June through September 30.
- (b) Selective gear rules apply.

(58) Failor Lake (Grays Harbor County):

- (a) Open the fourth Saturday in April through October 31.
- (b) Trout: It is unlawful to retain more than two trout over 15 inches in length per day.

(59) Fairchild Creek (Pacific County) (Wilson Creek tributary, which is a Willapa River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(60) Fall River (~~(and all forks))~~ (Pacific County) (North River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(61) Falls Creek (Pacific County) (Willapa River tributary):

- (a) Open the first Saturday in June through October 15.
- (b) Selective gear rules apply.

(62) Fern Creek (Pacific County) (Willapa River tributary):

- (a) Open the first Saturday in June through October 15.
- (b) Selective gear rules apply.

(63) Finn Creek (Pacific County) (North Nemah River tributary): Open the first Saturday in June through October 31.**(64) Fork Creek (Pacific County) (Willapa River tributary):**

- (a) From Forks Creek Hatchery rack upstream 500 feet at fishing boundary sign:

- (i) Open only for anglers with lower extremity disabilities who must permanently use a medically prescribed assistive device every time for mobility as defined in WAC 232-12-825(1) and possess a designated harvester companion card.

(ii) Night closure in effect.

(iii) From October 1 through November 30:

(A) Single-point barbless hooks are required.

(B) Stationary gear restriction applies.

- (iv) Open the first Saturday in June through July 15 and October 1 through March 31: Release all fish, except anglers may retain up to 2 hatchery steelhead.

(v) Salmon open October 1 through January 31.

(A) From October 1 through November 30:

- (I) Limit 6; only 3 adults may be retained, and only 2 may be wild adult coho.

(II) Release wild Chinook.

(B) From December 1 through January 31:

- (I) Limit 6; only 2 adults may be retained, and only one may be a wild adult coho.

(II) Release wild Chinook.

- (b) From the fishing boundary sign 500 feet above Forks Creek Hatchery rack upstream to the source:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(65) Garrard Creek (Grays Harbor County) (Chehalis River tributary):

- (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
- (66) Gibbs Lake (Jefferson County):**
 (a) Selective gear rules apply.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Trout: Catch and release only.
- (67) Goodman Creek (Jefferson County), outside Olympic National Park:**
 (a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 (b) Open the first Saturday in June through the last day in February.
 (c) Selective gear rules apply.
 (d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
- (68) Grass Creek (Grays Harbor County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
- (69) Gray Wolf River (Clallam County):** From the bridge at river mile 1.0, upstream:
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Catch and release only.
- (70) Halfmoon Creek (Pacific County) (Willapa River tributary):**
 (a) Open the first Saturday in June through October 15.
 (b) Selective gear rules apply.
- (71) Halfway Creek (Lewis County) (tributary of Stillman Creek, which is a Chehalis River tributary):**
 (a) Open the first Saturday in June through October 31 from the mouth to the second bridge crossing on Pe Ell McDonald Road.
 (b) Selective gear rules apply.
- (72) Hanaford Creek (Lewis County) (Skookumchuck River tributary):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
- (73) Harris Creek (Grays Harbor County) (Chehalis River tributary):**
 (a) Open the first Saturday in June through October 31.
 (b) Trout: Selective gear rules apply.
- (74) Hoh River (Jefferson County):**
 (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (b) Release wild (unclipped) rainbow trout.
 (c) It is unlawful to use anything other than one barbless hook.
 (d) From the Olympic National Park boundary upstream to the DNR Oxbow Campground Boat Launch:
 (i) Open August 1 through October 10 and November 21 through April 15.
 (A) From August 1 through October 10 and November 21 through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 (B) From April 1 through April 15: Trout minimum length 14 inches.
- (C) From November ~~((+))~~ 21 through February 15: The trout limit may include one additional hatchery steelhead.
 (ii) It is unlawful to use bait the first Saturday in June through September 30 and February 16 through April 15.
 (iii) Salmon open September 1 through October 10 and November 21 through November 30: Limit 6; only one adult may be retained. Release wild coho.
 (e) From the DNR Oxbow Campground Boat Launch to Morgans Crossing Boat Launch site:
 (i) Open August 1 through October 10 and November 21 through April 15.
 (ii) It is unlawful to use bait.
 (iii) From August 1 through April 15: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 (iv) Salmon open (~~((October 16))~~) November 21 through November 30: Limit 6; only one adult may be retained. Release wild coho.
 (f) From Morgan's Crossing Boat Launch upstream to the Olympic National Park boundary below mouth of South Fork Hoh River:
 (i) Open August 1 through October 10 and November 21 through April 15.
 (ii) It is unlawful to use bait.
 ((+)) (iii) It is unlawful to fish from a floating device.
 ((+)) (iv) Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
- (75) Hoh River, South Fork (Jefferson County), outside the Olympic National Park boundary:**
 (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (b) Open August 1 through October 10 and November 21 through April 15.
 (c) It is unlawful to use anything other than one barbless hook.
 (d) It is unlawful to use bait.
 (e) Trout:
 (i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 (ii) Release wild (unclipped) rainbow trout.
- (76) Hoko River (Clallam County):**
 (a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 (b) From the mouth to the upper Hoko Bridge:
 (i) Closed to fishing from the hatchery ladder downstream 100 feet.
 (ii) Open the first Saturday in June through March 15. Open to fly fishing only September 1 through October 31, except mandatory retention of hatchery steelhead.
 (iii) Trout: Minimum length fourteen inches.
 (c) From the upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5):
 (i) Open the first Saturday in June through March 31 to fly fishing only, except mandatory retention of hatchery steelhead.

(ii) Release all fish except anglers may retain up to two hatchery steelhead, except mandatory retention of hatchery steelhead.

(77) Hoquiam River, including West Fork (Grays Harbor County):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth (Highway 101 Bridge on Simpson) to Dekay Road Bridge (West Fork):

(i) August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the first Saturday in June through the last day of February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~((iii) Salmon open October 1 through December 31:~~

~~(A) From October 1 through November 30:~~

~~(I) Limit 6; only 2 adults may be retained.~~

~~(II) Release Chinook.~~

~~(B) From December 1 through December 31:~~

~~(I) Limit 6; only one adult may be retained.~~

~~(II) Release Chinook.)~~

(c) From Dekay Road Bridge upstream:

(i) Open the first Saturday in June through the last day of February.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(78) Hoquiam River, East Fork (Grays Harbor County):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to the confluence of Berryman Creek:

(i) August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the first Saturday in June through the last day of February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~((iii) Salmon open October 1 through December 31:~~

~~(A) From October 1 through November 30:~~

~~(I) Limit 6; only 2 adults may be retained.~~

~~(II) Release Chinook.~~

~~(B) From December 1 through December 31:~~

~~(I) Limit 6; only 1 adult may be retained.~~

~~(II) Release Chinook.)~~

(c) From the confluence of Berryman Creek upstream to Youman's Road Bridge:

(i) Open the first Saturday in June through the last day of February.

(ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(79) Hoquiam River, Middle Fork (Grays Harbor County): From the mouth upstream:

(a) Open the first Saturday in June through last day of October.

(b) Selective gear rules apply.

(80) Horseshoe Lake (Jefferson County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(81) Howe Creek (Jefferson County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(82) Humptulips River (Grays Harbor County):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth (Jessie Slough) to the Highway 101 Bridge, including all channels, sloughs, and interconnected waterways:

(i) From August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(ii) Open the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iii) Salmon open September 1 through January 31:

(A) From September 1 through September 30:

(I) Limit 6; only 2 adults may be retained, and only one may be a wild adult Chinook.

(II) Release wild coho.

(B) From October 1 through November 15:

(I) Limit 6; only 2 adults may be retained, and only one may be an adult Chinook.

(II) Release wild coho.

(C) From November 16 through January 31:

(I) Limit 6: Only ~~(2)~~ one adult~~(s)~~ may be retained.

(II) Release Chinook and wild coho.

(c) From the Highway 101 Bridge to the confluence of the East and West forks:

(i) From December 1 through March 31: It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) From August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(iii) Open the first Saturday in June through March 31:

(A) From the first Saturday in June through the last day in February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(B) From March 1 through March 31:

(I) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(II) Selective gear rules apply.

(iv) Salmon open September 1 through January 31:

(A) From September 1 through September 30:

(I) Limit 6; only 2 adults may be retained, and only one may be a wild adult Chinook.

(II) Release wild coho.

(B) From October 1 through November 15:

(I) Limit 6; only 2 adults may be retained, and only one may be an adult Chinook.

(II) Release wild coho.

(C) From November 16 through January 31:

(I) Limit 6; only ~~((2))~~ one adult~~((s))~~ may be retained.

(II) Release Chinook and wild coho.

(83) Humptulips River, East Fork (Grays Harbor County):

(a) From the mouth to the concrete bridge on Forest Service Road 220:

(i) August 16 through October 31: Anti-snagging rule applies and night closure in effect.

(ii) Open the first Saturday in June through October 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(b) From the concrete bridge on Forest Service Road 220 upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(84) Humptulips River, West Fork (Grays Harbor County):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to Donkey Creek:

(i) August 16 through November 30: Anti-snagging rule applies and night closure in effect.

(ii) Open the first Saturday in June through March 31:

(A) From the first Saturday in June through the last day in February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(B) From March 1 through March 31:

(I) Selective gear rules apply.

(II) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(III) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(c) From Donkey Creek upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(85) Independence Creek (Grays Harbor County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(86) Jimmy-Come-Lately Creek (Clallam County):

(a) From the mouth to confluence with East Fork:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(b) From confluence with East Fork upstream, including East Fork: Open the first Saturday in June through October 31.

(87) Joe Creek (Grays Harbor County):

(a) From the mouth to Ocean Beach Road Bridge:

(i) August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the first Saturday in June through November 30: Trout minimum length 14 inches, except it is permissible

to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Salmon open (~~(September))~~ October 1 through November 30:

(A) Limit 6; only ~~((2))~~ one adult~~((s))~~ may be retained.

(B) Release adult Chinook and chum.

(b) From Ocean Beach Road Bridge upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(88) Johns River (Grays Harbor County):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth (Highway 105 Bridge) to Ballon Creek:

(i) August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the first Saturday in June through the last day in February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~((iii) Salmon open October 1 through November 30:~~

~~(A) Limit 6; only one adult may be retained.~~

~~(B) Release Chinook.))~~

(c) From Ballon Creek upstream, including North and South Forks:

(i) Open the first Saturday in June through September 30 and December 1 through the last day in February.

(ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(89) Jones Creek (Lewis County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(90) Kalaloch Creek (Jefferson County), outside Olympic National Park:

(a) Closed within the section posted as the Olympic National Park water supply.

(b) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Open the first Saturday in June through the last day in February:

(i) Selective gear rules apply.

(ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(91) Leland Creek (Jefferson County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(92) Lena Lake, Lower (Jefferson County): The inlet stream is closed from the mouth upstream to the footbridge (about 100 feet).

(93) Lincoln Creek, including South Fork (Lewis County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(94) **Lincoln Pond (Clallam County):** Open to juvenile anglers only.

(95) **Little Hoko River (Clallam County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(96) **Little Hoquiam River (Grays Harbor County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(97) **Little North River ((and all forks)) (Grays Harbor County) (North River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(98) **Little Quilcene River (Jefferson County):**

(a) From the mouth to the Little Quilcene River Bridge on Penny Creek Road:

(i) Open the first Saturday in June through October 31.

(ii) From the mouth to Highway 101 Bridge: Open first Saturday in June through August 31.

(iii) Selective gear rules apply.

(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(v) Catch and release only.

(b) From Little Quilcene River Bridge on Penny Creek Road upstream: Open the first Saturday before Memorial Day through October 31.

(99) **Long Beach Peninsula waterways and lakes (Pacific County):** Open the fourth Saturday in April through October 31.

(100) **Loomis Lake (Pacific County):** Open the fourth Saturday in April through October 31.

(101) **Loomis Pond (Grays Harbor County):** Closed.

(102) **Lower Salmon Creek ((and all forks)) (Grays Harbor/Pacific counties) (North River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(103) **Lucas Creek (Lewis County) (tributary to the Newaukum River North Fork):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(104) **Ludlow Creek (Jefferson County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(105) **Ludlow Lake (Jefferson County):** Open the fourth Saturday in April through October 31.

(106) **Lyre River (Clallam County):**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to falls near river mile 3:

(i) Open the first Saturday in June through January 31.

(ii) Trout: Minimum length 14 inches.

(c) From the falls to the Olympic National Park boundary:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only, except mandatory hatchery steelhead retention applies.

(107) **Matheny Creek (Jefferson County) (Queets River tributary), outside Olympic National Park:**

(a) Open the first Saturday in June through ~~((October))~~ August 31.

(b) ~~((Selective gear rules apply.))~~ It is unlawful to use anything other than one barbless hook.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(d) Release wild (unmarked) rainbow trout.

(108) **McDonald Creek (Clallam County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(109) **Middle Nemah River (Pacific County):**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth upstream to the department of natural resources bridge on the Middle Nemah A-Line Road:

(i) Open the first Saturday in June through March 31: Release all fish except anglers may retain up to 2 hatchery steelhead.

(ii) August 1 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(iii) Salmon:

(A) Open September 1 through January 31.

(B) Limit 6; no more than 4 adults may be retained.

(C) Release wild Chinook.

(c) From the department of natural resources bridge on the Middle Nemah A-Line Road upstream:

(i) Open the first Saturday in June through March 31:

(A) Selective gear rules apply.

(B) Release all fish, except mandatory retention of hatchery steelhead.

(ii) August 16 through November 30: Anti-snagging rule applies and night closure in effect.

(110) **Mill Creek (Pacific County) (Willapa River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(111) **Mill Creek Pond (Grays Harbor County):** Open to juvenile anglers only.

(112) **Mitchell Creek (Lewis County) (tributary to the Newaukum River North Fork):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(113) **Moclips River (Grays Harbor County):**

(a) Open from the mouth to the Quinault Indian Reservation boundary from the first Saturday in June through the last day in February.

(b) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

~~((c) Salmon is open September 1 through January 31:~~

- (i) ~~Limit 6; only 2 adults may be retained.~~
(ii) ~~Release chum and adult Chinook.~~)
- (114) Morse Creek (Clallam County):**
(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
(b) From the mouth to Port Angeles Dam:
(i) Open from December 1 through January 31.
(ii) Trout: Minimum length 14 inches.
(c) From Port Angeles Dam upstream: Open the first Saturday in June through October 31.
- (115) Mosquito Creek (Jefferson County):**
(a) Open outside Olympic National Park upstream to the Goodman 3000 Mainline Bridge from the first Saturday in June through the last day in February.
(b) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
(c) Selective gear rules apply.
(d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.
- (116) Mox Chehalis Creek (Grays Harbor County) (Chehalis River tributary):** Open the first Saturday in June through October 31: Selective gear rules apply.
- (117) Naselle River (Pacific/Wahkiakum counties):**
(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
(b) Selective gear rules apply February 1 through April 15.
(c) From the Highway 101 Bridge to the Highway 4 Bridge:
(i) From August 1 through November 15:
(A) Night closure in effect.
(B) Anti-snagging rule applies.
(C) Barbless hooks are required.
(D) From the South Fork upstream to the Highway 4 Bridge: Stationary gear restriction applies.
(ii) From Highway 101 Bridge upstream to Highway 401: Anglers may fish with two poles August 1 through January 31, provided they possess a valid two-pole endorsement.
(iii) Open the first Saturday in June through April 15: Release all fish except anglers may retain up to 2 hatchery steelhead.
(iv) Salmon open August 1 through January 31:
(A) From August 1 through October 31:
(I) Limit 6; only 4 adults may be retained.
(II) Release wild Chinook.
(B) From November 1 through January 31:
(I) Limit 6; only 4 adults may be retained and only two adults may be wild coho.
(II) Release wild Chinook.
(d) From the Highway 4 Bridge to the upstream entrance of the Naselle Hatchery Attraction Channel:
(i) Closed waters from the upstream entrance of the hatchery attraction channel downstream ~~((400))~~ 300 feet.
(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
(iii) From ~~((September))~~ August 16 through November 15:
(A) Night closure in effect.
(B) Anti-snagging rule applies.
- (C) Barbless hooks are required.
(D) Stationary gear rules in effect.
(iv) Open the first Saturday in June through July 31 and September 16 through April 15: Release all fish, except mandatory retention of hatchery steelhead.
(v) Salmon open ~~((September))~~ August 16 through January 31:
(A) From ~~((September))~~ August 16 through ~~((October 31))~~ September 15:
(I) Limit 6; only ~~((4))~~ 2 adults may be retained.
(II) Release wild Chinook.
(B) From September 16 through October 31:
(I) Limit 6; only 4 adults may be retained.
(II) Release wild Chinook.
(C) From November 1 through January 31:
(I) Limit 6; only 4 adults may be retained and only two may be wild adult coho.
(II) Release wild Chinook.
(e) From the upstream entrance of the Naselle Hatchery Attraction Channel to the Crown Mainline (Salme) Bridge:
(i) The following areas are closed:
(A) From the falls in Sec. 6, T10N, R8W (Wahkiakum Co.) downstream 400 feet.
(B) Downstream of the full spanning concrete diversion structure at the Naselle Hatchery: Closed August 1 through October 15.
(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
(iii) From August 1 through November 15:
(A) Night closure in effect.
(B) Anti-snagging rule applies.
(C) Barbless hooks are required.
(D) Stationary gear rules in effect.
(iv) Open the first Saturday in June through April 15: Release all fish, except mandatory retention of hatchery steelhead.
(v) Salmon open October 16 through January 31:
(A) From October 16 through October 31:
(I) Limit 6; only 4 adults may be retained.
(II) Release wild Chinook.
(B) From November 1 through January 31:
(I) Limit 6; only 4 adults may be retained and only two may be wild adult coho.
(II) Release wild Chinook.
(f) From the Crown Mainline (Salme) Bridge to the mouth of the North Fork:
(i) Open the first Saturday in June through April 15: Release all fish except anglers may retain up to 2 hatchery steelhead.
(ii) From August 16 through November 30:
(A) Night closure in effect.
(B) Anti-snagging rule applies.
(g) Upstream from the mouth of the North Fork:
(i) Open the first Saturday in June through October 31.
(ii) Selective gear rules apply.
(iii) Release all fish, except mandatory retention of hatchery steelhead.
- (118) North Naselle River (Pacific County):**
(a) Open the first Saturday in June through October 31.
(b) Selective gear rules apply.

(119) South Naselle River (Pacific County):

(a) From the mouth to Bean Creek: Open the first Saturday in June through the last day in February.

(b) From the first Saturday in June through August 15: Selective gear rules apply.

(c) August 16 through November 30: Anti-snagging rule applies and night closure in effect.

(d) Release all fish except anglers may retain up to 2 hatchery steelhead.

(120) Neil Creek (Grays Harbor County) (Wynoochee River tributary):

(a) Open from the mouth to USFS 22 Road from the first Saturday in June through October 31.

(b) Selective gear rules apply.

(121) Newaukum River, including South Fork (Lewis County):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to Leonard Road near Onalaska:

(i) Open the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(iii) Salmon open October 1 through ~~((the last day in February))~~ December 31:

~~(A) ((From October 1 through November 30:~~

~~(H))~~ Limit 6; only ((3)) one adult((s)) may be retained.

~~((H))~~ (B) Release Chinook, wild coho, and chum.

~~((B) From December 1 through the last day in February:~~

~~(I) Limit 6; only 2 adults may be retained, and only one may be a wild adult coho.~~

~~(H) Release Chinook and chum.))~~

(c) From Leonard Road near Onalaska to Highway 508 Bridge near Kearny Creek:

(i) Open the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(d) From Highway 508 Bridge upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Catch and release only.

(iv) August 16 through October 31: Night closure in effect.

(122) Newaukum River, Middle Fork (Lewis County), from the mouth to Tauscher Road Bridge:

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) Open the first Saturday in June to March 31.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length.

(123) Newaukum River, North Fork (Lewis County), from the mouth to 400 feet below the Chehalis city water intake:

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) Open the first Saturday in June through March 31.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length.

(124) Newman Creek (Grays Harbor County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(125) Newkah Creek (Grays Harbor County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(126) Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge:

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) August 16 through November 30:

(i) Night closure in effect.

(ii) Single-point barbless hooks are required.

(c) Open the first Saturday in June through November 30.

(d) Salmon open September 1 through November 30.

(i) Limit 6; only 2 adults may be retained.

(ii) Release wild Chinook ~~((and wild coho)).~~

(127) North Nemah River (Pacific County):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From Highway 101 Bridge upstream to the bridge on Nemah Valley Road:

(i) Open the first Saturday in June through March 31.

(ii) Release all fish, except mandatory retention of hatchery steelhead and may retain one 15 inch or longer cutthroat trout.

(iii) From August 1 through November 30:

(A) Night closure in effect.

(B) Stationary gear restriction applies.

(C) Single-point barbless hooks are required.

(iv) Salmon open August 1 through January 31.

(A) Limit 6; only 4 adults may be retained.

(B) Release wild Chinook.

(c) From the bridge on Nemah Valley Road upstream to ~~((Nemah Hatchery barrier dam))~~ approximately 1.66 miles to the Hancock property line:

(i) ~~((The Nemah Hatchery Bridge upstream to Nemah Hatchery barrier dam: Closed.~~

~~((ii))~~ Open the first Saturday in June through July 31 and November 16 through March 31.

~~((iii))~~ (ii) Release all fish, except mandatory retention of hatchery steelhead and may retain one 15 inch or longer cutthroat trout.

~~((iv))~~ (iii) From August 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

~~((v))~~ (iv) Selective gear rules apply December 1 through March 31.

(d) From the Hancock property line upstream approximately 900 feet to Nemah Hatchery barrier dam:

(i) Closed from bridge at Nemah Hatchery upstream to Nemah Hatchery barrier dam, except open only for salmon for anglers that possess a senior's license (70 years old or older) from August 16 through November 15.

(ii) Open the first Saturday in June through July 31 and November 16 through March 31.

(iii) Release all fish, except mandatory retention of hatchery steelhead and may retain one 15 inch or longer cut-throat trout.

(iv) From August 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(v) Selective gear rules apply December 1 through March 31.

(vi) Salmon open only for anglers that possess a senior's license (70 years old or older) from August 16 through November 15.

(A) Limit 6; only 4 adults may be retained.

(B) Release wild Chinook.

(e) From the Nemah Hatchery barrier dam upstream to N-700 Road:

(i) Open the first Saturday in June through March 31.

(ii) Release all game fish, except mandatory retention of hatchery steelhead and may retain one 15 inch or longer cut-throat trout.

(iii) From August 16 through November 30:

(A) Night closure in effect.

(B) Anti-snagging rule applies.

(iv) Selective gear rules apply from December 1 through March 31:

(v) Salmon open October 1 through January 31:

(A) Limit 6; only 4 adults may be retained.

(B) Release wild Chinook.

((e)) (f) From the N-700 Road upstream to Cruiser Creek:

(i) Open the first Saturday in June through March 31.

(ii) Release all fish, except mandatory retention of hatchery steelhead and may retain one 15 inch or longer cutthroat trout.

(iii) From August 16 through November 30:

(A) Night closure in effect.

(B) Anti-snagging rule applies.

(iv) Selective gear rules apply from December 1 through March 31.

(128) **North River (Grays Harbor/Pacific counties):**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the Highway 105 Bridge to Salmon Creek (located approximately 2 miles upstream from Highway 101):

(i) August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(ii) Open the first Saturday in June through the last day in February: Release all fish, except mandatory retention of hatchery steelhead.

(iii) Salmon open October 1 through January 31:

(A) Limit 6; only 4 adults may be retained.

(B) Release wild Chinook.

(c) From Salmon Creek (located approximately 2 miles upstream from Highway 101) to Fall River:

(i) August 16 through November 30:

(A) Night closure in effect.

(B) Anti-snagging rule applies.

(C) Single-point barbless hooks are required.

(ii) Open the first Saturday in June through the last day in February: Release all fish, except mandatory retention of hatchery steelhead.

(iii) Salmon open October 1 through January 31:

(A) Limit 6; only 4 adults may be retained.

(B) Release wild Chinook.

(d) From Fall River to Raimie Creek:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Release all fish, except mandatory retention of hatchery steelhead.

(129) **Owens Pond (Pacific County):** The first Saturday in June through October 31 season.

(130) **Palix River, including all forks (Pacific County):**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the Highway 101 Bridge to the mouth of the Middle Fork:

(i) August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(ii) Open the first Saturday in June through March 31: Release all fish, except mandatory retention of hatchery steelhead.

(iii) Salmon:

(A) Open September 1 through January 31.

(B) Limit 6; only 4 adults may be retained.

(C) Release wild Chinook.

(c) From the confluence with the Middle Fork upstream and all forks, including South Fork Palix and Canon rivers:

(i) August 16 through October 15:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) From the first Saturday in June through August 15, and from December 16 through March 31: Selective gear rules apply.

(iii) Open the first Saturday in June through October 15, and from December 16 through March 31.

(iv) Release all fish, except mandatory retention of hatchery steelhead.

(131) **Palmquist Creek (Clallam County), outside of Olympic National Park:**

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

(132) **Peabody Creek (Clallam County):** Open the first Saturday in June through October 31 to juvenile anglers only.

(133) **Penny Creek (Jefferson County):** Open the first Saturday in June through October 31.

(134) **Petroleum Creek (Clallam County):** From the Olympic National Park boundary upstream:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(135) **Pheasant Lake (Jefferson County):** Open the fourth Saturday in April through October 31.

(136) **Pilchuck Creek (Clallam County) (Sooes River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(137) **Pioneer Creek (Grays Harbor County) (North River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(138) **Pleasant Lake (Clallam County):** Trout: Kokanee minimum length 6 inches, maximum length 18 inches.

(139) **Porter Creek (Grays Harbor County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(140) **Promised Land Pond (Grays Harbor County):** Open the first Saturday in June through October 31.

(141) **Pysht River (Clallam County):**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) Open the first Saturday in June through January 31.

(c) Selective gear rules apply.

(d) From the first Saturday in June through October 31: Catch and release only.

(e) From November 1 through January 31: Trout minimum length 14 inches.

(142) **Rock Creek (Lewis County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(143) **Stearns Creek (Lewis County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(144) **Stillman Creek (Lewis County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31 from the mouth to water supply pipeline at Mill Creek.

(b) Selective gear rules apply.

(145) **Stowe Creek (Lewis County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(146) **Quigg Lake (Grays Harbor County):**

(a) Open the first Saturday in June through April 15.

(b) Trout: Minimum length 14 inches.

(c) Salmon:

(i) Open October 1 through January 31.

(ii) Limit 6 hatchery coho salmon; only 4 may be adult hatchery coho.

(147) **Quillayute River (Clallam County), outside of Olympic National Park:**

(a) Open (~~(year-round)~~) January 1 through September 30 and November 16 through December 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Release wild (unclipped) rainbow trout.

(d) It is unlawful to use anything other than one barbless hook.

(e) From May 1 through the Friday before the first Saturday in June: Release all fish except anglers may retain up to 2 hatchery steelhead.

(f) From the first Saturday in June through September 30 and November 16 through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(g) From April 1 through April 30: Trout minimum length 14 inches.

(h) From November ~~(+)~~ 16 through the last day in February: Anglers may retain one additional hatchery steelhead as part of the limit.

(i) Salmon: Open February 1 through September 30 and November 16 through November 30:

(i) From February 1 through August 31:

(A) Limit 6; only 2 adults may be retained.

(B) Release wild adult Chinook and wild adult coho.

(ii) From September 1 through September 30 and November 16 through November 30:

~~(A) Limit ((6; only 3 adults may be retained and)) 2;~~ only one may be a ~~((wild adult))~~ Chinook.

(B) Release wild coho.

(148) **Quinault River (Grays Harbor County):** From the mouth at the upper end of Quinault Lake upstream to the Olympic National Park boundary:

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Open the first Saturday in June through April 15.

(c) Release wild (unclipped) rainbow trout.

(d) It is unlawful to use anything other than one barbless hook.

(e) It is unlawful to use bait the first Saturday in June through September 30 and February 16 through April 15.

(f) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(g) Salmon open July 1 through November 30:

(i) From July 1 through September 30 limit 6 jack salmon only.

(ii) From October 1 through November 30:

(A) Limit 6; only 2 adults may be retained.

(B) Release sockeye and chum.

(149) **Quinn Creek (Clallam County), outside of Olympic National Park:**

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

(150) **Radar Ponds (Pacific County):** Salmon: Land-locked salmon rules apply.

(151) **Raimie Creek and all forks (Pacific County) (North River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(152) **Ripley Creek (Jefferson County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(153) **Rock Creek (Grays Harbor County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(154) **Rocky Brook (Jefferson County) (Dosewallips River tributary):** From the falls 1000 feet upstream of the mouth: Open the first Saturday in June through October 31.

(155) **Rue Creek, including West Fork (Pacific County) (South Fork Willapa tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(156) **Salmon Creek ((~~and all forks~~)) (Grays Harbor County) (North River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(157) **Salmon Creek (Pacific County) (tributary of Naselle River):**

(a) Open the first Saturday in June through the last day in February.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(158) **Salmon River (Jefferson County), outside Olympic National Park and the Quinault Indian Reservation:**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) Open the first Saturday in June through September 30 and December 1 though the last day in February:

(i) It is unlawful to use bait the first Saturday in June through August 31.

(ii) Release wild (unclipped) rainbow trout.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iv) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(d) Salmon season open September 1 through (~~November~~) September 30:

(i) Limit (~~(6)~~) 2; only (~~(3 adults may be retained, no more than 2 adults)~~) one may be Chinook(~~(, and only one Chinook may be wild)~~).

(ii) Release wild (~~(adult)~~) coho (~~(salmon)~~).

(159) **Salt Creek (Clallam County):** From the mouth to the bridge on Highway 112:

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) Open the first Saturday in June through January 31.

(c) Selective gear rules apply.

(d) First Saturday in June through October 31: Catch and release only, except mandatory retention of hatchery steelhead.

(e) November 1 through January 31: Anglers may retain up to 2 hatchery steelhead.

(160) **Sand Creek (Grays Harbor County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(161) **Sandyshore Lake (Jefferson County):** Open the fourth Saturday in April through October 31.

(162) **Satsop Lakes (Grays Harbor County):** Open the fourth Saturday in April through October 31.

(163) **Satsop River and East Fork (Grays Harbor County):**

(a) From the mouth to the bridge at Schafer State Park:

(i) August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(ii) Open the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iii) Salmon open September 16 through (~~(January)~~) December 31:

(A) (~~(From September 16 through November 30:~~

(H)) Limit 6; only (~~(3)~~) one adult(~~(s)~~) may be retained.

(~~(H)) (B) Release wild adult Chinook((-~~

(B) ~~From December 1 through January 31:~~

(H) Limit 6; only 2 adults may be retained, and only one may be a wild adult coho.

(H) Release Chinook), and wild coho.

(b) From the bridge at Schafer State Park upstream to 400 feet below Bingham Creek Hatchery barrier dam:

(i) Open the first Saturday in June through October 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Open August 16 through October 31:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(c) From 400 feet downstream of the Bingham Creek Hatchery barrier dam upstream to the dam:

(i) Open within posted markers to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card.

(ii) Night closure in effect.

(iii) From August 16 through October 31: Single-point barbless hooks are required.

(iv) Open the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(v) Salmon open September 16 through ~~(January)~~ December 31:

~~(A) (From September 16 through November 30:~~

~~(H)) Limit 6; only ((3)) one adult(s) may be retained.~~

~~((H)) (B) Release wild adult Chinook(-~~

~~(B) From December 1 through January 31:~~

~~(I) Limit 6; only 2 adults may be retained, and only one may be a wild adult coho.~~

~~(H) Release Chinook)) and wild coho.~~

(d) From the Bingham Creek Hatchery dam upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) August 16 through October 31: Night closure in effect.

(164) Satsop River, Middle Fork (Turnow Branch):

(a) From the mouth to Cougar Smith Road:

(i) From August 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) Open the first Saturday in June through the last day in February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(b) From Cougar Smith Road upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) August 16 through October 31:

(A) Night closure in effect.

(B) Anti-snagging rule applies.

(165) Satsop River, West Fork:

(a) From the mouth to Cougar Smith Road:

(i) August 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) Open the first Saturday in June through the last day in February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(b) From Cougar Smith Road to USFS 2260 Road Bridge at Spoon Creek:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) August 16 through October 31: Night closure in effect.

(c) From USFS 2260 Road Bridge at Spoon Creek upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Eastern brook trout: No limit; no minimum size.

Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing.

(166) Schafer Creek (Grays Harbor County) (Wynoochee River tributary):

(a) From the mouth to USFS 22 Road:

(b) Open the first Saturday in June through October 31.

(c) Selective gear rules apply.

(167) Sekiu River (Clallam County):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to the forks:

(i) Open the first Saturday in June through January 31.

(ii) From the first Saturday in June through October 31: Selective gear rules apply.

(iii) November 1 through January 31: Catch and release only, except mandatory retention of hatchery steelhead.

(iv) Trout: Minimum length 14 inches.

(c) From the forks upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only, except mandatory hatchery steelhead retention applies.

(168) Shine Creek (Jefferson County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(169) Shye Lake (Grays Harbor County): Open the first Saturday in June through October 31.

(170) Siebert Creek (Clallam County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(171) Silent Lake (Jefferson County):

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(172) Sitkum River (Clallam County) (Calawah River tributary):

(a) Open the first Saturday in June through ~~((October))~~ August 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release wild (unclipped) rainbow trout.

(173) Siwash Creek (Clallam County), outside of Olympic National Park:

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

(174) Skookumchuck River (Thurston County):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to 100 feet below the outlet of the ~~((PP&L/WDFW))~~ TransAlta/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam:

- (i) August 16 through November 30:
 (A) Night closure in effect.
 (B) Single-point barbless hooks are required.
- (ii) Open the first Saturday in June through April 30:
 (A) From the first Saturday in June through March 31, trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 (B) From April 1 through April 30: Trout minimum length 14 inches.
 (iii) Salmon open October 1 through ~~((the last day in February))~~ December 31:
 (A) ~~((From October 1 through November 30:~~
~~(H))~~ Limit 6; only ~~((3))~~ one adult~~((s))~~ may be retained.
~~((H))~~ (B) Release Chinook, wild coho, and chum.
~~((B))~~ ~~From December 1 through the last day in February:~~
~~(H)~~ Limit 6; only 2 adults may be retained and only one may be a wild adult coho.
~~(H) Release Chinook and chum.))~~
 (c) From Skookumchuck Reservoir upstream, selective gear rules apply.
- (175) Smith Creek (near North River) (Pacific County):**
 (a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 (b) From the mouth to the Highway 101 Bridge:
 (i) August 16 through November 30:
 (A) Night closure in effect.
 (B) Single-point barbless hooks are required.
 (ii) Open the first Saturday in June through the last day in February: Release all fish except anglers may retain up to 2 hatchery steelhead.
 (iii) Salmon open October 1 through December 31:
 (A) ~~((From October 1 through November 30:~~
~~(H))~~ Limit 6; only 3 adults may be retained~~((, and only 2 may be wild adult coho))~~.
~~((H))~~ (B) Release wild Chinook.
~~((B))~~ ~~From December 1 through December 31:~~
~~(H)~~ Limit 6; only 2 adults may be retained, and only one may be a wild adult coho.
~~(H) Release wild Chinook.))~~
 (c) From the Highway 101 Bridge upstream:
 (i) Selective gear rules apply.
 (ii) Open the first Saturday in June through the last day in February: Release all fish except anglers may retain up to 2 hatchery steelhead.
- (176) Smith Creek (Pacific County) (Chehalis River tributary):**
 (a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 (b) Open the first Saturday in June through October 31.
 (c) Selective gear rules apply.
- (177) Snahapish River (Jefferson County) (Clearwater River tributary):**
 (a) Open the first Saturday in June through ~~((October))~~ August 31.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) It is unlawful to use anything other than one barbless hook.
- (d) It is unlawful to use bait.
 (e) Trout:
 (i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 (ii) Release wild (unclipped) rainbow trout.
- (178) Sol Duc River (Clallam County):**
 (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (b) It is unlawful to use anything other than one barbless hook.
 (c) Release wild (unclipped) rainbow trout.
 (d) ~~((Open year round))~~ From the mouth to the concrete pump station at the Sol Duc Hatchery: Open July 1 through September 30 and November 16 through June 30.
 (i) It is unlawful to use bait ~~((the first Saturday in June))~~ July 1 through September 30 and February 16 through April ~~((15))~~ 30.
 (ii) May 1 through the Friday before the first Saturday in June: Release all fish except anglers may retain up to 2 hatchery steelhead.
 (iii) From the first Saturday in June through September 30 and November 16 through April 30:
 (A) The first Saturday in June through September 30 and November 16 through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 (B) April 1 through April 30: Trout minimum length 14 inches.
 (C) November ~~((+))~~ 16 through the last day in February: Anglers may retain one additional hatchery steelhead as part of the trout limit.
 (iv) Salmon open February 1 through September 30 and November 16 through November 30:
 (A) From February 1 through August 31:
 (I) Limit 6; only 2 adults may be retained.
 (II) Release wild adult Chinook and wild adult coho.
~~((H))~~ May 1 through August 31: Closed from the Sol Duc Hatchery outlet creek upstream to the old trestle pilings.))
 (B) From September 1 through September 30 and November 16 through November 30: Limit ~~((6; only 3 adult salmon may be retained, and))~~ 2; only one may be a wild adult. Release wild coho.
 (e) From the concrete pump station at Sol Duc Hatchery to the Highway 101 Bridge upstream of Klahowya Campground:
 (i) Open the first Saturday in June through August 31 and December 1 through April 30.
 (ii) It is unlawful to use bait.
 (iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 (f) From the Highway 101 Bridge upstream of Klahowya Campground to the Olympic National Park boundary:
 (i) Open the first Saturday in June through ~~((October))~~ August 31.
 (ii) Release all fish, except anglers may retain up to 2 hatchery steelhead.
 (iii) It is unlawful to use bait.

(179) Solberg Creek (Clallam County) (Big River tributary):

- (a) Open the first Saturday in June through October 15.
- (b) Selective gear rules apply.
- (c) Trout:
 - (i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 - (ii) Release kokanee.

(180) Solleks River (Jefferson County) (Clearwater River tributary):

- (a) Open the first Saturday in June through ~~((October))~~ August 31.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) It is unlawful to use anything other than one barbless hook.
- (d) It is unlawful to use bait.
- (e) Trout:
 - (i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 - (ii) Release wild (unclipped) rainbow trout.

(181) Sooes River (Tsoo-Yess River) (Clallam County), outside of Makah Indian Reservation:

- (a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (b) Open the first Saturday in June through the last day in February.
- (c) From the first Saturday in June through October 31:
 - (i) Selective gear rules apply.
 - (ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
- (d) Open November 1 through the last day in February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(182) South Bend Mill Pond (Pacific County): Open to juvenile anglers only.**(183) South Creek (Clallam County), outside of Olympic National Park:**

- (a) Open the first Saturday in June through October 15.
- (b) Selective gear rules apply.
- (c) Trout:
 - (i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 - (ii) Release kokanee.

(184) South Nemah River (Pacific County):**(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.**

(b) From the mouth (Lynn Point, 117 degrees true to opposite shore) to the confluence with Middle Nemah River:

- (i) September 1 through November 30:
 - (A) Night closure in effect.
 - (B) Single-point barbless hooks are required.
- (ii) Open the first Saturday in June through March 31: Release all fish except anglers may retain up to 2 hatchery steelhead.

(ii) Salmon:

- (A) Open September 1 through January 31.
- (B) Limit 6; only 4 adults may be retained.
- (C) Release wild Chinook.
- ~~((b))~~ **(c)** From the confluence with the Middle Nemah River upstream to the second Highway 101 Bridge crossing:
 - (i) Open the first Saturday in June through March 31.
 - (ii) Selective gear rules apply.
 - (iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(185) Stevens Creek (Grays Harbor County):

- (a) From the mouth to the Highway 101 Bridge:
 - (i) Closed from the WDFW hatchery outlet downstream 400 feet.
 - (ii) Open the first Saturday in June through September 30 and December 1 through the last day in February.
 - (iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(b) From the Highway 101 Bridge upstream to the Newbury Creek Road Bridge:

- (i) Open the first Saturday in June through October 31.
- (ii) Selective gear rules apply.

(186) Sutherland Lake (Clallam County):

- (a) Open the fourth Saturday in April through October 31.
- (b) Trout: Minimum length 6 inches and maximum length 18 inches.

(187) Sylvia Creek (Grays Harbor County) (Wynoochee River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(188) Sylvia Lake (Grays Harbor County): It is unlawful to retain more than 2 trout over 15 inches in length.**(189) Tarboo Creek (Jefferson County):**

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Catch and release only.

(190) Tarboo Lake (Jefferson County):

- (a) Open the fourth Saturday in April through October 31.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(191) Teal Lake (Jefferson County):

- (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (b) Selective gear rules apply.
- (c) Trout: Limit one.

(192) Thorndyke Creek (Jefferson County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Catch and release only.

(193) Thunder Creek (Clallam County) (Tributary to East Fork Dickey River):

- (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (b) It is unlawful to use anything other than one barbless hook.
- (c) It is unlawful to use bait.
- (d) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release wild (unclipped) rainbow trout.

(e) From mouth to D2400 Road: Game fish season open the first Saturday in June through August 31 and December 1 through April 30.

(f) From D2400 Road upstream: Open the first Saturday in June through ~~((October))~~ August 31.

(194) Trap Creek (Pacific County) (Willapa River tributary):

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(195) Trout Creek (Clallam County) (Big River tributary):

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

(196) Twin Lake (Jefferson County): Open the fourth Saturday in April through October 31.

(197) Umbrella Creek (Clallam County), outside Olympic National Park, including tributaries:

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

(198) Valley Creek (Clallam County): Open the first Saturday in June through October 31 to juvenile anglers only.

(199) Vance Creek (Grays Harbor County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(200) Vance Creek/Elma Ponds (Grays Harbor County), Pond One (Bowers Lake) and Pond Two (Lake Ines):

(a) Pond One/Bowers Lake is open only to juvenile anglers, seniors, and anglers with a disability who possess a designated harvester companion card.

(b) Open the fourth Saturday in April through November 30:

(i) Anglers may not retain more than 2 trout over 15 inches in length.

(ii) Landlocked salmon rules apply.

(201) Van Winkle Creek (Grays Harbor County):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) August 16 through November 30:

(i) Night closure in effect.

(ii) Anti-snagging rule applies.

(c) From the mouth to 400 feet below the outlet of Lake Aberdeen Hatchery:

(i) Open the first Saturday in June through January 31: Trout minimum length 14 inches, except it is permissible to

retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Salmon open September ~~((4))~~ 16 through January 31:

(A) Limit 6; only ~~((3))~~ one adult~~((s))~~ may be retained.

(B) Release Chinook and wild coho.

(d) From Lake Aberdeen upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(202) Vesta Creek and all forks (Grays Harbor County) (North River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(203) Ward Creek (Pacific County) (Willapa River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(204) Wentworth Lake (Clallam County): It is unlawful to fish from a floating device equipped with an internal combustion motor.

(205) West Twin River (Clallam County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(206) Wildcat Creek (Grays Harbor County) (Cloquallum Creek tributary):

(a) Open from the mouth to the confluence of the Middle and East Forks from the first Saturday in June through October 31.

(b) Selective gear rules apply.

(207) Wildcat Creek, East Fork (Grays Harbor County) (Cloquallum Creek tributary):

(a) Open from the mouth to the Highway 108 Bridge (Simpson Avenue, in the town of McCleary) from the first Saturday in June through October 31.

(b) Selective gear rules apply.

(208) Willapa River (Pacific County):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth (city of South Bend boat launch) to the Highway 6 Bridge approximately 2 miles below the mouth of Trap Creek:

(i) From August 1 through November 30:

(A) It is unlawful to fish from a floating device from the second bridge on Camp One Road upstream to the mouth of Mill Creek (approximately 0.5 miles).

(B) Night closure in effect.

(C) Single-point barbless hooks are required.

(D) Stationary gear restriction applies, except from the mouth of the Willapa River to the WDFW access site at the mouth of Ward/Wilson creeks.

(ii) From the City of South Bend boat launch upstream to the second bridge on Camp One Road: Anglers may fish with two poles August 1 through January 31, provided they possess a valid two-pole endorsement.

(iii) Open the first Saturday in June through March 31; release all fish except anglers may retain up to 2 hatchery steelhead.

(iv) Salmon open August 1 through January 31:

(A) Limit 6; only 4 adults may be retained.

(B) Release wild Chinook.

- (c) From Highway 6 Bridge to Fork Creek:
 (i) From ~~((September))~~ August 16 through November 30:
 (A) Night closure in effect.
 (B) Single-point barbless hooks are required.
 (C) Stationary gear restriction applies.
 (ii) Open the first Saturday in June through July 15 and from ~~((September))~~ August 16 through March 31: Release all fish, except anglers may retain up to 2 hatchery steelhead.
 (iii) Salmon open ~~((September))~~ August 16 through ~~((January 31))~~ September 15:
 (A) Limit 6; only ~~((4))~~ 2 adults may be retained.
 (B) Release wild Chinook.
(iv) Salmon open September 16 through January 31:
(A) Limit 6; only 4 adults may be retained.
(B) Release wild Chinook.
 (d) From Fork Creek upstream to the Highway 6 Bridge near the town of Lebam:
 (i) From August 16 through October 31:
 (A) Night closure in effect.
 (B) Single-point barbless hooks are required.
 (ii) Open the first Saturday in June through October 31: Release all fish except anglers may retain up to 2 hatchery steelhead.
 (iii) Salmon open October 1 through January 31:
 (A) Limit 6; only 4 adults may be retained and only two may be wild adult coho.
 (B) Release wild Chinook.
 (e) From the Highway 6 Bridge near the town of Lebam upstream:
 (i) From August 16 through October 31:
 (A) Night closure in effect.
 (B) Single-point barbless hooks are required.
 (ii) Open the first Saturday in June through October 31: Release all fish except anglers may retain up to 2 hatchery steelhead.
(209) Willapa River, South Fork (Pacific County):
 From the mouth to the bridge on Pehl Road:
 (a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 (b) From the falls/fish ladder downstream 400 feet in Section 6, Township 13 North, and Range 8 West: Closed.
 (c) Selective gear rules apply from the first Saturday in June through July 31.
 (d) From August 1 through November 30:
 (i) Night closure in effect.
 (ii) Anti-snagging rule applies.
 (iii) Barbless hooks are required.
 (e) Open the first Saturday in June through the last day in February: Release all fish except anglers may retain up to 2 hatchery steelhead.
 (f) Salmon open August 1 through January 31:
 (i) Limit 6; only 3 adults may be retained ~~((, and only one may be wild adult coho))~~.
 (ii) Release wild Chinook.
 (g) From Pehl Road upstream:
 (i) Open the first Saturday in June through the last day in February.
 (ii) Release all fish except anglers may retain up to 2 hatchery steelhead.

- (210) Williams Creek (Pacific County) (North Nemah River tributary):**
 (a) Open the first Saturday in June through October 15.
 (b) Release all fish except anglers may retain up to two hatchery steelhead.
(211) Wilson Creek (Pacific County) (Willapa River tributary):
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
(212) Wilson Creek, North Fork (Pacific County):
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
(213) Wishkah River (Grays Harbor County):
 (a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 (b) From August 16 through November 30: Single-point barbless hooks are required.
 (c) From the mouth to West Fork:
 (i) Open the first Saturday in June through the last day in February.
 (ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 (iii) Salmon open ~~((September 16))~~ October 1 through ~~((January))~~ December 31:
~~((A))~~ ~~((From September 16 through November 30:))~~
~~((H))~~ ~~((Limit 6; only ((3)) one adult((s)) may be retained((, and only 2 may be wild adult coho))~~.
~~((H))~~ ~~((B))~~ ~~((Release Chinook((~~
~~((B))~~ ~~((From December 1 through January 31:))~~
~~((H))~~ ~~((Limit 6; only 2 adults may be retained, and only one may be a wild adult coho:))~~
~~((H))~~ ~~((Release Chinook))~~ and wild coho.
 (d) From the mouth of West Fork to 200 feet below the weir at the Wishkah Rearing Ponds:
 (i) From 150 feet upstream to 150 feet downstream of the Wishkah adult attraction channel/outfall structure (within the posted fishing boundary): Open only to anglers with disabilities who permanently use a wheelchair and have a designated harvester companion card.
 (ii) Open the first Saturday in June through the last day in February.
 (iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 (iv) Salmon open ~~((September 16))~~ October 1 through ~~((January))~~ December 31:
~~((A))~~ ~~((From September 16 through November 30:))~~
~~((H))~~ ~~((Limit 6; only ((3)) one adult((s)) may be retained((, and only 2 may be wild adult coho))~~.
~~((H))~~ ~~((B))~~ ~~((Release Chinook((~~
~~((B))~~ ~~((From December 1 through January 31:))~~
~~((H))~~ ~~((Limit 6; only 2 adults may be retained and only one may be a wild adult coho:))~~
~~((H))~~ ~~((Release Chinook))~~ and wild coho.
 (e) From the weir upstream:
 (i) Open the first Saturday in June through October 31.
 (ii) Selective gear rules apply.
(214) Wishkah River, East and West forks (Grays Harbor County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(215) Wynoochee River (Grays Harbor County):

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to the WDFW White Bridge Access Site:

(i) From August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iii) Salmon open (~~(September 16)~~) October 1 through (~~(January 31)~~) November 30.

(A) Limit 6; only ((2)) one adult((s)) may be retained.

(B) Release Chinook and wild coho.

(c) From the WDFW White Bridge Access Site to the 7400 line bridge:

(i) From August 16 through November 30: Single-point barbless hooks are required.

(ii) From September 16 through November 30: It is unlawful to use bait.

(iii) Open the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(d) From the 7400 line bridge to 400 feet below Wynoochee Dam, including the confluence of the reservoir upstream to Wynoochee Falls:

(i) Closed from 400 feet downstream of Wynoochee Dam and from the barrier dam near Grisdale.

(ii) Open the first Saturday in June through October 31 and from December 1 through March 31:

(A) From the first Saturday in June through October 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(B) From December 1 through March 31:

(I) Selective gear rules apply.

(II) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(e) From Wynoochee Falls upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Eastern brook trout: No limit. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing.

(216) Wynoochee Reservoir (Grays Harbor County):

(a) Open the first Saturday in June through October 31.

(b) Trout: Minimum length 12 inches.

(c) Landlocked salmon rules apply.

WSR 16-14-046**PERMANENT RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Filed June 28, 2016, 4:40 p.m., effective July 29, 2016]

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

Purpose: The Washington department of fish and wild-life is proposing a rule amendment relating to the purchase and processing of Pacific mackerel from commercial purse seine fisheries. The purpose of this proposal is to limit the amount of mackerel commercial receivers and processors can purchase for purposes other than human consumption or bait (e.g. fish flour, fish meal, fish scrap, fertilizer, fish oil, etc.). As proposed the amendment will limit the amount of mackerel that can be purchased for purposes other than human consumption or bait to fifteen percent of total mackerel landed by weight per vessel per year.

This proposal reflects the establishment of a new trial purse seine fishery for mackerel in 2016 and the intent to apply the same standards to the purchase of mackerel as exist in rule for sardine. Previously mackerel could only be landed incidentally in the sardine purse seine fishery. Total annual mackerel harvest is likely to increase with a new trial fishery that allows targeted mackerel fishing. The intent of the proposal is to maximize the value of mackerel harvested by promoting utilization of the catch for human consumption or bait. The provision permitting a percentage of annual catch to be reduced is intended to minimize wastage of fish not suitable for human consumption or bait.

Citation of Existing Rules Affected by this Order: Amending WAC 220-69-240.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, 77.12.047.

Adopted under notice filed as WSR 16-10-113 on May 4, 2016.

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 0, Repealed 0.

Date Adopted: June 27, 2016.

J. W. Unsworth
Director

AMENDATORY SECTION (Amending WSR 14-02-013, filed 12/19/13, effective 1/19/14)

WAC 220-69-240 Duties of commercial purchasers and receivers. (1) It is unlawful for any person originally receiving or buying fresh, iced, or frozen fish or shellfish, whether or not the fish or shellfish was previously delivered in another state, territory, or country, to fail to:

(a) Be a licensed wholesale fish dealer or fish buyer; and
 (b) Immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket for each and every purchase or receipt of such commodities.

(i) The original receiver must record each delivery on a separate fish receiving ticket; and

(ii) The original receiver must prepare a fish receiving ticket for purchases of fish or shellfish from fishers who are also fish dealers if the fisher/dealer has not previously completed a fish receiving ticket and provided a copy of the fish receiving ticket or the ticket number as proof.

(2) Failure to be licensed under subsection (1) of this section is punishable under RCW 77.15.620. Failure to properly prepare a fish receiving ticket is punishable under RCW 77.15.630.

(3) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket upon receipt of any portion of a commercial catch. If delivery of the catch takes more than one day, the original receiver must enter the date that the delivery is completed on the fish receiving ticket as the date of delivery. If, for any reason, the delivery vessel leaves the delivery site, the original receiver must immediately enter the date the vessel leaves the delivery site on the fish receiving ticket.

(4) It is unlawful for any original receiver of shellfish to fail to record all shellfish aboard the vessel making the delivery to the original receiver. The poundage of any fish or shellfish that are unmarketable, discards, or weigh backs must be shown on the fish receiving ticket and identified as such, but a zero dollar value may be entered for those fish or shellfish.

(5) Any employee of a licensed wholesale dealer who is authorized to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its plant locations as declared on the license application, is authorized to initiate and sign fish receiving tickets on behalf of his or her employer. The business, firm, and/or licensed wholesale fish dealer the buyers are operating under is responsible for the accuracy and legibility of all documents initiated in its name.

(6) This section does not apply to purchases or receipts made by individuals or consumers at retail.

(7) Subsections (1) through (4) of this section do not apply to persons delivering or receiving fish taken under the Pacific Coast Groundfish Shoreside Individual Fishing Quota (IFQ) Program (50 C.F.R. § 660.140) who are in compliance with the provisions of WAC 220-69-250(5) and who:

(a) Complete electronic fish receiving tickets prior to either processing fish or removing the fish from the delivery site; and

(b) Electronically submit the electronic fish receiving tickets to the National Marine Fisheries Service and the

department no later than twenty-four hours after the date the fish are received.

(c) Electronically submit any amendments made to the mandatory information required under WAC 220-69-256 after the initial submission required under (b) of this subsection.

(8) For purposes of this section;

(a) The term "completed" means that scale weights have been recorded for all delivered fish; and

(b) The term "submitted" means that all mandatory information required under WAC 220-69-256 has been entered and timelines under subsection (7)(b) of this section have been met.

(9) Forage fish and mackerel:

(a) It is unlawful for any person receiving forage fish or mackerel to fail to report the forage fish or mackerel on fish receiving tickets initiated and completed on the day the forage fish or mackerel are delivered.

(i) Herring must also be reported on herring harvest logs.

(ii) The harvested amount of forage fish or mackerel must be entered upon the fish ticket when the forage fish are off-loaded from the catcher vessel.

(iii) An estimate of herring, candlefish, anchovy, ~~((ø))~~ sardine or mackerel caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

(b) In the coastal sardine fishery or coastal mackerel fishery, it is unlawful to purchase, per sardine or mackerel fishery vessel, more than fifteen percent cumulative weight of sardine~~((s))~~ or mackerel for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, other fishery products, or by-products, for purposes other than human consumption or fishing bait during the sardine or mackerel fishery season. Sardine~~((s))~~ and mackerel purchased for these purposes must be included, by weight, on the fish ticket as "reduction."

(c) In any forage fish fishery or in the mackerel purse seine fishery, it is unlawful to purchase anchovy in excess of fifteen percent, by weight, of the total landing weight per vessel, for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, or other fishery products. Anchovy purchased for these purposes must be included, by weight, on the fish ticket as "reduction."

(10) Geoduck: It is unlawful for any person receiving geoduck, whether or not the receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual delivery of geoduck from the harvesting vessel onto the shore. This fish receiving ticket must accompany the harvested geoduck from the department of natural resources harvest tract to the point of delivery.

(11) Puget Sound shrimp - Pot gear:

(a) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, to fail to record 23A-C, 23A-E, 23A-W, or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(b) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, to fail to record either 26A-E or 26A-W on

shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(c) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, to fail to record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(d) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, to fail to record 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(12) Puget Sound shrimp - Trawl gear:

(a) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning.

(b) Reports must be made by fax at 360-796-0108 or by text message or e-mail at shrimpreport@dfw.wa.gov.

(c) Reports must include, for each fish receiving ticket prepared:

(i) The buyer name, fisher name, and date of sale;

(ii) The fish receiving ticket number, including the first alphanumeric letter;

(iii) The total number of pounds caught per shrimp species; and

(iv) The Marine Fish-Shellfish Management and Catch Reporting Area where the shrimp was harvested.

(13) Puget Sound crab:

(a) It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken from Puget Sound by nontreaty fishers to fail to report to the department the previous day's purchases by 10:00 a.m. the following business day.

(b) Reports must be made to the Mill Creek Regional Office by fax at 425-338-1066, or by e-mail at crabreport@dfw.wa.gov.

(c) Reports must include:

(i) The dealer's name;

(ii) The dealer's phone number;

(iii) The date of delivery of crab to the original receiver; and

(iv) The total number of pounds of crab caught by nontreaty fishers, by Crab Management Region or by Marine Fish-Shellfish Management and Catch Reporting Area.

(14) Salmon and sturgeon:

(a) During any Puget Sound fishery opening that is designated as "quick reporting required," per WAC 220-47-001:

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement (DRE) holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include:

(A) The dealer or DRE holder name and purchasing location;

(B) The date of purchase;

(C) Each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and

(D) The following catch data for each fish ticket used: The total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Puget Sound reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be submitted via fax at 360-902-2949; via e-mail at psfishtickets@dfw.wa.gov; or via phone at 1-866-791-1279. In fisheries under Fraser Panel Control within Fraser Panel Area Waters (area defined under Art. XV, Annex II, Pacific Salmon Treaty 1985), other reporting requirements not listed in this subsection may be necessary under Subpart F of the International Fisheries Regulations, 50 C.F.R. Ch. III § 300.93.

(b) During any coastal troll fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a DRE holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, coastal troll reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-902-2949; via e-mail at trollfishtickets@dfw.wa.gov; or via phone at 1-866-791-1279.

(c) During any Grays Harbor or Willapa Bay fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a DRE holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and the following catch data for each fish ticket used:

(A) The total number of days fished;

(B) The gear used;

(C) The catch area fished; and

(D) The species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Grays Harbor and Willapa Bay reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-249-1229; e-mail at harborfishtickets@dfw.wa.gov; or phone at 1-866-791-1280.

(d) During any Columbia River fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon, or for a DRE holder to fail to report all salmon offered, for retail sale.

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Columbia River reports must be submitted within 5, 8, 12, or 24 hours of closure of the designated fishery.

(A) The department establishes the time frame for submitting reports at the time of adoption of the quick reporting fishery. Adoption and communication of the quick reporting regulations for a given fishery occurs in conjunction with the adoption of the fishery through the Columbia River Compact.

(B) Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-906-6776 or 360-906-6777; via e-mail at crfishtickets@dfw.wa.gov; or via phone at 1-866-791-1281.

(e) Faxing or reporting electronically in portable document format (PDF) a copy of each fish receiving ticket used, within the previously indicated time frames specified per area, satisfies the quick reporting requirement.

(15) Sea urchins and sea cucumbers:

(a) It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day.

(i) Wholesale dealers must report by:

(A) Fax at 360-902-2943;

(B) Toll-free telephone at 866-207-8223; or

(C) Text message or e-mail at seaurchinreport@dfw.wa.gov for sea urchins or seacucumberreport@dfw.wa.gov for sea cucumbers.

(ii) For red sea urchins, the report must specify the number of pounds received from each sea urchin district.

(iii) For green sea urchins and sea cucumbers, the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area.

(iv) For sea cucumbers, the report must specify whether the landings were "whole-live" or "split-drained."

(b) It is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea

urchin district where the red sea urchins were taken and the name of the port of landing where the sea urchins were landed ashore.

(c) It is unlawful for the original receiver of sea cucumbers to fail to record on the fish receiving ticket whether the sea cucumbers were delivered "whole-live" or "split-drained."

(16) A violation of the documentation or reporting requirements in this section is punishable under RCW 77.15.-630, Unlawful fish and shellfish catch accounting—Penalty.

WSR 16-14-048

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed June 29, 2016, 9:05 a.m., effective June 30, 2016]

Effective Date of Rule: June 30, 2016.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 43.70.442 [(6)](c) states "by June 30, 2016, the department shall adopt rules establishing minimum standards for the training programs included on the model list."

Purpose: Chapter 246-12 WAC, Part 14. Adopting new sections that establish minimum standards for suicide prevention trainings for health care professionals.

Statutory Authority for Adoption: RCW 43.70.442.

Adopted under notice filed as WSR 16-09-098 on April 19, 2016.

Changes Other than Editing from Proposed to Adopted Version: E2SHB 2793 (chapter 90, Laws of 2016) amended RCW 43.70.442 to require pharmacists licensed under chapter 18.64 RCW to complete a one-time training in suicide screening and referral. A new subsection (4)(c) was added to WAC 246-12-630 that reads, "(c) Three-hour trainings for pharmacists must include content related to the assessment of issues related to imminent harm by lethal means."

A final cost-benefit analysis is available by contacting Kathy Schmitt, Department of Health, P.O. Box 47853, Olympia, WA 98504, phone (360) 236-2985, fax (360) 236-2901, e-mail kathy.schmitt@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 6, 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 6, Amended 0, Repealed 0.

Date Adopted: June 29, 2016.

John Wiesman, DrPH, MPH
Secretary

PART 14

**MINIMUM STANDARDS FOR SUICIDE
PREVENTION TRAINING FOR HEALTH CARE
PROFESSIONALS**

NEW SECTION

WAC 246-12-601 Purpose. The purpose of WAC 246-12-610 through 246-12-650 is to set minimum standards for suicide prevention trainings for health care professionals to be included on a model list of department of health-approved trainings. Both trainers and health care professions may set standards for trainings that exceed these standards. Training specific to a profession must comply with that profession's rules for continuing education.

NEW SECTION

WAC 246-12-610 Definitions. The definitions in this section apply throughout WAC 246-12-601 through 246-12-650 unless the context clearly requires otherwise.

- (1) "Department" means the Washington state department of health.
- (2) "Health professional" means an individual licensed or holding a retired active license in one of the health professions listed in RCW 43.70.442 as required to take training in suicide assessment, including screening and referral, suicide treatment, and suicide management.
- (3) "Model list" means the list of trainings that meet minimum standards established by the department of health pursuant to RCW 43.70.442.
- (4) "Referral" means facilitating a client or patient's linkage to other resources.
- (5) "Screening" means asking questions to identify a person at risk of suicide and to determine the need for further risk assessment or referral. Screening may be the first step of suicide risk assessment.
- (6) "Secretary" means the secretary of the department of health or the secretary's designee.
- (7) "Suicide assessment" or "suicide risk assessment" means a structured process to gather accurate information from a client or patient to determine risk of suicide.
- (8) "Suicide treatment and management" means engagement and collaboration between a health professional or team and client or patient to resolve suicide risk by addressing the factors contributing to risk, and ongoing monitoring and adjustment of treatment and safety plans.
- (9) "Training in suicide assessment, treatment, and management" means empirically supported training approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management.

NEW SECTION

WAC 246-12-620 Training delivery. Minimum standards for training delivery:

- (1) Training must be provided using a modality and number of sessions in accordance with each health profes-

sion's rules for continuing education and suicide prevention training.

- (2) Trainings must include opportunities for skill practice through group activities or self-guided exercises.

- (3) Trainings must meet the standards for content identified in WAC 246-12-630 and 246-12-640.

- (4) Trainers must meet the qualifications identified in WAC 246-12-640.

NEW SECTION

WAC 246-12-630 Training content. Minimum standards for training content:

- (1) Training content must be based on current empirical research and known best practices.

- (2) Training must reflect sensitivity and relevance to the cultures and backgrounds of the relevant client or patient populations.

- (3) Content for six-hour trainings must include the following. These are minimum time requirements for each of these content areas. Additional time or content must be added to total at least six hours.

- (a) A minimum of ninety minutes on suicide assessment. Content must include:

- (i) How to structure an interview to gather information from a client or patient on suicide risk and protective factors and warning signs, including substance abuse;

- (ii) How to use the information referenced in (a)(i) of this subsection to understand the risk of suicide;

- (iii) Appropriate actions and referrals for various levels of risk; and

- (iv) How to appropriately document suicide risk assessment.

- (b) A minimum of sixty minutes on treatment and management of suicide risk. Content must include:

- (i) Available evidence-based treatments for patients and clients at risk of suicide, including counseling and medical interventions such as psychiatric medication and substance abuse care;

- (ii) Strategies for safety planning and monitoring use of the safety plan;

- (iii) Engagement of supportive third parties in maintaining patient or client safety;

- (iv) Reducing access to lethal means for clients or patients in crisis; and

- (v) Continuity of care through care transitions such as discharge and referral.

- (c) A minimum of thirty minutes on veteran populations.

- (i) Content must include population-specific data, risk and protective factors, and intervention strategies.

- (ii) Training providers shall use the module developed by the department of veterans affairs or a resource with comparable content.

- (d) A minimum of thirty minutes on risk of imminent harm through self-injurious behaviors or lethal means.

- (i) Content on self-injurious behaviors must include how to recognize nonsuicidal self-injury and other self-injurious behaviors and assess the intent of self-injury through suicide risk assessment.

- (ii) Content on lethal means must include:

(A) Objects, substances and actions commonly used in suicide attempts and impulsivity and lethality of means;

(B) Communication strategies for talking with patients and their support people about lethal means; and

(C) How screening for and restricting access to lethal means effectively prevents suicide.

(4) Content for three-hour trainings must include the following. These are minimum time requirements for each of these topics. Additional time or content must be added to total three hours.

(a) A minimum of seventy minutes on screening for suicide risk. Content must include:

(i) When and how to screen a client or patient for acute and chronic suicide risk and protective factors against suicide;

(ii) Appropriate screening tools, tailored for specific ages and populations if applicable; and

(iii) Strategies for screening and appropriate use of information gained through screening.

(b) A minimum of thirty minutes on referral. Content shall include:

(i) How to identify and select an appropriate resource;

(ii) Best practices for connecting a client or patient to a referral; and

(iii) Continuity of care when making referrals.

(c) Three-hour trainings for pharmacists must include content related to the assessment of issues related to imminent harm by lethal means.

(4) If the secretary notifies a training program of the secretary's intent to deny approval and inclusion on the model list, the training program, through its authorized representative, may request an adjudicative proceeding pursuant to the appeal process in chapter 246-10 WAC. A request for an adjudicative proceeding must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice and be served on and received by the department within twenty-eight days of the date the department mailed the adverse notice. The authorized representative of the training program may submit a new application for the secretary's consideration.

(5) If the secretary notifies an approved training program of the secretary's intent to revoke approval, the training program, through its authorized representative, may request an adjudicative proceeding pursuant to the appeal process in chapter 246-10 WAC. A request for an adjudicative proceeding must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice and be served on and received by the department within twenty-eight days of the applicant's or license holder's receipt of the adverse notice. If a request for adjudicative proceeding is not received by the department within twenty-eight days of the date the department mailed the adverse notice, the secretary's decision is final. The authorized representative of the training program must provide proof that the deficiencies which resulted in withdrawal of the secretary's approval have been corrected before requesting reapproval.

NEW SECTION

WAC 246-12-640 Training quality. Minimum standards for training quality:

(1) For the purpose of continuing improvement, trainees shall be offered an evaluation assessing training quality and participant learning. Completed evaluations will be returned to the trainer or publisher of the training.

(2) Trainers and training developers must have demonstrated knowledge and experience related to suicide prevention and:

(a) An active license to practice as a health care professional; or

(b) A bachelor's degree or higher in public health, social science, education or a related field from an accredited college or university; or

(c) At least three years of experience delivering training in suicide prevention.

(3) Data referenced in the training must be current within four years, and research referenced in the training must be based on current empirical research and known best practices.

NEW SECTION

WAC 246-12-650 Training approval processes. (1) The secretary will approve suicide prevention training programs that meet the requirements outlined in this chapter.

(2) The secretary shall determine a process to evaluate and approve trainings.

(3) Approved trainings will be published on the model list beginning January 1, 2017.

WSR 16-14-049
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed June 29, 2016, 11:32 a.m., effective July 30, 2016]

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

Purpose: The department is updating WAC 388-426-0005 How do I make a complaint to the department?, with the correct information for contacting the United States Department of Agriculture (USDA) in order to file a civil rights complaint or receive more information. The update also changes the title of the USDA director, the phone number for USDA, and changes "Food Stamp Act" to "Food and Nutrition Act of 2008."

Citation of Existing Rules Affected by this Order: Amending WAC 388-426-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.515, 74.08.090.

Adopted under notice filed as WSR 16-01-143 on December 21, 2015.

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 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 1, Repealed 0.

Date Adopted: June 29, 2016.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-10-057, filed 5/1/06, effective 6/1/06)

WAC 388-426-0005 How do I make a complaint to the department? If you do not agree with a decision we made or an action we took, you can make a complaint. We address your concerns based on the nature of your complaint.

Civil Rights:

(1) We will not discriminate based on your race, color, national origin, sex, age, disability, religion, or political beliefs. This agrees with:

(a) Federal law and policy of the United States Department of Agriculture (USDA) and the United States Department of Health and Human Services (HHS) that ban discrimination based on race, color, national origin, sex, age or disability; and

(b) The Food ~~((Stamp))~~ and Nutrition Act of 2008 and USDA policy, which bans discrimination on religion or political beliefs.

(2) To file a complaint that we discriminated based on your race, color, national origin, sex, age, disability, religion, or political beliefs, contact USDA or HHS:

Write:	
USDA	HHS
Director, Office of <u>the Assistant Secretary for Civil Rights</u>	Director, Office for Civil Rights
1400 Independence Avenue, S.W.	Room 506-F
Washington, D.C. 20250-9410	200 Independence Avenue, S.W.
	Washington, D.C. 20201
Or call:	
USDA	HHS
((800-795-3272)) <u>(866-632-9992)</u> (voice); or	(202) 619-0403 (voice); or
((202-720-6382)) <u>(800-877-8339)</u> (TTY).	(202) 619-3257 (TTY).
USDA and HHS are equal opportunity providers and employers.	

Complaints about our decisions or actions:

(3) If you do not agree with a decision we made or an action we took, you may use our complaint process:

(a) **Supervisor review:** You may give a supervisor a written complaint. We will:

(i) Make a decision about your written complaint within ten days of the date we get it; and

(ii) Send you a letter telling you what we decided and that you may have another review by the local office administrator if you ask for it.

(b) **Administrator review:** If you do not accept the decision you get from a supervisor, you may give the local office administrator a written complaint. We will:

(i) Make a decision about your written complaint within ten days of the date we get it; and

(ii) Send you a letter telling you what we decided.

(4) When we send you a letter with the administrator's decision, this ends the complaint process.

(5) If you file a written complaint, you may still ask for a fair hearing under chapter 388-02 WAC.

(6) You may always speak with your worker's supervisor or have them review your worker's decision even if you do not file a formal complaint.

**WSR 16-14-052
PERMANENT RULES
DEPARTMENT OF HEALTH**

[Filed June 29, 2016, 12:37 p.m., effective July 30, 2016]

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

Purpose: Chapter 246-811 WAC, Chemical dependency professionals (CDP) and CDP trainees. The rule establishes an alternative method for specified health care practitioners whose scope of practice includes treatment of chemical dependency to become certified as a CDP including education, experience and national certification requirements. The proposal also sets requirements for the same group of specified health care practitioners.

Citation of Existing Rules Affected by this Order: Amending WAC 246-811-010, 246-811-030, 246-811-045, 246-811-046, 246-811-047, 246-811-048, 246-811-049, 246-811-060, 246-811-070, and 246-811-220.

Statutory Authority for Adoption: RCW 18.205.100 and 18.205.060.

Adopted under notice filed as WSR 16-07-123 on March 22, 2016.

Changes Other than Editing from Proposed to Adopted Version: In new WAC 246-811-078, the department made one technical correction. The name of the board identified in WAC 246-811-078 (2)(k) was incorrect and has been subsequently changed by adding the word "American" to the name.

A final cost-benefit analysis is available by contacting Brad Burnham, Department of Health, P.O. Box 47850, Tumwater, WA 98504-7850, phone (360) 236-4796, fax (360) 236-2901, e-mail brad.burnham@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 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, 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 10, Repealed 0.

Date Adopted: June 29, 2016.

John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 09-14-111, filed 6/30/09, effective 7/1/09)

WAC 246-811-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly states otherwise.

(1) **Approved school** means any college or university accredited by a national or regional accrediting body (~~recognized by the commission on recognition of postsecondary accreditation~~), at the time the applicant completed the required education or other educational programs approved by the secretary.

(2) **Certified chemical dependency professional (CDP)** means an individual certified in chemical dependency counseling under chapter 18.205 RCW.

(3) **Certified chemical dependency professional trainee (CDPT)** means an individual working toward the education and experience requirements for certification as a chemical dependency professional, and who has been credentialed as a CDPT under chapter 18.205 RCW.

(4) **Chemical dependency counseling means employing the core competencies of chemical dependency counseling to assist or attempt to assist an alcohol or drug addicted person to develop and maintain abstinence from alcohol and other mood-altering drugs.**

(5) **Core competencies of chemical dependency counseling means ((competency in)) competencies oriented to assist alcohol and drug addicted patients to achieve and maintain abstinence from mood-altering substances and develop independent support systems. Core competencies include** the following nationally recognized areas:

- (a) Knowledge;
- (b) Skills;
- (c) Attitudes of professional practice, including assessment and diagnosis of chemical dependency;
- (d) Chemical dependency treatment planning and referral;
- (e) Patient and family education in the disease of chemical dependency;
- (f) Individual and group counseling with alcoholic and drug addicted individuals; and
- (g) Relapse prevention counseling, and case management.

~~((All oriented to assist alcohol and drug addicted patient to achieve and maintain abstinence from mood-altering substances and develop independent support systems.~~

~~((5))~~ (6) **Direct supervision** means the supervisor is on the premises and available for immediate consultation.

~~((6))~~ (7) **Enrolled** means participating in an approved school and progressing toward the completion of the course work, or completion of the course work to be certified as a chemical dependency professional as described in WAC 246-811-030 (2)(a) through (w).

~~((7))~~ (8) **Individual formal meetings** means a meeting with an approved supervisor, involving one approved supervisor and no more than four supervisees.

~~((8))~~ (9) **Official transcript** means the transcript from an approved college or school, in an envelope readily identified as having been sealed by the school.

~~((9))~~ (10) **Related field** means health education, behavioral science, sociology, psychology, marriage and family therapy, mental health counseling, social work, psychiatry, nursing, divinity, criminal justice, and counseling education.

AMENDATORY SECTION (Amending WSR 09-14-111, filed 6/30/09, effective 7/1/09)

WAC 246-811-030 Educational requirements. (1) Except as provided for in WAC 246-811-077 and 246-811-078, the minimum education requirements for a chemical dependency professional credential are:

(a) An associate's degree in human services or related field from an approved school; or

(b) Successful completion of ninety quarter or sixty semester college credits in courses from an approved school.

(2) At least forty-five quarter or thirty semester credits must be in courses relating to the chemical dependency profession and shall include the following topics specific to alcohol and drug addicted individuals:

- (a) Understanding addiction;
- (b) Pharmacological actions of alcohol and other drugs;
- (c) Substance abuse and addiction treatment methods;
- (d) Understanding addiction placement, continuing care, and discharge criteria, including American Society of Addiction Medicine (ASAM) criteria;
- (e) Cultural diversity including people with disabilities and its implication for treatment;
- (f) Chemical dependency clinical evaluation (screening and referral to include comorbidity);
- (g) HIV/AIDS brief risk intervention for the chemically dependent;
- (h) Chemical dependency treatment planning;
- (i) Referral and use of community resources;
- (j) Service coordination (implementing the treatment plan, consulting, continuing assessment and treatment planning);
- (k) Individual counseling;
- (l) Group counseling;
- (m) Chemical dependency counseling for families, couples and significant others;
- (n) Client, family and community education;
- (o) Developmental psychology;

- (p) Psychopathology/abnormal psychology;
 - (q) Documentation, to include, screening, intake, assessment, treatment plan, clinical reports, clinical progress notes, discharge summaries, and other client related data;
 - (r) Chemical dependency confidentiality;
 - (s) Professional and ethical responsibilities;
 - (t) Relapse prevention;
 - (u) Adolescent chemical dependency assessment and treatment;
 - (v) Chemical dependency case management; and
 - (w) Chemical dependency rules and regulations.
- ~~((3) All applicants, including individuals who are licensed under chapter 18.225 RCW, Psychologists under chapter 18.83 RCW, and Advance nurse practitioner under chapter 18.79 RCW, must meet the requirements in subsection (2) of this section.))~~

AMENDATORY SECTION (Amending WSR 09-14-111, filed 6/30/09, effective 7/1/09)

WAC 246-811-045 Accumulation of experience. (1) The department ~~((of health))~~ will consider experience in the field of chemical dependency up to seven years prior to the date of application.

(2) Accumulation of the experience hours is not required to be consecutive.

(3) Experience that will count toward certification must meet the requirements outlined in WAC 246-811-046 through 246-811-049.

~~((3))~~ (4) Supervised experience is the practice as referred to in RCW 18.205.090 (1)(c) and is the experience received under an approved supervisor.

(5) A practicum or internship taken while acquiring the degree or semester/quarter hours is applicable.

AMENDATORY SECTION (Amending WSR 09-14-111, filed 6/30/09, effective 7/1/09)

WAC 246-811-046 Number of experience hours required for certification as a chemical dependency professional. ~~((You will be required to))~~ Except as provided in WAC 246-811-070(1), an applicant must complete ~~((one thousand to two thousand five hundred hours of supervised experience depending upon your))~~ the following requirements based on their level of formal education.

(1) Two thousand five hundred hours of chemical dependency counseling ~~((as defined in RCW 18.205.020(3)))~~, for individuals who ~~((possess))~~ have an associate degree; or

(2) Two thousand hours of chemical dependency counseling for individuals who ~~((possess))~~ have a baccalaureate degree in human services or a related field from an approved school; or

(3) One thousand five hundred hours of chemical dependency counseling for individuals who possess a master or doctoral degree in human services or a related field from an approved school; or

(4) One thousand hours of chemical dependency counseling for individuals who are ~~((licensed as advanced registered nurse practitioners under chapter 18.79 RCW, marriage and family therapists, mental health counselors, advanced social workers, and independent clinical social workers under~~

~~chapter 18.225 RCW or licensed as a psychologist under chapter 18.83 RCW))~~ credentialed according to WAC 246-811-076. The experience must be supervised by an approved supervisor meeting the requirements under WAC 246-811-049(8).

AMENDATORY SECTION (Amending WSR 09-14-111, filed 6/30/09, effective 7/1/09)

WAC 246-811-047 Competency—Experience requirements. (1) It is the intent that an individual applying for a chemical dependency professional certificate has become competent in the core competencies of chemical counseling ~~((, as defined in WAC 246-811-010(5),))~~ through the experience requirements in this section.

(2) Individuals must have the following experiences to gain the core competencies of chemical dependency counseling ~~((listed in (a) through (i) of this subsection.))~~:

(a) Two hundred hours of clinical evaluation ~~((;))~~ of which one hundred hours ((of the two hundred)) must be face-to-face patient contact hours ~~((;))~~

(b) Six hundred hours of face-to-face counseling to include:

(i) Individual counseling;

(ii) Group counseling; and

~~((Counseling))~~ (iii) Family, couples, and significant others ~~((;))~~

(c) Fifty hours of discussion of professional and ethical responsibilities ~~((;))~~;

(d) Transdisciplinary foundations:

(i) Understanding addiction;

(ii) Treatment knowledge;

(iii) Application to practice; and

(iv) Professional readiness ~~((;))~~;

(e) Treatment planning ~~((;))~~;

(f) Referral ~~((;))~~;

(g) Service coordination ~~((;))~~;

(h) Client, family, and community education ~~((;))~~; and

(i) Documentation, to include, screening, intake, assessment, treatment plan, clinical reports, clinical progress notes, discharge summaries, and other client related data.

(3) Of the total experience hours required under WAC 246-811-046, eight hundred fifty hours of experience must be divided among subsection (2)(a) through (c) of this ((subsection)) section. The remaining experience hours must be divided among subsection (2)(d) through (i) of this ((subsection)) section as determined by the supervisor.

AMENDATORY SECTION (Amending WSR 09-14-111, filed 6/30/09, effective 7/1/09)

WAC 246-811-048 Supervision requirements. (1) All of the experience required for CDP certification must be under an approved supervisor as defined in WAC 246-811-049.

(2) A ~~((chemical dependency professional trainee))~~ CDPT ~~((-train))~~ or an individual credentialed according to WAC 246-811-076 may provide chemical dependency assessment, counseling, and case management to patients consistent with his or her education, training, and experience as documented by the approved supervisor.

(a) The first fifty hours of any face-to-face patient contact must be under direct ~~((observation))~~ supervision and within sight and hearing of an approved supervisor or a chemical dependency professional designated by the approved supervisor.

(b) An approved supervisor or the approved supervisor's designated certified chemical dependency professional must provide direct supervision when a ~~((CDPT))~~ supervisee is providing clinical services to patients until the approved supervisor documents in the employee file that the ~~((CDPT))~~ supervisee has obtained the necessary education, training, and experience.

(3) Approved supervisors must attest to the department ~~((of the supervised person's satisfactory progress in becoming proficient))~~ that the supervisee has demonstrated competency in the ~~((addiction counseling competencies as))~~ areas listed in WAC 246-811-047(2) ((a) through (i)) on forms provided by the department.

AMENDATORY SECTION (Amending WSR 09-14-111, filed 6/30/09, effective 7/1/09)

WAC 246-811-049 Approved supervisors ~~((requirements))~~. (1) Except as provided in subsection (8) of this section, an approved supervisor is a certified ~~((chemical dependency professional (C) CDP (P)))~~ or a person who meets or exceeds the requirements of a certified CDP in the state of Washington, and who would be eligible to take the examination required for certification.

(2) ~~((An approved supervisor has))~~ Except as provided in subsection (9) of this section, an approved supervisor must have at least four thousand hours of experience in a state approved chemical dependency treatment agency in addition to the supervised experience hours required to become a CDP.

(3) Except as provided in subsection (9) of this section, an approved supervisor may substitute twenty-eight clock hours of recognized supervisory training ~~((may be substituted))~~ for one thousand hours of experience.

(4) An approved supervisor is not a blood or legal relative, significant other, cohabitant of the supervisee, or someone who has acted as the supervisee's primary counselor.

(5) A chemical dependency professional trainee (CDPT) must receive documentation of his or her approved supervisor's qualifications before training begins.

(6) An approved supervisor or other certified CDP must review and sign all CDPT clinical documentation.

(7) An approved supervisor is responsible for all patients assigned to the CDPT they supervise.

(8) An approved supervisor may only provide supervision to an applicant completing the alternative training under WAC 246-811-077 if the approved supervisor holds a current Washington state credential as a CDP and meets all other requirements under this section.

(9) A CDP credentialed according to WAC 246-811-077 may meet the requirements to be an approved supervisor under subsections (2) and (3) of this section by:

(a) Completing fifteen hundred hours of experience in a state approved chemical dependency treatment agency.

These hours are in addition to the supervised experience hours required to become a CDP:

(b) Completing twenty-eight clock hours of supervisory training provided by an industry-recognized local, state, national, or international organization or institution of higher learning as defined in WAC 246-811-200(5); and

(c) Completing thirty-six hours of education specific to:

(i) Counselor development;

(ii) Professional and ethical standards;

(iii) Program development and quality assurance;

(iv) Performance evaluation;

(v) Administration;

(vi) Treatment knowledge; and

(vii) Washington state law regarding substance use disorder treatment.

AMENDATORY SECTION (Amending WSR 09-14-111, filed 6/30/09, effective 7/1/09)

WAC 246-811-060 Examination requirements for a chemical dependency certification professional. (1) ~~((A))~~ An applicant~~((s))~~ must take and pass the National Association of Alcoholism and Drug Abuse Counselor (NAADAC) National Certification Examination for Addiction Counselors or International Certification and Reciprocity Consortium (ICRC) Certified Addiction Counselor Level II or higher examination.

(2) The department will accept the passing score set by the testing company.

~~((3) The application and application fee must be submitted to the department at least ninety days prior to the scheduled examination date. All other supporting documents, including verification of education and experience, must be submitted at least sixty days prior to the examination date.))~~

AMENDATORY SECTION (Amending WSR 09-14-111, filed 6/30/09, effective 7/1/09)

WAC 246-811-070 National certification. (1) A person who is certified through the National Association of Alcoholism and Drug Abuse Counselors (NAADAC) or the International Certification and Reciprocity Consortium (ICRC) as an alcohol and drug counselor (ADC) or advanced alcohol and drug counselor (AADC), is considered to meet the experience requirements of WAC 246-811-046.

(2) A person who is certified through NAADAC or ICRC as an ADC or AADC is considered to have met the requirements of ~~((WAC 246-811-030 pertaining to the forty-five quarter or thirty semester credits in courses covering the subject content described in))~~ WAC 246-811-030(2). Verification of the additional forty-five quarter or thirty semester credits as required in WAC 246-811-030(1) will be required upon application to the department.

(3) Verification of certification must be sent directly to the department from NAADAC or ICRC.

NEW SECTION

WAC 246-811-076 Eligibility for certification through alternative training. A practitioner listed in subsections (1) through (7) of this section who holds an active

license in good standing may apply for certification as a chemical dependency professional using alternative training under WAC 246-811-077 or 246-811-078:

- (1) Advanced registered nurse practitioner under chapter 18.79 RCW;
- (2) Marriage and family therapists, mental health counselor, advanced social worker, or independent clinical social worker under chapter 18.225 RCW;
- (3) Psychologist under chapter 18.83 RCW;
- (4) Osteopathic physician under chapter 18.57 RCW;
- (5) Osteopathic physician assistant under chapter 18.57A RCW;
- (6) Physician under chapter 18.71 RCW; or
- (7) Physician assistant under chapter 18.71A RCW.

NEW SECTION

WAC 246-811-077 Educational requirements to apply for chemical dependency certification with alternative training. An applicant credentialed according to WAC 246-811-076 may meet the educational requirements for chemical dependency professional certification by demonstrating successful completion of fifteen quarter or ten semester college credits in courses from an approved school.

- (1) Course work on each of the following topics specific to alcohol and drug addicted individuals is required:
 - (a) Survey of addiction;
 - (b) Treatment of addiction;
 - (c) Pharmacology;
 - (d) Physiology of addiction;
 - (e) American Society of Addiction Management (ASAM) criteria;
 - (f) Individual group, including family addiction counseling; and
 - (g) Substance use disorder law and ethics.
- (2) Course work must be completed for credit.
- (3) An applicant shall verify course completion by submitting official transcripts to the department. If the course title does not clearly identify the content area, the applicant shall provide the course syllabi.
- (4) An applicant who meets the educational requirements of this section is considered to meet the educational requirements of WAC 246-811-030.

NEW SECTION

WAC 246-811-078 National certification acceptable for alternative training. (1) An applicant credentialed according to WAC 246-811-076 may submit a national certification listed in subsection (2) of this section in place of the following requirements for CDP certification:

- (a) The educational requirements in WAC 246-811-077 and 246-811-030; and
- (b) The supervised experience requirements in WAC 246-811-046.
- (2) The department accepts the following national certifications from an applicant credentialed according to WAC 246-811-076:
 - (a) American Society of Addiction Medicine (ASAM) or the American Board of Addiction Medicine (ABAM);

- (b) Addiction psychiatry from the American Board of Psychiatry and Neurology;
- (c) Master addiction counselor (MAC) from the National Association of Alcoholism and Drug Abuse Counselors;
- (d) Master addiction counselor (MAC) from the National Board of Certified Counselors;
- (e) Certified addictions registered nurse or a certified addictions registered nurse - Advanced practice from the International Nurses Society on Addictions;
- (f) Certified addiction specialist (CAS) from the American Academy of Health Care Providers in the Addictive Disorders;
- (g) Certificate of Proficiency in the Treatment of Psychoactive Substance Abuse Disorders from the American Psychological Association;
- (h) Advanced alcohol and drug counselor (AADC) from the International Certification and Reciprocity Consortium;
- (i) American Osteopathic Board of Anesthesiology Certificate of Added Qualification in Addiction Medicine;
- (j) American Osteopathic Board of Family Medicine Certificate of Added Qualification in Addiction Medicine;
- (k) American Osteopathic Board of Internal Medicine Certificate of Added Qualification in Addiction Medicine; and

(1) American Osteopathic Board of Neurology and Psychiatry Certificate of Added Qualification in Addiction Medicine.

(3) The certifying body of a national certification submitted according to this section must send verification of the certification directly to the department.

(4) A national certification submitted according to this section must be active and in good standing.

(5) Nothing in this section exempts any applicant from the examination requirements of WAC 246-811-060.

AMENDATORY SECTION (Amending WSR 09-14-111, filed 6/30/09, effective 7/1/09)

WAC 246-811-220 Continuing competency program requirements. ((+)) A chemical dependency professional, regardless of method of certification, must complete:

- (1) An enhancement plan(;) as described in WAC 246-811-200(7);
- (2) Twenty-eight hours of continuing education(;) as described in WAC 246-811-240; and
- (3) Twelve hours of other professional development activities as described in WAC 246-811-047 and 246-811-200(2).

WSR 16-14-065

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed June 30, 2016, 3:41 p.m., effective July 31, 2016]

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

Purpose: In March 2015, fostering connections legislation added a fifth eligibility criteria to the extended foster

care WAC allowing youth to participate in extended foster care when he or she has a "documented medical condition." The following WAC are being amended to align with federal legislation: WAC 388-25-0110 What is the effective date for termination of foster care payments?, 388-25-0502 What is the purpose of the extended foster care program?, 388-25-0504 What is extended foster care?, 388-25-0506 Who is eligible for extended foster care?, 388-25-0540 How does CA determine a youth's continuing eligibility for the extended foster care program?, 388-25-0546 What must the youth do to remain in the extended foster care program?, and 388-25-0548 When is a youth no longer eligible for the extended foster care program?

The following WAC are being created to address the fifth eligibility criteria regarding a documented medical condition: WAC 388-25-0517 What is a "documented medical condition"? and 388-25-0519 How does a youth demonstrate he or she is unable to participate in extended foster care activities due to a documented medical condition?

Citation of Existing Rules Affected by this Order: Amending WAC 388-25-0110, 388-25-0502, 388-25-0504, 388-25-0506, 388-25-0540, 388-25-0546, and 388-25-0548.

Statutory Authority for Adoption: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030.

Adopted under notice filed as WSR 16-10-057 on May 2, 2016.

Changes Other than Editing from Proposed to Adopted Version: Proposed language removed from WAC 388-25-0548(7).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 7, 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 2, Amended 7, Repealed 0.

Date Adopted: June 22, 2016.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-13-051, filed 6/12/14, effective 7/13/14)

WAC 388-25-0110 What is the effective date for termination of foster care payments? (1) The department ends payment on the day before the child actually leaves the foster home or facility. The department does not pay for the last day that a child is in a foster care home or facility.

(2) The department terminates family foster care payments for children in family foster care effective the date:

- (a) The child no longer needs foster care; ((☒))
- (b) The child no longer resides in foster care;
- (c) The child reaches the age of eighteen; ((☒))
- (d) The child is no longer eligible for the extended foster care program and the dependency action is dismissed or voluntary placement agreement (VPA) is revoked. To be eligible for the extended foster care program a child, age eighteen must be:

(i) Completing a high school diploma or high school equivalency certificate;

(ii) Completing a post-secondary academic or vocational program; ((☒))

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment((-);

(iv) Employed for eighty hours or more per month; or

(v) Unable to engage in subsections (2)(d)(i) through (2)(d)(iv) of this section due to a documented medical condition.

(3) The department must terminate foster care payments for children in the behavior rehabilitative services program effective the date:

(a) The child no longer needs rehabilitative services; ((☒))

(b) The child is no longer served through contracted rehabilitative services program except as provided in WAC 388-25-0030; or

(c) The child reaches the age of eighteen and continues to attend, but has not finished, high school or an equivalent educational program and has a need for continued rehabilitative treatment services, the department may continue payments until the date the youth completes the high school program or equivalent educational or vocational program. The department must not extend payments for a youth in care beyond age twenty.

AMENDATORY SECTION (Amending WSR 16-06-044, filed 2/24/16, effective 3/26/16)

WAC 388-25-0502 What is the purpose of the extended foster care program? The extended foster care program provides an opportunity for young adults in foster care at age eighteen to voluntarily agree to continue receiving foster care services, including placement services, while the youth:

(1) Completes a high school or a high school equivalency program;

(2) Completes a secondary or post-secondary academic or vocational program; ((☒))

(3) Participates in a program or activity designed to promote employment or remove barriers to employment; ((☒))

(4) Is engaged in employment for eighty hours or more per month((-); or

(5) Is unable to engage in subsections (1) through (4) of this section due to a documented medical condition.

AMENDATORY SECTION (Amending WSR 16-06-044, filed 2/24/16, effective 3/26/16)

WAC 388-25-0504 What is extended foster care? Extended foster care is a program offered to young adults,

age eighteen ~~((up))~~ to twenty-one, who turn eighteen while in foster care, to enable them to:

(1) Complete a high school diploma or high school equivalency certificate;

(2) Complete a post-secondary academic or vocational program;

(3) Participate in a program or activity designed to promote employment or remove barriers to employment; ~~((or))~~

(4) Be employed for eighty hours or more per month ~~((-));~~
or

(5) Participate in the program if unable to engage in subsections (1) through (4) of this section due to a documented medical condition.

AMENDATORY SECTION (Amending WSR 16-06-044, filed 2/24/16, effective 3/26/16)

WAC 388-25-0506 Who is eligible for extended foster care? ~~(1)~~ To be eligible for the extended foster care program, a youth, on his or her eighteenth birthday ~~((-))~~ must ~~((-~~

~~((+))~~ be dependent under chapter 13.34 RCW, ~~((be))~~ placed in foster care ~~((f))~~ as defined in WAC 388-25-0508 ~~((+))~~ by ~~((children's administration))~~ CA, and:

(a) ~~((Be))~~ Enrolled ~~((f))~~ as described in WAC 388-25-0512 ~~((+))~~ in a high school or high school equivalency program; ~~((or))~~

(b) ~~((Be))~~ Enrolled ~~((f))~~ as described in WAC 388-25-0512 ~~((+))~~ in a post-secondary academic or vocational education program; ~~((or))~~

(c) ~~((Have))~~ Applied for and can demonstrate intent to timely enroll in a post-secondary academic or vocational education program (as described in WAC 388-25-0514); or

(d) ~~((Be))~~ Participating in a program or activity designed to promote employment or remove barriers to employment; ~~((or))~~

(e) ~~((Be))~~ Engaged in employment for eighty hours or more per month ~~((-));~~ or

(f) Unable to engage in subsection (1)(a) through (e) of this section due a documented medical condition.

(2) Have had their dependency dismissed on their eighteenth birthday as the youth did not meet any of the criteria found in subsections (1)(a) through ~~((e))~~ ~~((f))~~ of this section, or did not agree to participate in the program and the youth is requesting to participate in the extended foster care program prior to reaching the age of nineteen. Youth must meet one of the criteria in subsections (1)(a) through ~~((e))~~ ~~((f))~~ when requesting to participate in the extended foster care program.

NEW SECTION

WAC 388-25-0517 What is a "documented medical condition"? A "documented medical condition" is any physical or mental health condition documented by a licensed health care provider that may be temporary or permanent, including but not limited to, a physical injury or a physical or behavioral health condition. A "documented medical condition" may include physiological, mental, or psychological conditions or disorders, including but not limited to, orthopedic, visual, speech, and hearing impairments.

NEW SECTION

WAC 388-25-0519 How does a youth demonstrate he or she is unable to participate in extended foster care activities due to a documented medical condition? (1)

To demonstrate he or she is unable to participate in extended foster care activities due to a documented medical condition defined in WAC 388-25-0517, a youth must notify the social worker of the medical condition and provide CA written documentation or consent to CA to obtain documentation from a licensed health care provider. The documentation of the medical condition must describe how the medical condition prevents the youth, either temporarily or permanently, from:

(a) Completing a high school diploma or high school equivalency certificate;

(b) Completing a post-secondary academic or vocational program;

(c) Participating in a program or activity designed to promote employment or remove barriers to employment; or

(d) Being employed for eighty hours or more per month.

(2) If the youth's medical condition prevents him or her from notifying the social worker or obtaining or providing documentation of the medical condition, the youth must notify the social worker as soon as he or she is reasonably able.

(3) If the youth's medical condition temporarily prevents him or her from engaging in extended foster care activities, the youth will provide the social worker with updated documentation from the licensed health care provider regarding the youth's ability to engage in extended foster care activities during the monthly health and safety visit.

(4) The youth may give CA consent to contact the licensed health care provider directly to determine the impact of the youth's documented medical condition or his or her ability to engage in extended foster care activities.

AMENDATORY SECTION (Amending WSR 16-06-044, filed 2/24/16, effective 3/26/16)

WAC 388-25-0540 How does CA determine a youth's continuing eligibility for the extended foster care program? ~~((At least every six months, children's administration))~~ To determine a youth's continuing eligibility for the extended foster care program, prior to every court review hearing CA will determine if the youth continues to:

(1) Agree to participate in the extended foster care program ~~((-));~~

(2) ~~((Be enrolled in an education program, vocational program, or participating in a program or activity designed to promote employment or remove barriers to employment, employed for eighty hours or more per month, or is transitioning from one status to another.))~~ Meet the eligibility criteria in WAC 388-25-0506 (1)(a) through (f).

(3) ~~((Continue to))~~ Reside in an approved placement ~~((-));~~
and

(4) Comply with the youth's responsibilities in WAC 388-25-0546.

AMENDATORY SECTION (Amending WSR 16-06-044, filed 2/24/16, effective 3/26/16)

WAC 388-25-0546 What must the youth do to remain in the extended foster care program? To remain in the extended foster care program, unless otherwise authorized by court order, the youth must:

- (1) Agree to participate in the program as expressed in the written extended foster care agreement;
- (2) Maintain the standard of eligibility as set by the youth's academic program, ~~((or))~~ employment related program, ~~((or))~~ employment status, or documented medical condition;
- (3) Participate in the case plan, including monthly health and safety visits;
- (4) Acknowledge that ~~((children's administration~~ ~~))~~CA~~((s))~~ has responsibility for the youth's care and placement by authorizing CA to have access to records related to court-ordered medical, mental health, drug/alcohol treatment services, additional necessary services, educational records needed to determine continuing eligibility for the program, ~~((and for additional necessary services))~~ medical records related to a documented medical condition for purposes of qualifying for extended foster care under WAC 388-25-0506 (1)(f); and
- (5) Remain in the approved foster care placement and follow placement rules~~((This means the youth will))~~ as follows:
 - (a) Stay in the placement identified by CA or approved by the court;
 - (b) Obtain approval from ~~((ease))~~ his or her social worker and notify his or her caregiver for extended absences from the placement of more than three days; and
 - (c) Comply with court orders and any specific rules developed in collaboration by the youth, caregiver and social worker.

AMENDATORY SECTION (Amending WSR 16-06-044, filed 2/24/16, effective 3/26/16)

WAC 388-25-0548 When is a youth no longer eligible for the extended foster care program? A youth is no longer eligible for the extended foster care program and the department will ask the court to dismiss the non-minor dependency, when the youth:

- (1) Graduates from high school or equivalency program~~((s))~~ and has not ~~((enrolled in, or applied for and))~~ demonstrated ~~((an))~~ intent to timely enroll in a post-secondary academic or vocational program;
- (2) Graduates from a post-secondary education or vocational program;
- (3) Reaches ~~((their))~~ his or her twenty-first birthday;
- (4) Is no longer participating or ~~((enrolled in high school or equivalency program, post secondary or vocational program, or in a program promoting employment or removing barriers to employment))~~ engaging in any of the eligibility criteria under WAC 388-25-0506 (1)(a) through (f);
- (5) ~~((No longer employed for eighty hours or more per month;~~ ~~))~~ ~~((s))~~ No longer agrees to participate in extended foster care services;

- ~~((7))~~ (6) Fails or refuses to comply with youth responsibilities outlined in WAC 388-25-0546; or
- ~~((8))~~ (7) Is incarcerated in an adult detention facility on a criminal conviction.

WSR 16-14-067

PERMANENT RULES

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed June 30, 2016, 4:26 p.m., effective July 31, 2016]

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

Purpose: WAC 246-817-120 Examination content, the adopted rule identifies acceptable United States state or territory and Canadian clinical examinations and the subject matter these examinations must contain for dental licensure in Washington. The adopted rule also updates the name of one approved examination organization.

Citation of Existing Rules Affected by this Order: Amending WAC 246-817-120.

Statutory Authority for Adoption: RCW 18.32.0365 and 18.32.040.

Adopted under notice filed as WSR 16-05-084 on February 16, 2016.

Changes Other than Editing from Proposed to Adopted Version: Subsection (3), the spelling of preceding was corrected.

A final cost-benefit analysis is available by contacting Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4893, fax (360) 236-2901, e-mail jennifer.santiago@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 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: April 22, 2016.

C. Madden, Chair
Dental Quality Assurance Commission

AMENDATORY SECTION (Amending WSR 08-23-019, filed 11/6/08, effective 12/7/08)

WAC 246-817-120 Examination content. (1) An applicant seeking licensure in Washington by examination, must successfully complete a written and practical examina-

tion approved by the ~~((DQAC))~~ Dental Quality Assurance Commission (commission).

~~((H))~~ The examination will consist of:

(a) A written examination. Only the National Board ~~((exam))~~ Dental Examination Parts I and II, or the Canadian National Dental Examining Board examination will be accepted, except as provided in ~~((e))~~ subsection (4) of this ~~((subsection))~~ section.

(b) A practical/practice examination~~((-~~

~~(i) The DQAC will accept))~~ containing at least the following sections:

(i) Restorative;

(ii) Endodontic;

(iii) Periodontal;

(iv) Prosthodontic; and

(v) Comprehensive treatment planning or diagnostic skills.

(2)(a) The commission accepts the following practical/practice examinations provided the testing agency offers at least the sections listed in subsection (1)(b) of this section and the candidate tests in those same sections:

(i) The Western Regional Examining Board's (WREB) clinical examination ~~((as meeting its examination standard after January 1, 1995. The results of the WREB examination will be accepted for five years immediately preceding application for state licensure; or~~

~~((ii) The DQAC accepts));~~

(ii) The Central Regional Dental Testing Services (CRDTS) clinical examination ~~((as meeting its examination standard as of November 2001. The results of the CRDTS examination will be accepted for five years immediately preceding application for state licensure; or~~

~~((iii) The DQAC accepts the results of the));~~

(iii) The Commission on Dental Competency Assessments (CDCA) formally known as Northeast Regional Board (NERB) ~~((and the Southern Regional Testing Agency (SRTA))~~ clinical examination ~~((s as meeting its examination standard as of January 2006. The results of the NERB and SRTA examinations will be accepted for five years immediately preceding application for state licensure; or~~

~~((iv) The DQAC will consider acceptance of the examination results from candidates who pass the final portions of));~~

(iv) The Southern Regional Testing Agency (SRTA) clinical examination:

(v) The Council of Interstate Testing Agency's (CITA) clinical examination ~~((after January 1, 2006; or~~

~~((v) The DQAC will consider acceptance of the));~~

(vi) Examination results of ~~((those states))~~ a U.S. state or territory with an individual state board clinical examination ~~((s after September 30, 2006.~~

~~((e) The DQAC)); or~~

(b) The commission will consider acceptance of the complete National Dental Examining Board (NDEB) of Canada clinical examination as meeting its standards if the applicant is a graduate of an approved dental school defined in WAC 246-817-110 (2)(a).

(3) The commission will only accept results of approved practical/practice examinations taken within the preceding five years from the date of an application for licensure.

(4) The commission may, at its discretion, give or require an examination in any other subject under ~~((a) and (b) of this))~~ subsection (1)(a) and (b) of this section, whether in written or practical form or both written and practical.

~~((2) An applicant for the practical/practice examination may obtain an application directly from the relevant regional testing agency, or individual state board.))~~

WSR 16-14-068

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed July 1, 2016, 8:27 a.m., effective October 1, 2016]

Effective Date of Rule: October 1, 2016.

Purpose: In response to a petition for rule making, the department has amended the crucifer quarantine rules in chapter 16-301 WAC to:

- Remove the exemption for experiments or trial grounds of universities and USDA;
- Lift the requirement for seed dormancy testing in the eastern Washington regulated area;
- Require regulated articles to be tested and treated before transport into a regulated area;
- Modify the due dates for trial ground inspection applications;
- Require trial grounds to meet the standards set in the publication *Isolating Seed Fields in the Columbia Basin of Washington*;
- Require that phytosanitary field inspection application identify the method by which volunteers will be controlled in the following year and specifying that the department will conduct at least one inspection to ensure control was effective;
- Require that trial grounds be monitored at least twice monthly and records maintained of the monitoring;
- Require notification to the department within twenty-four hours when a regulated disease is identified in a trial ground;
- Require infected plant residue to be promptly destroyed by chopping and incorporating it into the soil or by other means approved by the department.

In addition, the department made other amendments to improve clarity and readability.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-301-510 and 16-301-533; and amending WAC 16-301-490, 16-301-495, 16-301-505, 16-301-515, 16-301-525, 16-301-530, 16-301-531, 16-301-540, 16-301-545, 16-301-550, 16-301-555, 16-301-560, 16-301-570, 16-301-575, and 16-301-580.

Statutory Authority for Adoption: RCW 15.49.005, 17.24.041.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 16-10-103 on May 4, 2016.

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 2, Amended 15, Repealed 2.

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: July 1, 2016.

Derek I. Sandison
Director

AMENDATORY SECTION (Amending WSR 14-20-050, filed 9/25/14, effective 10/26/14)

WAC 16-301-490 Establishing a crucifer seed quarantine for black leg, black rot, and dormant seed. The production of crucifer vegetable seed is an important industry in Washington state. The economic well-being of that industry is threatened by the introduction of crucifer seed infected with certain bacterial and fungal pathogens. In addition, certain crucifer species produce dormant seed that, if present in a seed lot will persist into subsequent cropping years. The resulting "volunteer" plants have the potential to become established as weeds in Washington state.

The director has determined that a quarantine is needed to protect the Washington crucifer vegetable seed (~~(industry)~~), biofumigant and oil seed industries from the introduction of seed from areas known to be infected with (~~certain~~ pathogens) black leg of crucifers and black rot and from the introduction of crucifer seed containing dormant seed. The quarantine will provide the seed growers in this state with sources of crucifer seed that have been tested and proven to be free from (~~(harmful pathogens and, when appropriate,)) black leg and black rot and free from~~ dormant seed.

AMENDATORY SECTION (Amending WSR 15-20-035, filed 9/28/15, effective 10/29/15)

WAC 16-301-495 Definitions. Definitions for some terms in (~~this chapter~~) WAC 16-301-490 through 16-301-580 can be found in chapter 15.49 RCW and chapter 16-301 WAC. In addition, the following definitions apply to (~~this chapter~~;) these sections and take precedence over conflicting definitions found elsewhere:

"Appropriate pathological testing methods" includes seed testing methods approved for the specific target pathogens (*Phoma lingam* and *Xanthomonas campestris pv. campestris* for black leg and black rot, respectively) by the United States National Seed Health System or the International Seed Health Initiative (ISHI-Veg) of the International Seed Federation.

"Approved treatment methods" includes hot water, hot chlorine or any other method((s)) that can eliminate the presence of regulated pathogens.

"Crucifer" means all plants in the family Brassicaceae (also known as Cruciferae) and specifically includes all *Brassica* species, *Raphanus sativus* - Radish, *Sinapis alba* and other mustards.

"Crucifer production" means any planting of crucifer seed or seedlings for the purpose of producing seed, oil, commercial vegetables or cover crops.

"Crucifer seed" includes any part of a plant capable of propagation including, but not necessarily limited to, seeds, roots, and transplants.

"Crucifer weed" means any crucifer plant that appears unintentionally in a different crucifer crop or crop growing area, as in the case of volunteers or after planting seed contaminated with other crucifer species.

"Department" means the Washington state department of agriculture (WSDA).

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Dormant seed" means viable true seed that displays a delay in or lack of germination when provided favorable germination conditions for the type of seed in question.

"Owner" means the person having legal ownership, possession or control over a regulated article covered by this chapter including, but not limited to, the owner, shipper, consignee, grower, seed dealer, landowner or their agent.

"Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

"Phytosanitary inspection program" means the seed field inspection program administered by the seed program of the department under the authority in RCW 15.49.370 and WAC 16-301-240.

"Regulated area" means those geographic areas that are protected from (~~(the introduction of specified plant pests))~~ regulated diseases by the provisions of this quarantine.

"Regulated article" means, with the exception of the exemptions listed in WAC 16-301-525(~~((4))~~) (1), all crucifer seed; seedlings; roots; transplants intended for seed production, oil production, commercial vegetable production or cover crop use; and crop residue remaining from the harvest of infected crucifer plants.

"Seed lot" means a designated quantity of seed that is uniquely identified by a lot number.

"Seed program" means the Washington state department of agriculture seed program.

"Trial ground" means a specific parcel of land approved by the director through the phytosanitary inspection program for experimental or limited production or increase of crucifer seed and for planting seed lots whose quantity of seed is insufficient to allow for pathological testing.

"True seed" means a mature fertilized ovule consisting of an embryo, with or without an external food reserve enclosed by a seed coat.

"Volunteer" means a crucifer plant that germinates in a crop year subsequent to the crop year it was planted.

AMENDATORY SECTION (Amending WSR 15-20-035, filed 9/28/15, effective 10/29/15)

WAC 16-301-505 Regulated crucifer diseases (~~regulated by this chapter~~) and pathogens. (1) "Regulated diseases" means those bacterial and fungal diseases of crucifers listed in this section and any new variations or strains of these diseases.

(2) "Regulated pathogens" means those bacterial and fungal organisms identified as the causal agents for the diseases listed in this section.

(3) The following bacterial and fungal diseases of crucifers, and any new strains or variations of these diseases are regulated by this chapter:

<u>Disease Common Name</u>	<u>Pathogen Cause Scientific Name</u>
Black leg of crucifers	<i>Phoma lingam</i>
Black rot	<i>Xanthomonas campestris pv. campestris</i>

AMENDATORY SECTION (Amending WSR 15-20-035, filed 9/28/15, effective 10/29/15)

WAC 16-301-515 Crucifer seed quarantine—(~~Quarantined~~) Quarantine area. (1) The quarantine area for the crucifer seed quarantine includes all Washington state counties except Adams, Asotin, Benton, Chelan, Clallam, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Island, Kittitas, Klickitat, Lewis, Lincoln, Okanogan, Pend Oreille, Skagit, Snohomish, Spokane, Stevens, Walla Walla, Whatcom, Whitman, and Yakima counties.

(2) (~~Regulated articles imported into Washington state must comply with the regulations of this chapter before transport into a regulated area.~~) No additional requirements apply within the quarantine area but all regulated articles transported into a regulated area must comply with the regulations of this chapter.

AMENDATORY SECTION (Amending WSR 15-20-035, filed 9/28/15, effective 10/29/15)

WAC 16-301-525 Crucifer seed quarantine exemptions within the regulated areas(~~Exemptions~~). (~~This~~) In the regulated areas, the crucifer seed quarantine does not apply to:

(1) (~~Experiments or trial grounds of the United States Department of Agriculture;~~

(2) ~~Experiments or trial grounds of a university such as but not limited to the University of Idaho or Washington State University research stations; or~~

(3) ~~Trial grounds of any person, firm or corporation that are approved by the director and established in accordance with WAC 16-301-550;~~

(4)) Shipments, movements, or transportation of:

(a) Prepackaged crucifer seed in packages of 1/2 ounce or less if the seeds are free of regulated diseases as required in WAC 16-301-530 and 16-301-531; or

(b) Vegetable seedlings offered for sale for home garden use in the regulated areas if the seedlings are free of regulated diseases as required in WAC 16-301-530 and 16-301-531.

(~~5~~) (2) Research, variety development, variety maintenance or other crucifer production where the entire crop cycle is confined within a building or greenhouse(;

(6) Seed lots with a maximum weight of five pounds that were in inventory prior to January 1, 2007)).

NEW SECTION

WAC 16-301-528 Seed dormancy testing in the western Washington regulated area. Any crucifer seed whose primary uses are for any nonvegetable use in the western Washington regulated area must be tested for the presence of dormant seed.

This testing must be done by either a single or paired germination test that demonstrates freedom from dormant seed.

AMENDATORY SECTION (Amending WSR 15-20-035, filed 9/28/15, effective 10/29/15)

WAC 16-301-530 Planting crucifer seed in the western Washington regulated area—Requirements. (1)(a) It is a violation of this chapter to (~~plant or~~) establish crucifer seed that is infected with any regulated disease in the western Washington regulated area.

(b) Any crucifer seed (~~of a Brassica, Raphanus, Sinapis species or any other genera in the Brassicaceae family~~) planted or established in the western Washington regulated area whose primary use is for any nonvegetable use must be tested for the presence of dormant seed as required by WAC 16-301-510.

(2) Any person who plans to ship, move, or transport any crucifer seed intended for planting purposes into or within the western Washington regulated area must file a Notice of Intent/Quarantine Compliance form with the seed program before planting or offering the seed for sale.

(3) The Notice of Intent/Quarantine Compliance form filed with the seed program must be accompanied by a copy of the:

(a) Laboratory analysis or some other proof (such as a phytosanitary certificate based upon laboratory testing issued from the state or country of production) demonstrating that the lot is free of regulated diseases; and

(b) Seed analysis certificate(s) showing that the lot is free from dormant seed, if required under WAC 16-301-510.

(4) It is a violation of this chapter for any crucifer seed intended for seed production, oil production, commercial vegetable production or cover crop use to be offered for sale within or into the western Washington regulated area unless accompanied by documentation verifying quarantine compliance.

(a) For small packages such as heat sealed envelopes and tins, quarantine compliance may be placed on a sales invoice or other documentation that is provided to the purchaser of seed. Language must be approved by the seed program.

(b) Larger containers must bear a label issued by the seed program indicating that the seed is in compliance with this chapter.

AMENDATORY SECTION (Amending WSR 15-20-035, filed 9/28/15, effective 10/29/15)

WAC 16-301-531 Planting crucifer seed in the eastern Washington regulated area—Requirements. (1)(a) It is a violation of this chapter to plant ~~((or establish))~~ crucifer seed that is infected with ~~((any regulated disease))~~ black leg of crucifers (*Phoma lingam*) in the eastern Washington regulated area.

(b) Any crucifer seed ~~((of a *Brassica*, *Raphanus*, *Sinapis* species or any other genera in the Brassicaceae family))~~ to be planted in the eastern Washington regulated area must be laboratory tested and found to be free from black leg of crucifers (*Phoma lingam*).

(2) Any crucifer seed ~~((of a *Brassica*, *Raphanus*, *Sinapis* species or any other genera in the Brassicaceae family))~~ to be planted in the eastern Washington regulated area must be tagged with a tag issued by the department indicating that the seed has met the requirements of this chapter.

NEW SECTION

WAC 16-301-534 Transporting regulated articles into a regulated area—Requirements. Regulated articles imported into Washington state must comply with the testing and treatment regulations of this chapter before transport into a regulated area.

AMENDATORY SECTION (Amending WSR 15-20-035, filed 9/28/15, effective 10/29/15)

WAC 16-301-540 Crucifer transplants grown in greenhouses in the regulated areas—Requirements. (1) All crucifer transplants produced in greenhouses in the regulated areas must be subjected to pest control procedures that reduce the presence of diseases or insects that may inhibit identifying regulated diseases.

(2) The interiors of greenhouses in the regulated areas used to produce crucifer transplants must be free of crucifer weeds.

(3) A one hundred meter buffer~~((s))~~, free of crucifer weeds, must surround ~~((a))~~ each greenhouse~~((s))~~ in the regulated areas used to produce crucifer transplants.

AMENDATORY SECTION (Amending WSR 15-20-035, filed 9/28/15, effective 10/29/15)

WAC 16-301-545 Crucifer seed lots that test positive for any regulated disease—Requirements. (1) If a crucifer seed lot tests positive for any regulated disease, the infected seed lot may be treated with an approved ~~((seed))~~ treatment method.

(2) After treatment, the seed lot must be tested for the presence of regulated diseases using appropriate pathological testing methods.

(3) If the pathological testing yields negative test results, the seed lot will be considered in compliance with this chapter.

(4) It is a violation of this chapter to plant seed in the regulated areas that tests positive for any regulated disease subsequent to any approved treatment method.

AMENDATORY SECTION (Amending WSR 15-20-035, filed 9/28/15, effective 10/29/15)

WAC 16-301-550 Planting seed in the western Washington regulated area—Protocols when certain documentation is unavailable. When no documentation exists verifying that a crucifer seed lot is free from regulated diseases, the following protocols must be followed before the seed is planted in the western Washington regulated area:

(1) A crucifer seed lot will be classified as a suspect seed lot if the seed lot lacks the documentation verifying that the lot complies with the crucifer seed quarantine requirements of this chapter.

(2) Suspect seed lots must:

(a) Not be offered for sale in the western Washington regulated area.

(b) Be treated by an approved treatment method.

(c) Be sown in a greenhouse and the seedlings must pass inspection by seed program inspectors before transplanting to the field.

(3) Any greenhouse operation used to grow crucifer seedlings for transplant must:

(a) Physically separate suspect seed lots from other crucifer production within that greenhouse.

(b) Monitor and document the location and identity of each suspect seed lot during production.

(4) It is a violation of this chapter for seedlings from a suspect seed lot to be topped, clipped, chopped or undergo any other treatment to toughen them or reduce their size.

(5) All seedlings from a suspect seed lot that exhibit symptoms of regulated diseases must be physically separated from asymptomatic transplants in that lot.

(6) Before shipping seedlings from a suspect seed lot, the seedlings must be inspected by department seed program inspectors for the presence of regulated diseases.

(a) If no symptoms of regulated diseases are detected during this inspection, the suspect seed lot is considered in compliance with this chapter and may be sold and planted within the western Washington regulated area.

(b) If seedlings display symptoms of regulated diseases, laboratory testing for the diseases is mandatory.

(c) If seedlings from a suspect seed lot test negative for regulated pathogens or diseases after appropriate pathological testing, the suspect seed lot is considered in compliance with this chapter and may be sold and planted within the western Washington regulated area.

(d) If the presence of a regulated disease is confirmed by laboratory testing, all seedlings from a suspect seed lot may be subject to a quarantine order or destruction order under WAC 16-301-570.

(7) Any crucifer seed production fields, plant beds, or greenhouse production that will be planted with or receives production from suspect seed lots that are determined to be free from regulated diseases under subsection (6) of this section must be entered into the Washington state phytosanitary inspection program as required under WAC ~~((16-301-235))~~ 16-301-240.

(8)(a) It is a violation of this chapter to plant seedlings from a suspect seed lot that tests positive for any regulated disease in the western Washington regulated area.

(b) Any suspect seed lot testing positive for any regulated disease may be subject to a quarantine order or a destruction order under WAC 16-301-570.

AMENDATORY SECTION (Amending WSR 14-20-050, filed 9/25/14, effective 10/26/14)

WAC 16-301-555 ((Approved)) Requirements for the establishment of trial grounds. (1) If a crucifer seed lot has not been tested to determine if it is ((disease)) free of the regulated diseases as required in WAC 16-301-530 and 16-301-531, and the quantity of seed in the lot is too small for pathology testing to be practical, it must be planted in ((an approved)) a trial ground ((that meets the requirements of the seed program)).

(2) Trial grounds may be established for the purposes of, but not limited to, variety maintenance, variety development or other related research.

(3)(a) ((The seed program must approve a trial ground before it is established.)) Trial grounds must be inspected by the department under the phytosanitary inspection program.

(b) ((Failure to obtain approval of a trial ground before it is established is a violation of this chapter and may subject the trial ground to a destruction order under WAC 16-301-570.)) Due dates for trial ground inspection applications are as follows:

(i) For western Washington:

(A) Fall plantings application due date is April 15th; and

(B) Spring plantings application due date is June 1st;

(ii) For eastern Washington:

(A) Fall plantings application due date is April 15th; and

(B) Spring plantings application due date is twenty-one days after planting.

(4)(a) Trial grounds must be isolated from crucifer seed production ((erops)) fields according to the standards set in "Seed Field Minimum Isolation Distances)" Isolating Seed Fields in the Columbia Basin of Washington" published by the Washington State University (WSU) ((cooperative)) Extension or the standards established by the department, whichever distances are greater. In addition, any trial grounds located in the Columbia Basin Irrigation Project crucifer seed production zone must meet all the requirements of that zone including, but not limited to, minimum isolation distances.

(b) Copies of this publication can be obtained by contacting a WSU extension office.

(5) ((A person may plant crucifer seed in an approved trial ground after notifying the seed program, in writing, of their intent to plant for research purposes only. The notification will include an assurance that the person planting crucifer seed in an approved trial ground will comply with the inspection procedures in WAC 16-301-560, the isolation requirements prescribed by the WSU extension publication "Seed Field Minimum Isolation Distances," and any other requirements established by the director.

((6)) The maximum planting in a trial ground is:

(a) One pound per variety for crucifer seed; and

(b) One-half acre for crucifer transplants.

AMENDATORY SECTION (Amending WSR 14-20-050, filed 9/25/14, effective 10/26/14)

WAC 16-301-560 Inspection requirements for trial grounds. (1) ((Applications for the phytosanitary field inspection of a trial ground must be submitted to the department before September 1 of the year the trial ground is established.

~~((2))~~) A minimum of two phytosanitary field inspections of a trial ground must be conducted by the department. These inspections must take place at a minimum:

(a) During the seedling stage; and

(b) At the bloom stage.

~~((3))~~ (2) The phytosanitary field inspection application must include:

(a) A detailed varietal planting plan;

(b) A description of the exact location of the trial ground;

(c) For seed not treated with a fungicide that controls black leg disease, the manner in which the trial ground will be isolated from other known crucifer production; ((and)

(d) The distance by which the trial ground is isolated from other known crucifer production; and

(e) The method by which volunteers will be controlled in the following year.

(3) The person responsible for the trial ground must monitor the trial ground at a frequency of at least twice monthly. The responsible person must maintain records of these inspections and must make these records available to the department upon request.

If regulated diseases are identified, the responsible person must notify the department within twenty-four hours.

(4) If the field inspections by the department or the person responsible for the trial ground detect any suspect symptoms of regulated pathogens, and identification is confirmed by pathology testing, the trial ground is subject to destruction in whole or in part upon the order of the director.

(a) Infected plant residue must be promptly destroyed by chopping and incorporating it into the soil or by other means approved by the director.

(b) As a further precaution, the department recommends that, to the extent practical, crop residue be destroyed even when a regulated disease is not detected.

(c) The department will consult with pathologists, university personnel and appropriate subject matter experts in determining control measures and appropriate mitigation activities to prevent the spread of regulated diseases from the trial ground site. Such recommendations may be, but are not limited to, foliar applications of fungicides.

(5) A disinfectant must be applied to the:

(a) Machinery used in the production of the crucifer crop;

(b) Footwear of all persons entering the trial grounds; and

(c) Footwear of all persons before traveling from a trial ground to other crucifer fields.

(6) The department will conduct at least one inspection of the trial ground location the following year to ensure control of volunteer crucifer plants has been achieved.

AMENDATORY SECTION (Amending WSR 14-20-050, filed 9/25/14, effective 10/26/14)

WAC 16-301-570 Penalties for violating the crucifer seed quarantine. (1) When the director determines that crucifer seed or a crucifer production area is infected with a regulated disease, the director may issue a quarantine order or notice of destruction. A violation of this chapter may also result in either a quarantine order or notice of destruction as determined by the director and the rules regulating the crucifer seed quarantine. Any costs associated with complying with a notice of destruction or quarantine order is the sole responsibility of the owner and not the responsibility of the department.

(2) The director may issue a notice of destruction:

(a) The notice of destruction will identify the property or seed lot affected.

(b) The notice of destruction will order the destruction of regulated articles or prescribe the terms of entry, inspection, partial destruction and/or treatment of regulated articles.

(c) The notice of destruction may prescribe control measures or other requirements needed to prevent the infection of adjacent properties with a regulated disease.

(d) To ensure that the affected parties comply with the measures required to eliminate a disease caused by regulated pathogens, the director will notify the owner and seed company representatives, if known, regarding the methods of destruction to be used, the extent of the destruction and the safeguards being implemented to prevent the spread of the disease.

(3) The director may order the quarantine of any regulated article or planting area. The director will:

(a) Determine the quarantine conditions;

(b) Determine if a quarantine extension is warranted; and

(c) Prescribe sanitary precautions that will prevent the spread of the suspected regulated disease.

(4) To prevent the spread of the suspected regulated disease, persons entering the quarantined area must follow the sanitary precautions in WAC 16-301-560(5). Entry into the quarantined area is restricted to:

(a) The owner;

(b) Department employees;

(c) University personnel or other plant pathology specialists; and/or

(d) Persons authorized in writing by the director.

(5) Fields placed under a quarantine order:

(a) Must enter the Washington state phytosanitary inspection program as required under WAC ~~((16-301-235))~~ 16-301-240 with all inspection costs borne by the owner.

(b) May be subject to additional inspection, control, isolation, or destruction requirements if the director determines they are needed to prevent the spread of regulated pathogens.

(6) Any owner violating the requirements of this crucifer seed quarantine is subject to the civil and/or criminal penalties as established in chapters 15.49 and/or 17.24 RCW.

AMENDATORY SECTION (Amending WSR 14-20-050, filed 9/25/14, effective 10/26/14)

WAC 16-301-575 Identification of diseased crucifer seeds and infected fields. (1) So that timely investigations

may be made, all interested parties, including owners, seed company representatives, and university extension personnel are encouraged to promptly report any suspected infected crucifer fields to the seed program.

(2) The owner of any crucifer crop infected with a regulated pathogen must ((be reported)) report the infection to the seed program within seventy-two hours after the regulated pathogen is discovered.

(3)(a) The seed program may conduct inspections and tests to determine infection of any crucifer seed or production with a regulated disease.

(b) If a WSDA plant services program plant pathologist and a qualified plant pathologist representing a commercial company or owner disagree over the presence of a regulated disease, the company or owner may request a third-party laboratory verification test for a regulated pathogen. A university plant pathologist may recommend the type of third-party laboratory verification test. The third-party laboratory may not be affiliated with either WSDA or the owner of the seed. The verification test must use accepted scientific and professional techniques and will be at the seed owner's expense.

(c) The affected planting area will be placed under quarantine for at least thirty days or until verification testing is completed.

AMENDATORY SECTION (Amending WSR 15-20-035, filed 9/28/15, effective 10/29/15)

WAC 16-301-580 Diseased crucifer seeds and infected fields—Regulations. (1) When the director determines that a field is infected with a regulated pathogen and threatens to infect other fields, the director may issue a notice of destruction prescribing control measures or other requirements needed to prevent the infection of adjacent properties.

(2) Unless the crop is within two weeks of harvest, any crucifer crop within a regulated area that is infected with a regulated pathogen may be subject to immediate destruction, in part or in total. The owner is responsible for the expenses incurred to destroy a diseased crucifer crop.

(3) The following requirements apply to crops that are within two weeks of harvest:

(a) Residues must be destroyed or incorporated into the ground immediately after harvest;

(b) Harvested seed must be isolated from other seed lots until it is treated with ~~((hot water and/or chlorine seed))~~ an approved treatment((s)) method;

(c) Harvest equipment must be steam cleaned before entering any other fields; and

(d) WSDA personnel in consultation with WSU extension personnel must monitor these postharvest activities.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-301-510 Seed dormancy testing.

WAC 16-301-533 Requirements for planting crucifer seed in the eastern Washington regulated area.

WSR 16-14-078
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Long-Term Support Administration)
 [Filed July 1, 2016, 11:02 a.m., effective August 1, 2016]

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

Purpose: The department is revising this rule in order to address Center for Medicare and Medicaid Services, Home and Community Based Services (HCBS) and stakeholder concerns with implementation of the requirements stated therein.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-107-0930; and amending WAC 388-107-0001, 388-107-0020, 388-107-0080, 388-107-0100, 388-107-0110, 388-107-0120, 388-107-0130, 388-107-0140, 388-107-0150, 388-107-0160, 388-107-0180, 388-107-0190, 388-107-0200, 388-107-0210, 388-107-0240, 388-107-0280, 388-107-0370, 388-107-0390, 388-107-0400, 388-107-0410, 388-107-0420, 388-107-0430, 388-107-0560, 388-107-0770, 388-107-0810, 388-107-0830, 388-107-0890, 388-107-0940, 388-107-0960, 388-107-1000, and 388-107-1190.

Statutory Authority for Adoption: RCW 70.97.230.

Other Authority: HCBS Final Rule 42 C.F.R.

Adopted under notice filed as WSR 15-24-037 on November 20, 2015.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-107-0110, wording change needed to ensure the responsibility of development of the initial person-centered service plan is that of the enhanced services facility, not the person-centered service team.

WAC 388-107-0120, wording change needed to ensure the responsibility of development of the individual comprehensive service plan is that of the enhanced services facility, not the person-centered service team.

WAC 388-107-0130, wording change needed to ensure the responsibility of development of the ongoing comprehensive person-centered service plan is that of the enhanced services facility, not the person-centered service team.

WAC 388-107-0140, wording change needed to ensure the responsibility of implementing of the person-centered service plan is that of the enhanced services facility, not the person-centered service team.

WAC 388-107-0150, wording change to streamline the responsibilities of the facility and the department case manager.

WAC 388-107-0160, wording change needed to ensure the responsibility of development and implementation of the

behavioral support plan is that of the enhanced services facility, not the person-centered service team.

WAC 388-107-0190(7), rights of residents was reworded to help simplify the understanding of modification need when addressing 42 C.F.R. Sec. 441.301 (c)(4)(vi)(A) through (D).

A final cost-benefit analysis is available by contacting Penelope Rarick, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3210, fax (360) 725-2642, e-mail raricpp@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 1, Amended 31, 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 1, Amended 31, Repealed 1.

Date Adopted: July 1, 2016.

Patricia K. Lashway
Acting Secretary

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 16-16 issue of the Register.

WSR 16-14-085
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 5, 2016, 8:56 a.m., effective January 1, 2017]

Effective Date of Rule: January 1, 2017.

Purpose: These rule changes make it easier for agency staff and customers to understand and apply the risk classifications, subclassifications, and reporting rules for workers' compensation insurance, and help ensure fair and consistent rating for employers.

	WAC Numbers and Descriptions	Change	Reason for Change
1.	WAC 296-17-31002 General rule definitions.	• Add definition for "principal" from WAC 296-17-31017 to the definitions in WAC 296-17-31002.	• Improve clarity to ensure consistent and fair application of the rules and to promote broad understanding of the rules. • Incorporate and formalize existing agency practices.
2.	WAC 296-17-31011 Classification system and plan.	• Revise to make it easier to understand.	
3.	WAC 296-17-31012 Classification assignment.	• Revise to make it easier to understand.	

	WAC Numbers and Descriptions	Change	Reason for Change
4.	WAC 296-17-31013 Building construction.	<ul style="list-style-type: none"> • Revise to make it easier to understand. • Clarify what is meant by "phase of construction." • Update examples used to illustrate application of rule. • Add more detailed information about potential cost to employers who do not report and pay premiums on independent contractors that are covered workers. 	
5.	WAC 296-17-31014 Farming and agriculture.	<ul style="list-style-type: none"> • Revise to make it easier to understand. • Add list of classifications the department considers to be farming or agriculture. • Add details about the hand harvesting special exception classification. 	
6.	WAC 296-17-31015 General inclusions.	<ul style="list-style-type: none"> • Revise to make it easier to understand. 	
7.	WAC 296-17-31016 Classification by analogy.	<ul style="list-style-type: none"> • Revise to make it easier to understand. • Update example used to illustrate application of rule. 	
8.	WAC 296-17A-0214 • Concrete work in connection with highways, streets or roadways. WAC 296-17A-0518 • Nonwood frame construction.	<ul style="list-style-type: none"> • Add details on classifying construction of concrete parking lots. • Consolidated two very small 0518 subclassifications (metal carports and metal service station canopies) together. 	<ul style="list-style-type: none"> • Improve clarity to ensure consistent and fair application of the rules and to promote broad understanding of the rules. • Incorporate and formalize existing agency practices.
9.	WAC 296-17A-0307 • HVAC installation, service, or repair.	<ul style="list-style-type: none"> • Update format. • Revise to make it easier to understand. • Consolidate into a single classification (0307-01 Heating, ventilation, air conditioning, refrigeration and furnace systems: Installation, service or repair) these subclassifications: <ul style="list-style-type: none"> o 0307-01, Furnaces and heating systems: Installation, service or repair, and o 0307-04, Ventilating, air conditioning and refrigeration systems: Installation, service or repair, N.O.C. 	<ul style="list-style-type: none"> • Improve clarity to ensure consistent and fair application of the rules and to promote broad understanding of the rules. • Bring classification in line with how the industry operates. • Remove administrative burden and simplify reporting for accounts currently assigned both 0307-01 and 0307-04.
10.	WAC 296-17A-2903 • Wood products manufacturing.	<ul style="list-style-type: none"> • Update format. • Revise to make it easier to understand. • Consolidate into a single subclassification (2903-12, Manufacturing and assembly of wood products not otherwise classified (N.O.C.)) the following subclassifications: <ul style="list-style-type: none"> o 2903-12, Wood products, N.O.C.: Manufacturing or assembly, o 2903-20, Wood sign: Manufacturing, and o 2903-27, Ridge cap and/or shim: Manufacturing. 	<ul style="list-style-type: none"> • Improve clarity to ensure consistent and fair application of the rules and to promote broad understanding of the rules. • Incorporate and formalize existing agency practices. • Merge smaller subclassifications without enough exposure or losses to be statistically credible into larger subclassifications.

	WAC Numbers and Descriptions	Change	Reason for Change
		<ul style="list-style-type: none"> • Add cutting and sizing lumber stock for other uses in addition to furniture manufacturing to the description of subclassification 2903-06, Manufacturing wood furniture stock. • Add direction to subclassification 2903-28, Manufacturing, repairing, or refinishing wood boats, for classifying certain boat work not in connection with boat manufacturing. • Remove verbiage excluding all activities [activities] away from the "shop or plant." This classification has always included pickup and delivery work, but this verbiage has, on occasion, caused the higher rated delivery classification to be added to the manufacturer's account. 	
11.	WAC 296-17A-3702 • Breweries, wineries, and beverage bottling	<ul style="list-style-type: none"> • Update format. • Revise to make it easier to understand. • Clarify rules for tasting rooms and restaurants associated with these manufacturers. 	<ul style="list-style-type: none"> • Improve clarity to ensure consistent and fair application of the rules and to promote broad understanding of the rules. • Incorporate and formalize existing agency practices.
12.	WAC 296-17A-4907 • Inmate work opportunity WAC 296-17A-4908 • Inmates of adult honor camps.	<ul style="list-style-type: none"> • Update format and language. • Revise to make it easier to understand. • Update to reflect department of correction's (DOC) current services. • Changing the terms "inmates" and "prisoners" to "offenders." 	<ul style="list-style-type: none"> • Consistency with DOC's language in their recent WAC changes.
13.	WAC 296-17A-5201 • Manufacturing of electronic apparatuses.	<ul style="list-style-type: none"> • Update format. • Revise to make it easier to understand. • Add solar panel manufacturing to the description of subclassification 5201-75, Electric power or transmission equipment: Manufacturing or assembly. 	<ul style="list-style-type: none"> • Improve clarity to ensure consistent and fair application of the rules and to promote broad understanding of the rules. • Incorporate and formalize existing agency practices.
14.	WAC 296-17A-6109 • Medical clinics WAC 296-17A-6308 • Eyewear and hearing aid stores.	<ul style="list-style-type: none"> • Update format. • Revise to make it easier to understand. • Add clarification for classifying clerical and sales work for medical clinics. • Add clarification for classifying overnight stays for medical facilities. • Add clarification for classifying eye clinics and eyewear stores. 	<ul style="list-style-type: none"> • Improve clarity to ensure consistent and fair application of the rules and to promote broad understanding of the rules.
15.	WAC 296-17A-6204 • Gyms and fitness centers.	<ul style="list-style-type: none"> • Changing the title of subclassification 6204-04 from "Exercise or health institutes, gymnasiums, and health clubs" to "Exercise facilities, gyms, fitness and martial arts centers, N.O.C." to avoid classification confusion with 6205-00, Clubs, N.O.C. 	<ul style="list-style-type: none"> • Improve clarity to ensure consistent and fair application of the rules and to promote broad understanding of the rules.

	WAC Numbers and Descriptions	Change	Reason for Change
16.	WAC 296-17A-6303 • Social workers and dietitians. WAC 296-17A-6110 • Home health services and nursing care.	• Revise to make it easier to understand.	• Improve clarity to ensure consistent and fair application of the rules and to promote broad understanding of the rules.
17.	WAC 296-17A-6607 • Subclassification 6607-02, Recreational, social, and community centers.	• Add clarification for the classification of adult day care activities.	• Improve clarity to ensure consistent and fair application of the rules and to promote broad understanding of the rules. • Incorporate and formalize existing agency practices.
18.	WAC 296-17A-7203 • Community service workers.	• Update format and language. • Revise to make it easier to understand. • Update to reflect DOC's current services.	• Consistency with DOC's language in their recent WAC changes.

Citation of Existing Rules Affected by this Order: Amending WAC 296-17-31002 General rule definitions, 296-17-31011 Classification system and plan, 296-17-31012 Classification assignment, 296-17-31013 Building construction, 296-17-31014 Farming and agriculture, 296-17-31015 General inclusions, 296-17-31016 Classification by analogy, 296-17A-0214 Classification 0214, 296-17A-0307 Classification 0307, 296-17A-0518 Classification 0518, 296-17A-2903 Classification 2903, 296-17A-3702 Classification 3702, 296-17A-4907 Classification 4907, 296-17A-4908 Classification 4908, 296-17A-5201 Classification 5201, 296-17A-6109 Classification 6109, 296-17A-6110 Classification 6110, 296-17A-6204 Classification 6204, 296-17A-6303 Classification 6303, 296-17A-6308 Classification 6308, 296-17A-6607 Classification 6607, and 296-17A-7203 Classification 7203.

Statutory Authority for Adoption: RCW 51.04.020 and 51.16.035.

Adopted under notice filed as WSR 16-02-089 on January 5, 2016.

Changes Other than Editing from Proposed to Adopted Version: We removed from WAC 296-17A-7203 Classification 7203 the proposed sentence; "Although this coverage is optional, the department of corrections requires entities utilizing Class V offender services to provide workers' compensation coverage for the offenders, and report and pay premiums for the offenders to the department."

We determined this information has no impact on how the agency classifies employers and isn't needed in the classification description.

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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 22, 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: July 5, 2016.

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 12-11-109, filed 5/22/12, effective 7/1/12)

WAC 296-17-31002 General rule definitions. In developing the general reporting rules and classifications which govern Washington's workers' compensation classification plan, we have used certain words or phrases which could have several meanings. Many of these words or phrases are defined by law in the Revised Code of Washington (*Title 51 RCW*). Some words, however, are not defined by law. To reduce the misunderstanding which can result by our use of certain words or phrases not defined in law (*Title 51 RCW*), we have developed definitions which will govern what these words and phrases mean for purposes of these chapters (*chapters 296-17 and 296-17A of the Washington Administrative Code (WAC)*).

The following words or phrases mean:

Account: A unique numerical reference that we assign to you that identifies your business or businesses and allows us to track exposure that you report to us and losses (*claims*) which we pay on your behalf.

Account manager: An individual who works in the underwriting section of the department of labor and industries and manages an employer's workers' compensation insurance account. An account manager is also referred to as an underwriter.

Actual hours worked: A worker's composite work period beginning with the starting time of day that the employee's work day commenced, and ~~((includes))~~ including

the entire work period, excluding any nonpaid lunch period, and ending with the quitting time each day work was performed by an employee. The following example is provided to illustrate how work hours are to be reported. If you have questions on reporting please contact our underwriting section at 360-902-4817.

Example: *A carpet installer arrives at the employer's place of business at 8:00 a.m. to pick up supplies, carpet, and the job assignment. The carpet installer arrives at the job site at 9:00 a.m. and works until 12 noon. The installer takes a half hour nonpaid lunch period and resumes working from 12:30 p.m. until 4:00 p.m. The installer then returns to the employer's premise to drop off supplies and carpet waste. The installer leaves the employer's premise at 5:30 p.m. The employer is to report nine hours of work time regardless of whether the employee is paid by the hour or by the number of yards of carpet installed.*

All: When a classification contains a descriptive phrase beginning with "all" such as in "all employees," "all other employees," "all operations," or "all work to completion," it includes all operations and employments which are normally associated with the type of business covered by the classification. This condition applies even if the operations or employments are physically separated or conducted at a separate location. Operations or employments are to be classified separately when the classification wording requires it, or when the operations or employments are not incidental to, and not usually associated with, the business described by the classification.

And: When this word is contained in any rule it is to be considered the same as the phrase "and/or."

Basic classification: A grouping of businesses or industries having common or similar exposure to loss without regard to the separate employments, occupations or operations which are normally associated with the business or industry. Basic classifications describe a specific type of business operation or industry such as mechanical logging, sawmills, aircraft manufacturing, or restaurants. In most business operations some workers are exposed to very little hazard, while others are exposed to greater hazard. Since a basic classification reflects the liability (*exposure to hazard*) of a given business or industry, all the operations and occupations that are common to an industry are blended together and included in the classification. The rate for a basic classification represents the average of the hazards within the classification. All classifications contained in ~~((this manual))~~ chapter 296-17A WAC are considered basic classifications with the exception of classifications 4806, 4900, 4904, 5206, 6301, 6303, 7100, 7101, and temporary help classifications 7104 through 7122. Classification descriptions contained in WAC 296-17A-0101 through 296-17A-7400 establish the intended purpose or scope of each classification. These descriptions will routinely include types of businesses, operations, processes or employments which are either included or excluded from the classification. These references are not to be considered an all inclusive listing unless the classification wording so specifies.

Bona fide officer: Any person empowered in good faith by stockholders or directors, in accordance with articles of

incorporation or bylaws, to discharge the duties of such officer.

But not limited to: When this phrase is used in any rule in this ~~((manual))~~ chapter or 296-17A WAC it is not to be interpreted as an all inclusive list. Such a list is meant to provide examples of operations, employments, processes, equipment or types of businesses which are either included or excluded from the scope of the classification.

Excludes or excluding: When a classification contains a descriptive phrase beginning with "excludes" or "excluding" such as "excluding drivers or delivery," "excluding second hand appliance stores," or "excludes construction operations," you must report those operations in a separate classification. If a business fails to keep the records required in the auditing recordkeeping section of ~~((this manual))~~ rules in this chapter and we discover this, we will assign all workers' hours for which records were not maintained to the highest rated classification applicable to the work which was performed.

Exposure: Worker hours, worker days, flat rate, licenses, material, payroll or other measurement which we use to determine the extent to which an employer's workers have been exposed to the hazards found within a particular business or industry classification.

Free from direction or control: The contracted individual has the responsibility to deliver a finished product or service without the contracting firm or individual either exercising direct supervision over the work hours or the methods and details of performance or having the right to exercise that authority under the contract.

Includes or including: When a classification contains a descriptive phrase beginning with "includes" or "including" such as "including clerical office," "including meter readers," or "includes new construction or extension of lines," you must report these operations in that basic classification even though they may be specifically described by some other classification contained in ~~((this manual))~~ chapter 296-17A WAC or may be conducted at a separate location.

Industrial insurance: Refer to the definition of "workers' compensation insurance."

N.O.C.: This abbreviation stands for not otherwise classified. Classifications are often worded in this way when there are many variations of the same general type of business and it would be nearly impossible to list all the variations. Before a classification designated with N.O.C. is used, all other related classifications must be reviewed to determine if the business or industry is specified in another classification.

Example: *You operate a retail store that sells greeting cards. In our search to classify your business we come across a classification that covers retail stores N.O.C. Before our underwriter assigns this classification to your business, they would look at other retail store classifications to see if a more precise classification could be found. In our review we note several classifications such as grocery and department stores where greeting cards are sold. None of these classifications, however, specify that they include stores that exclusively sell greeting cards. Classification 6406 "Retail stores, N.O.C.," on the other hand, contains language in its description that states it includes stores that sell items such as greeting cards,*

table top appliances, and tropical fish and birds. We would assign classification 6406 "Retail stores, N.O.C." to your business.

Or: Refer to the definition of the word "and."

Premium: The total amount of money owed to the department of labor and industries as calculated by multiplying the assigned classification composite rate by the total units of exposure.

Principal: When referencing **principal business, principal operations, principal enterprise, or principal classification**; refers to the business or portion of the business described by the basic classification with the most exposure (worker hours).

Principal place of business: The physical location of the business from which the contract of service is directed and controlled.

Rate: The amount of premium due for each unit of exposure. All rates are composite rates per worker hour except as otherwise provided for by other rules in this ((manual)) chapter or 296-17A WAC.

Related by blood within the third degree: The degree of kinship as computed according to the rules of civil law.

Related by marriage: The union subject to legal recognition under the domestic relations laws of this state.

Risk: All insured operations of one employer within the state of Washington.

Temporary ((help: The term "temporary help") staff-ing services: Means the same as temporary ((service contractors defined in (Title 19 RCW))) help company, and applies to any person, firm, association or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part-time or temporary help basis to others.

Underwriter: Refer to the definition of an "account manager."

Within a reasonable period: Establishing an account with state agencies shall be the time prior to the first date on which the individual begins performance of service toward the contract or the date upon which the individual is required to establish an account with a state agency, as otherwise required by law, whichever event occurs later.

Work day: Any consecutive twenty-four hour period.

Work hour: Refer to the definition of "actual hours worked."

Workers' compensation insurance: The obligation imposed on an employer by the industrial insurance laws (Title 51 RCW) of the state of Washington to insure the payment of benefits prescribed by such laws.

AMENDATORY SECTION (Amending WSR 07-12-045, filed 5/31/07, effective 7/1/07)

WAC 296-17-31011 Classification system and plan.

~~((1) What is a workers' compensation classification system?~~

~~A workers' compensation classification system is an objective method of collecting money (premiums) to pay the benefits of workers injured on the job. We believe the method used to spread this cost among the employers we insure should be fair and have some relationship to their hazard and~~

~~potential for loss. Classifications are the tool used to achieve a fair method of distributing the risk among employers we insure. Objective boundaries are established for each classification. These boundaries describe the types of businesses which are included in the classification, as well as the operations and employments routinely encountered. We refer to these objective boundaries as the scope of the classification. Once these boundaries have been defined, we can begin collecting information about the employers assigned to each classification. The information includes the exposure which is being covered (risk) and the losses (claims) which are related to these businesses. Next, we use this information to establish premium rates that employers in each industry will pay for their workers' compensation insurance. Our goal is to produce fair insurance rates which reflect the hazardous nature of each industry. We have tailored our classification system in Washington to reflect industries found in our state. This makes our system responsive to change and provides rate payer equity to the employers we insure. Employers engaged in more hazardous industries such as logging will pay higher insurance rates than employers engaged in less hazardous businesses such as retail store operations.~~

~~(2) Why is a classification system needed?~~

~~We need a classification system to provide fair premium rates. Washington law (RCW 51.16.035) also requires us to have a classification system.~~

~~(3) Is the classification system the same as the classification plan?~~

~~No, we refer to the body of rules (WACs) which establish the general parameters of how classifications are to be used as the "classification system." These rules speak to the requirements of workers' compensation insurance and to our general classification approach, such as classifying by nature of business in the state of Washington, not by occupation of worker. The "classification plan" refers to all of the various classification descriptions which describe different types of business or industry. The classification system rules (general rules) will apply to all businesses unless another treatment is specifically provided for in the classification plan rules (special rules).~~

~~(4) How is our classification plan designed?~~

~~We have designed a plan which is keyed to the nature of the businesses or industries of the employers we insure. Our plan has over three hundred business or industry classifications. Each classification carries a premium rate which reflects the hazards that workers are exposed to. Descriptions of our classifications can be found in WAC 296-17A-0101 through 296-17A-7400.~~

~~(5) Is your classification approach similar to the approach used by private insurance companies?~~

~~Yes, we are required by law (RCW 51.16.035) to use the same classification (underwriting) approach used by private carriers.) Washington law (RCW 51.16.035) requires us to classify occupations or industries by their level of hazard, in accordance with recognized principles of workers' compensation insurance which encourage safety and facilitate premium collection. The classification system and plan in Washington are based on insurance principles similar to those in other states and also reflect Washington's industries and workers' compensation laws.~~

(1) What is the workers' compensation classification system?

The rules in **chapter 296-17 WAC** are the workers' compensation classification system. These rules:

- Define how we apply the classification plan to classify businesses by their degree of hazard.
- Assign premium rates that fairly represent employers' risks so that the premiums we collect cover all claim costs.

Our classification system follows recognized insurance principles described in **WAC 296-17-31029 Insurance principles**. These principles help ensure that employers are properly grouped and fairly rated.

We group industries that share similar risks together for common rating. Employers with similar risks tend to have workplace injuries with similar frequency, severity, and cause. Higher hazard industries are more likely to have workplace injuries, and the injuries are more likely to be severe.

By analyzing the history of injuries and costs for each classification grouping, we can reliably project future costs of claims for a classification. We adjust premium rates yearly so that we collect enough premiums to pay for these projected costs. Employers engaged in higher hazard industries, such as logging, will pay higher premium rates than employers engaged in lower hazard businesses, such as retail store operations.

The workers' compensation classification system rules apply to all businesses unless another treatment is specifically provided for in the classification plan (see subsection (2) of this section).

(2) What is a workers' compensation classification plan?

The rules in **chapter 296-17A WAC** are the workers' compensation plan. These rules group employers into risk classifications based on the nature of a business. We do not classify and rate individual jobs or occupations (see **Example 2, WAC 296-17-31015 General inclusions**). Instead, each classification describes the types of businesses and operations it includes, and the classification is a blend of exposures and risks representing the combined work for all of the businesses in the classification. Sometimes a classification may also reference certain operations (tasks, processes, activities, etc.) excluded from the classification. We refer to the boundary between what is included in and excluded from a classification as the "**scope**" of the classification.

The classification plan in **chapter 296-17A WAC** provides descriptions and scopes for businesses and industries found in the state of Washington.

Classifying by the nature of business:

- Makes our classification plan responsive to industry innovation and change.

Note: When businesses in a particular industry are grouped together in the same classification and new practices or technological improvements change the level of hazard for the industry, the classification's rates automatically adjust in response to the changes.

- Ensures our classifications represent businesses with similar levels of hazard, which in turn promotes fair and equitable rates.

AMENDATORY SECTION (Amending WSR 00-14-052, filed 7/1/00, effective 7/1/00)

WAC 296-17-31012 Classification assignment. ((+) How are classifications assigned to my business?

We will assign a basic classification or classifications to your business based on the nature of your business operation(s) in the state of Washington. We will not assign classifications to your business based on the individual operations, duties or occupations of individuals found within your business unless the basic classification assigned to your business either requires or permits a separate classification treatment for specified operations or employments. Exceptions to this approach are outlined in WAC 296-17-31017 and 296-17-31018.

(2) Does this same classification approach apply if I have several businesses?

This classification approach will apply to each separate legal entity. Each separate legal entity will be classified on its own merits.

(3) How do you decide what classification(s) to assign to my business?

To determine what classification(s) to assign to your business, we need enough information to give us a clear understanding of the precise nature of your business and the hazards your business poses to your workers. In some cases we will need to call you to obtain more detailed information about your business. Occasionally one of our field representatives may visit your business to gain a better understanding of the nature of your business. In most cases we will find a classification that specifically describes your business.

***Example:** You operate a company that sells baked goods to retail customers. Before we can classify your business we need to determine whether you bake the goods you are selling or are simply selling goods another business has baked. Once we have determined the precise nature of your business, we will review all of the available classifications to find the one that best describes the entire business. If the business has baked the products they are selling, we would consider a bakery classification or maybe a restaurant classification. If your business simply sells baked goods that another business made, we may look at a retail store classification. In most cases we will find a classification that specifically describes the business we are classifying-))* **(1) How are classifications assigned to my business?**

We begin by assigning a basic classification to your business based on the nature of your business. To determine the nature of your business, we need to understand your combined business operation(s), the products you produce and the services you provide in the state of Washington. We will not assign additional classifications to your business based on individual operations or occupations within your overall business unless:

- The basic classification assigned to your business either requires or permits separate classifications for specific operations or employments.

• Additional classifications are required or permitted by **WAC 296-17-31017 Multiple classifications** or **WAC 296-17-31018 Exception classifications**.

- The nature of your business is:

– Temporary help services, WAC 296-17A-7104 to 296-17A-7122;

– Farming and agriculture, WAC 296-17-31014;

– Construction business, WAC 296-17-31013.

Note: Classifying a business sometimes requires us to call or visit the employer to clarify the nature of their business operations.

(2) What if I have several businesses?

Each entity registered by a unique Unified Business Identifier (UBI) is classified separately based on the nature of its combined operations, without regard to any operations under any other UBI.

AMENDATORY SECTION (Amending WSR 14-24-049, filed 11/25/14, effective 1/1/15)

WAC 296-17-31013 ((Building)) Construction. (((+)) Does this same classification approach apply to building and construction contractors?)

Yes, but it may not appear that way without further explanation. We classify contractors by phase and type of construction since it is common for each contract to vary in scope.

***Example:** A contractor who builds and remodels private residences may frame the structure and work on no other phases of the project. On another job the same contractor may do only the interior finish carpentry. On still another job the contractor may install a wood deck or build a garden arbor. Each of these carpentry activities is covered by a different classification code. To ensure that contractor businesses receive the same treatment as other businesses, we assign classifications according to the phases and types of construction they contract to perform. Since some contractors specialize in one area of construction, such as plumbing, roofing, insulation, or electrical services, this classification approach mirrors that of nonbuilding contractor businesses. The policy of assigning several basic classifications to contractors engaged in multiple phases of construction may seem to be in conflict with the classification approach used for nonbuilding contractor businesses, but we have simply used the **multiple business** classification approach.*

If we have assigned multiple classifications to your construction business you should take special care in maintaining the records required in the auditing and recordkeeping section of this manual. If we discover that you have failed to keep the required records we will assign all worker hours for which the records were not maintained to the highest rated classification applicable to the work that was performed.

(2) Who does this rule apply to?

If you are a building, construction or erection contractor and we have assigned one or more of the following classifications to your business, this rule applies to you: 0101, 0103, 0104, 0105, 0106, 0107, 0108, 0112, 0201, 0202, 0210, 0212, 0214, 0217, 0219, 0301, 0302, 0303, 0306, 0307, 0403, 0502, 0504, 0507, 0508, 0509, 0510, 0511, 0512, 0513, 0514, 0516, 0517, 0518, 0519, 0521, 0540, 0541, 0550, 0551, 0601, 0602, 0603, 0607, 0608, and 0701.

(3) Can I have a single classification assigned to my business to cover a specific construction project?

Yes, to simplify recordkeeping and reporting requirements we will assign a single classification to cover an entire project.

(4) How do I request the single classification for one of my construction projects?

You should send your request to the attention of your account manager at the address below:

Department of Labor and Industries
P.O. Box 44144
Olympia, Washington 98504-4144

(5) If I have asked for a single classification on one of my construction projects, how do you determine which classification will apply?

You must supply us with a description of the project and a break down of the total number of hours of exposure by phase of construction that you are responsible for.

***Example:** You notify us that your company will be responsible for all plumbing and iron erection work on a commercial building site. You have requested a single classification for this project. In your request you tell us that you estimate that it will take one thousand work hours to perform all the plumbing work and five hundred work hours to do the steel erection work.*

With this information we will estimate the premiums by classification:

***Example:** We determine that the plumbing work is covered under classification 0306 and the steel erection work is covered under classification 0518. Assume that classification 0306 has an hourly premium rate of \$1.50 and classification 0518 has an hourly premium rate of \$2.55. We estimate the total premium on this job to be \$2,775 (1,000 hours x \$1.50 = \$1,500 + 500 hours x \$2.55 = \$1,275).*

Our next step in this process is to develop an average hourly rate for the project. We will use this information to select the single classification which will apply to this project.

***Example:** We will take the estimated premium (\$2,775) and divide this number by the estimated hours (1,500) and arrive at an average hourly rate of \$1.85.*

To select the single classification that will apply to a construction project, we will compare the average hourly rate that we have computed to the rates of the classifications applicable to the project. We will select the classification whose hourly rate is the closest to the average hourly rate that we computed from the information you supplied us with.

***Example:** From the information you supplied, we have determined that the average hourly rate for this project is \$1.85. We also know that the rate for the plumbing classification (0306) is \$1.50 per hour and the rate for steel erection is \$2.55 per hour. We would assign classification 0306 as the single classification applicable to this project.*

(6) How will I know what classification will apply to my construction project?

We will send you a written notice which will specify the basic classification and premium rate that will apply to this project.

(7) If I have asked for a single classification to cover one of my construction projects, am I required to use the single classification which you gave me?

No, but you should call your account manager to verify what other classifications would apply to the project. The name and phone number of your account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at 360-902-4817 and we will put you in contact with your assigned account manager.

(8) I am a general construction or erection contractor; I subcontract all my work and have no employees of my own. Do I have to report to the department of labor and industries?

No, since you do not have employees, you do not need to report to the department of labor and industries. You should be aware that the workers' compensation insurance laws of Washington include certain independent contractors as workers. If we determine that an independent contractor that you used qualifies as a covered worker, you will be responsible for the premium due for their work time. You can also be held responsible for premiums due to labor and industries if you subcontract with an unregistered contractor and they fail to pay premiums on behalf of their employees. It is in your best interest to make sure that your subcontractors are registered contractors in good standing by confirming their status on the department's web site or contacting your account manager.

(9) Am I required to keep any special records of subcontractors that I use?

Yes, you are required to keep certain information about the subcontractors that you use. The information required is:

- Subcontractor's legal name;
- Contractor registration number and expiration date;
- UBI number (or labor and industries account ID number).

If you supply materials to a subcontractor, also keep a record of the:

- Amount of material supplied;
- Project name or location;
- Date material was supplied; and
- Completion date of contracted work.

Failure to maintain these records may result in the subcontractor being considered a covered worker for whom you must report hours.

(10) What classification should I use to report construction site cleanup by my employees? You should report the cleanup of construction debris in the same classification that applied to the work which generated the debris unless another classification treatment is provided for in other rules. For example, if you are a roofing contractor and you have an employee pick up roofing debris at the construction (project) site, you would report the employee involved in the site cleanup in the roofing classification (0507). If you are the general contractor at a construction site and have either classification 0510 "wood frame building construction" or classification 0518 "nonwood frame building construction" assigned to your business, you would report site cleanup in the classification applicable to the type of building you are constructing. For example, if you are a general contractor and you are engaged in building a single family wood frame dwelling, you would report construction site cleanup by your employees in classification 0510 "wood frame building construction."

(11) I am a construction site clean up contractor, my employees only pick up construction debris, we do no construction work, what classification do I report site cleanup in? If your employees are collecting and/or removing construction site debris, you would report in classification 4305-22. If your employees are collecting and/or removing nonconstruction debris such as household junk, garden waste, basement debris, furniture and appliances, you would also report in classification 4305-22. If you have contracts to clean up construction debris and also provide preoccupancy clean up work and are not a construction contractor, then you can divide hours between the two risk classifications 4305-22 and 6602-03 providing accurate accounting records are kept for both activities.

(12) What classification should I use to report the work time of my employees when they are involved in the set up of scaffolding, hoists, cranes, towers or elevators at a construction site? We use the same classification treatment for this type of work as we do with construction site cleanup. For example, if you are a roofing contractor and you have an employee set up scaffolding at the construction (project) site, you would report the employee involved in the set up of scaffolding in the roofing classification (0507). If you are the general contractor at a construction site and have either classification 0510 "wood frame building construction" or classification 0518 "nonwood frame building construction" assigned to your business, you would report the set up of scaffolding at the construction in the classification applicable to the type of building you are constructing. For example, if you are a general contractor and you are engaged in building a single family wood frame dwelling, you would report scaffolding set up by your employees in classification 0510 "wood frame building construction." Helicopter services that are engaged to assist in lifting beams, air conditioning units, statues and other objects onto buildings or structures are to be reported separately in classification 6803.

(13) Is preoccupancy cleanup of a building by my employees classified the same as debris cleanup at a construction site? Since your understanding of what preoccupancy clean up work is may be different from ours, we need to share with you our understanding before we can answer this question. Our understanding in this area is that preoccupancy cleanup occurs after the building is finished. The clean up work consists of washing paint and overspray from windows, vacuuming carpets, washing floors and fixtures, and dusting woodwork, doors and cabinets. If you have employees whose duties are limited to this type of cleaning, we will allow you to report their work time in classification 6602 "janitors."

(14) If I have an employee who does some construction work, construction site cleanup and preoccupancy cleanup, can I divide their work time between the janitor and a construction classification? No, we will not permit you to divide the work time of an employee between the janitor classification and a construction classification. If you have an employee who does preoccupancy clean up work for you, and that employee also performs other nonpreoccupancy clean up work for you such as construction work, shop work or construction site debris clean up work, then you must report all of their work time in the applicable construction or

nonshop classification.)) (1) What is the classification approach for construction contractors?

We classify contractors by phase of construction. **Phase of construction** refers to the type of construction work or the parts of a construction contract we classify and rate separately. This means contractors performing multiple types of construction generally have more than one basic classification.

Example 1: A contract for building a kitchen may include cabinet installation, tiling, and painting. These three pieces of the contract are considered separate phases of construction since each of the types of work are often performed by a separate specialty contractor. A contractor performing multiple phases reports employees' hours by each phase of construction.

Example 2: A concrete contractor agrees to build a new concrete driveway. As part of this job, the contractor has employees assemble wood forms to pour the concrete into. Since assembling wood forms for concrete construction is not normally subcontracted out to specialty contractors, we consider this work included in the concrete work classification. The concrete contractor reports the assembly of the wood forms in the classification for the concrete work.

Example 3: A plumbing contractor must remove a section of wall, or tear up some flooring to repair a pipe. The minor tear out and repair is considered part of the pipe repair phase of construction as long as the work is performed by the plumber's own employees. The contractor reports this work with the plumbing work. However, if the plumber contracts out the floor or wall repair, the subcontractor reports in the classification(s) that best describe the work performed.

Note: If we have assigned multiple classifications to your construction business, take special care in maintaining the records required in the auditing and recordkeeping section (**WAC 296-17-35201 Recordkeeping and retention**). If you fail to keep the required records, we assign all worker hours for which the records were not maintained to the highest rated classification applicable to your business or the highest rated classification a worker was exposed to.

(2) Who do the construction rules apply to?

If we assign one or more of the following classifications to your business, this rule applies to you: 0101, 0103, 0104, 0105, 0106, 0107, 0108, 0112, 0201, 0202, 0210, 0212, 0214, 0217, 0219, 0301, 0302, 0303, 0306, 0307, 0403, 0502, 0504, 0507, 0508, 0509, 0510, 0511, 0512, 0513, 0514, 0516, 0517, 0518, 0519, 0521, 0540, 0541, 0550, 0551, 0601, 0602, 0603, 0607, 0608, and 0701.

(3) To simplify recordkeeping and reporting requirements, can I have a single classification assigned to my business to cover a specific construction project?

Yes, you can request a single classification to cover all phases of work for an entire project, by contacting your account manager. A separate request is required for each project where you want a single classification for reporting.

(4) How does the department determine the single classification for a project?

We prorate based on the information you provide. You must give us a description of the project with an estimate of the total number of hours expected to be worked in each phase of construction that you are responsible for.

Example: You notify us that your company will be responsible for all plumbing and iron erection work on a commercial building site. You have requested a single classification for this project. In your request, you tell us that you estimate that it will take 1,000 work hours to perform all the plumbing work and 500 work hours to do the steel erection work.

With this information we will estimate the premiums by classification:

We determine that the plumbing work is covered under classification 0306 and the steel erection work is covered under classification 0518.

Assume for this example that classification 0306 has an hourly premium rate of \$2.50 and classification 0518 has an hourly premium rate of \$3.50. We estimate the total premium on this job to be \$4,250; (1,000 hours x \$2.50 = \$2,500) + (500 hours x \$3.50 = \$1,750).

Note: Rates in this table are for this example only.	Plumbing (0306)	Steel erection (0518)
Hours	1,000	500
Risk classification	0306	0518
Rate (assume for this example)	\$2.50/hour	\$3.50/hour
Estimated premium	1,000 x \$2.50 or \$2,500	500 x \$3.50 or \$1,750
Total estimated premium	\$2,500 + \$1,750 = \$4,250	

We then develop an average hourly rate for the project by taking the estimated premium of \$4,250 and dividing this number by the 1,500 hours estimated. This provides an average hourly rate of \$2.83.

To select the single classification that will apply to a construction project, we will compare the average hourly rate that we have computed to the rates of the classifications applicable to the project. We will select the classification whose hourly rate is the closest to the average hourly rate that we computed from the information you supplied us with:

- The average hourly rate for this project is \$2.83.
- The rate for the plumbing classification (0306) is \$2.50 per hour.
- The rate for steel erection is \$3.50 per hour.

We would assign classification 0306 as the single classification applicable to this project, and send you a written notice which will specify the basic classification and premium rate that will apply to this project.

(5) If I request and receive a single classification for my construction project, am I required to use the classification for reporting all of my hours?

No, but let your account manager know you decided against using the single classification and you will report the work by phase of construction. This will avoid any potential confusion if you are audited.

(6) I have no employees because I either perform the work myself or I subcontract it out. Do I need a workers' compensation account with the department of labor and industries?

If you do not hire workers who are covered by Washington's workers' compensation laws, you are not required to

have a workers' compensation account with the department of labor and industries (L&I). However, Washington state laws (**RCW 51.08.180** and **51.08.181**) interpret some workers, even when paid by a federal 1099 form, as covered workers who you must report to L&I and pay workers' compensation premium for, along with any employees you report to the IRS as employees.

If you do not pay premium for someone you hire as an contractor, and it is later determined he, or she, is a covered worker, you will be responsible for paying the premium you owe with interest, as well as any assessed penalties; these can include claim costs associated with an injury.

You can also be held responsible for premiums owed to L&I if you subcontract work to another contractor and they fail to pay premiums on their own workers (**RCW 51.12.-070**).

To avoid these unexpected costs, it is in your best interest to make sure all of your subcontractors:

- Meet state law as independent contractors: **RCW 51.08.180** and **51.08.181**.

- If they hire workers, are registered contractors in good standing by verifying their status at www.lni.wa.gov.

For additional information about subcontractors, see **WAC 296-17-31004**, visit our web site, or call us at 360-902-4817.

(7) What records must I keep on the subcontractors I use?

For each subcontractor, you are required to keep record of the:

- Subcontractor's legal name.
- Contractor registration number and expiration date.
- UBI number (or L&I account ID number).

If you supply materials to a subcontractor, also keep a record of the:

- Amount of material supplied.
- Project name or location.
- Date material was supplied.
- Completion date of contracted work.

Failure to maintain these records may result in the subcontractor being considered a covered worker who you must report.

Note: See **WAC 296-17-35201** for recordkeeping requirements for workers and contractors under mandatory coverage and reporting requirements.

(8) What classification should I use to report construction site cleanup by my employees?

For construction contractors, construction site cleanup and debris removal are included in the phase of construction describing the work. You should report the cleanup of construction debris in the same classification that applies to the work responsible for the debris.

Example: A roofing contractor with an employee picking up roofing debris off the ground reports the cleanup work in the roofing classification (0507).

However, if the debris is not specific to any one phase of construction and applies to a construction site's work overall, report the general site cleanup in the classification applicable to the type of building you are constructing:

- Nonwood buildings - Site cleanup is included in classification 0518.

- Wood frame buildings - Site cleanup is included in classification 0510.

If neither of these scenarios applies, please talk to your account manager to determine the correct classification.

(9) My business is construction site cleanup. I am not a construction contractor, my employees do no construction work, and they only pick up construction debris. What classification do I report site cleanup in?

If your employees are collecting and/or removing any type of debris (household junk, yard or garden waste, furniture, appliances, construction or building materials, waste resulting from smoke or water damage, etc.), whether it results from the construction work or not, you report in classification 4305-22.

(10) How is the final preoccupancy cleaning at a construction site classified?

We consider **preoccupancy cleaning** as limited to the final cleaning preparation after the conclusion of a construction project. Activities include washing paint and overspray from windows; vacuuming carpets; washing floors and fixtures; dusting woodwork, doors and cabinets; and other general cleaning tasks. Preoccupancy cleaning as described here is reported in classification 6602 only if both of the following conditions apply:

- The workers perform no other construction related work, such as construction debris cleanup.

- All of the construction work is completed and all construction equipment and debris have been removed prior to the cleaning.

Note: If you are not a construction contractor and you take contracts to clean up construction debris and contracts for preoccupancy cleaning, and you maintain accurate accounting records for both activities, you may divide hours between risk classifications 4305-22, Debris removal, and 6602-03, Janitorial cleaning services. (See subsection (9) of this section.)

(11) In what construction classification should I report setting up of scaffolding, hoists, cranes, towers or elevators at a construction site?

Report the setup, operation, and disassembling in the same classification that applies to the work responsible for the scaffolding, hoists, cranes, towers or elevators.

Example: A roofing contractor with employees setting up scaffolding at the construction site reports these activities in the roofing classification (0507).

If the setup at the construction site is not specific to a single phase of construction, the setup work is reported in the classification applicable to the type of building:

- Nonwood buildings - Setup is reported in classification 0518

- Wood frame buildings - Setup is reported in classification 0510

If neither of these scenarios applies, please talk to your account manager to determine the correct classification.

Note: If a helicopter service assists in hoisting work, the flight crew is reported in classification 6803. (See **WAC 296-17-31018(4)**.)

Note: Some work performed by a mobile crane at a construction site can be reported in classification 3506-02, Mobile crane and hoisting services. (See **WAC 296-17A-3506**.)

AMENDATORY SECTION (Amending WSR 15-11-063, filed 5/19/15, effective 7/1/15)

WAC 296-17-31014 Farming and agriculture. ~~((1) Does this same classification approach apply to farming or agricultural operations?~~

~~Yes, but it may not appear so without further explanation. We classify farming and agricultural operations by type of crop or livestock raised. This is done because each type of grower will use different processes and grow or raise multiple crops and livestock which have different levels of hazards. It is common for farmers and ranchers to have several basic classifications assigned to their account covering various types of crops or livestock. If you fail to keep the records required in the auditing recordkeeping section of chapter 296-17 WAC, and we discover this, we will assign all worker hours for which records were not maintained to the highest rated classification applicable to the work performed.~~

~~(2) I am involved in diversified farming and have several basic classifications assigned to my business. Can I have one classification assigned to my account to cover the different types of farming I am involved in?~~

~~Yes, your account manager can assist you in determining the single classification that will apply to your business. The name and phone number of your account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at 360-902-4817 and we will put you in contact with your assigned account manager.~~

~~(3) How do you determine what single farming classification will be assigned to my business?~~

~~The approach used to assign a single classification to a farming business is much the same as we use for construction or erection contractors. To do this, we will need a break down of exposure (*estimate of hours to be worked by your employees*) by type of crop or livestock being cared for (*classification*). This information will be used to estimate the premium which would be paid using multiple classifications. The total premium is then divided by the total estimated hours to produce an average rate per hour. We will select the classification assigned to your business which carries the hourly premium rate which is the closest to the average rate that we produced from the estimated hours. Classification 4806 is not to be assigned to any grower as the single farming classification.~~

~~(4) How will I know what single farming classification you have assigned to my business?~~

~~We will send you a written notice of the basic classification that will apply to your business.~~

~~(5) If I requested a single classification for my farming operation can I change my mind and use multiple classifications?~~

~~Yes, but you will need to call your account manager to verify the applicable classifications.~~

~~The name and phone number of your account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at 360-902-4817 and we will put you in contact with your assigned account manager.~~

~~(6) What is a farm labor contractor?~~

A farm labor contractor is a specialty contractor who supplies laborers to a farm operation for specified services such as weeding, planting, irrigating, and fertilizing. Generally, work involves manual labor tasks as opposed to machine operations.

~~(7) I am a farm labor contractor. How is my business classified?~~

~~If you are a farm labor contractor we will assign the basic classification that applies to the type of crop being grown, or livestock being cared for. If you contract to supply both machine operators and machinery on a project, all operations are to be assigned to classification 4808.~~

~~(8) Farm internship pilot program. Who may participate in the farm internship pilot program created by the department as a result of Title 49 RCW, effective June 12, 2014?~~

~~Small farms with annual sales of less than two hundred fifty thousand dollars per year located in San Juan, Skagit, King, Whatcom, Kitsap, Pierce, Jefferson, Spokane, Yakima, Chelan, Grant, Island, Snohomish, Kittitas, Lincoln, and Thurston counties that receive a special certification from the department may have farm interns. Employers who qualify may report no more than three farm interns. Farm internship program risk classifications are: WAC 296-17A-4814, 296-17A-4815, and 296-17A-4816-))~~ **(1) What is the classification approach for farming?**

We classify farming and agricultural operations by the type of crop or livestock raised. Farmers and ranchers often have several basic classifications assigned to their account covering various types of crops or livestock.

Note: If we assign multiple classifications to your farm or agriculture business, take special care in maintaining the records required in the auditing and recordkeeping section of **WAC 296-17-35201 Recordkeeping and retention**. If you fail to keep the required records, we will assign all worker hours for which the records were not maintained to the highest-rated classification applicable to your business or the highest-rated classification a worker was exposed to.

(2) Who do the farming and agriculture rules apply to?

If we assign one or more of the following classifications to your business, this rule applies to you: 4802, 4803, 4804, 4805, 4808, 4809, 4810, 4811, 4812, 4813, 7301, 7302, and 7307.

(3) If I am involved in diversified farming, can I still have one classification assigned to my account to cover all of the farming I am involved in?

Yes, you can request assignment of a single classification to cover all of your farming operations by contacting your account manager.

(4) How will the department determine what single farming classification will be assigned to my business?

The approach used to assign a single classification to a farming business is similar to that used for construction contractors. We prorate based on the information you provide. We need you to estimate the number of hours to be worked by your employees by type of crop or livestock being cared for. We use this information to estimate the premium which would be paid using multiple classifications. The total premium is then divided by the total estimated hours to produce

an average rate per hour. We then select the classification assigned to your business which carries the hourly premium rate which is the closest to the average rate determined by your estimated hours. However, classification 4806 is not to be assigned to any grower as the single farming classification. See WAC 296-17A-4806.

Note: See WAC 296-17-31013(4) for an example how single classifications are determined.

(5) How will I know what single farming classification you have assigned to my business?

We will send you a written notice of the basic classification that will apply to your entire operation.

(6) If I requested a single classification for my farming operation, can I change my mind and use multiple classifications?

Yes, but let your account manager know you decided against using the single classification and will report the work by type of crop or livestock. This will avoid any potential confusion if you are audited.

(7) I have workers who do not use or operate any tools or equipment; can I classify these workers separately?

The special exception classification 4806 is available to farms classified in 4802 or 4803. It is limited to harvesting operations where all of the workers pick or harvest by hand without the use of any:

- Cutting tools, such as knives or clippers;
- Machinery;
- Ladders, climbing equipment, or stools.

(8) What is a farm labor contractor?

A farm labor contractor is a specialty contractor who supplies laborers to a farm operation for specified services such as weeding, planting, irrigating, and fertilizing. Generally, work involves manual labor tasks as opposed to machine operations.

(9) I am a farm labor contractor. How is my business classified?

If you are supplying only laborers to a farm, we will assign the same classification given to the farm for the work performed. However, if you supply both machine operators and the machinery to a farm, the machine operators are assigned to classification 4808-11, Custom farm services by contractor, since machinery work carries the same hazard regardless of the crop.

(10) Farm internship pilot program. Who may participate in the farm internship pilot program created by the department as a result of Title 49 RCW, effective June 12, 2014?

Small farms with annual sales of less than \$250,000 per year located in San Juan, Skagit, King, Whatcom, Kitsap, Pierce, Jefferson, Spokane, Yakima, Chelan, Grant, Island, Snohomish, Kittitas, Lincoln, and Thurston counties that receive a special certification from the department may have farm interns. Employers who qualify may report up to three farm interns. Farm internship program risk classifications are: WAC 296-17A-4814, 296-17A-4815, and 296-17A-4816.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-31015 General inclusions. (~~When are certain operations like delivery drivers included in a basic classification and when are they excluded?~~) There are certain operations, such as delivery of goods or merchandise, which are routinely found in the businesses we insure. We refer to these operations as *general inclusions* to a basic classification. Although these operations are sometimes covered by a specific basic classification, we will not assign separate basic classifications to a business to cover these operations unless it was, coincidentally, the nature of the employer's business. *General inclusion* operations are support functions or operations of a business and, as such, are usually included within the scope of each basic classification. The determination of whether or not these operations will be included within the scope of a basic classification is made when the basic classification is first developed. That is why some basic classifications will exclude certain operations and others will include them. Unless the wording of a basic classification specifically excludes any operation listed below, they are to be included. The more common general inclusion operations are:

- ~~Aircraft travel by employees in connection with the business of the employer, other than members of the flying crew.~~
- ~~Commissaries and restaurants for the employers' employees. However, such operations, when operated in connection with construction, erection, lumbering, or mining, will be assigned classification 3905—restaurants.~~
- ~~Manufacture of containers, such as bags, barrels, bottles, boxes, cans, cartons, wooden pallets, or packing cases by employees of the employers for use in the employer's operations.~~
- ~~Hospitals, medical facilities, or dispensaries operated by employers for their employees.~~
- ~~Printing, lithography, or similar operations of the employer when used exclusively for their own products or needs.~~
- ~~Maintenance or ordinary repair of the employer's building or equipment when performed by employees of the employer.~~
- ~~Pick-up and delivery when performed by employees of the employer in connection with the business of the employer.~~
- ~~Sales of all products being manufactured by the employer.~~
- ~~Warehousing, handling, packing, and shipping when performed by employees of the employer in connection with the business of the employer.~~
- ~~Testing or analytical laboratories when operated by employees of the employer in connection with the business of the employer.~~

Example: ~~Picture the variety of delivery vans and trucks you encounter as you drive down a highway. In this example, there is a company-owned truck delivering grocery items, a van that delivers parcels and packages, a moving van transporting household furnishings for a customer, and a common~~

carrier company hauling goods from one state to another. Even though the drivers of these vehicles are performing similar duties (hauling goods/driving on a freeway), we would not assign them to the same basic classification. Our classification policy requires us to assign classifications based on the type of the businesses they work for and to consider the overall operations of that business. We learn that the truck delivering grocery items was owned by a retail grocery store and they were transporting goods from a central warehouse to one of their stores. Since the employer is engaged in operating retail grocery stores we would begin our classification search by looking for a classification that covers retail grocery stores. Our search discloses classification 6402 which covers retail grocery stores. A review of the wording of that classification does not require drivers to be reported in another classification so the grocery store classification would include the driver. Now, assume that the driver of the van delivering parcels and packages is an employee of a drug store. Drug stores are covered in classification 6406. A review of that classification reveals that drivers are to be reported separately in classification 1101. Therefore the driver would be reported in classification 1101 and not classification 6406. Moving and storage companies are covered in classification 6907. Since this classification does not exclude drivers, the driver would be reported in classification 6907. And, finally, we would assign the interstate/intrastate trucking classification 1102 to the common carrier trucking operation.)) **When are operations included in a basic classification and when are they excluded?**

There are operations, such as pickup and delivery work, which are common to many businesses. When types of work are normal and expected for an industry, support the overall operations of a business, and are performed by employees of the business, we call them **general inclusions**. We will assign separate classifications for these operations only if:

- They represent a separate business or separate store location, and additional classifications are allowed or required by the multiple classifications rule (**WAC 296-17-31017**); or
- The classification describing a business specifically excludes the operation; or
- It is permitted or required by another reporting rule.

Example 1: It is common that some businesses will have their own legal staff and the legal work is considered an inclusion to the classification that best describes the employer's nature of business. For this reason, we will not assign the law firm classification for private legal staff employed by a business that is not also in the business of providing legal services to others.

General inclusions include activities such as:

- Air travel by employees who are not members of a flight crew.
- Information and technology workers, legal staff, and engineers (unless an exception classification applies; see **WAC 296-17-31018**).
- Food services provided exclusively for a firm's own employees.

Exception: Food services operated for businesses performing construction, lumbering, or mining are assigned classification 3905; see **WAC 296-17A-3905**.

• Cleaning at the employer's business location. If workers exclusively clean at employer's business offices, see **WAC 296-17-31018**.

• Manufacturing of containers, packaging, bags, barrels, bottles, boxes, cans, cartons, wooden pallets, or packing cases for exclusive use by the employer's business.

• Medical facilities or dispensaries operated by employers for their employees.

• Printing or similar operations when performed exclusively as a service to the employer's business.

• Maintenance or ordinary repair of an employer's building or equipment.

• Pickup and delivery when performed exclusively in connection with the business of the employer.

• Repair performed in connection with manufacturing or assembly, such as warranty repairs at the manufacturer's shop or plant.

• Sales of products manufactured by the employer, unless permitted by another rule.

• Warehousing, handling, packing, and shipping when performed exclusively in connection with the business of the employer.

• Testing or analytical laboratories when operated exclusively in connection with the business of the employer.

Example 2: Workers performing similar jobs are often reported in different classifications, depending on their employers' type of business, the classification rules describing the businesses, and the reporting rules. In this example we see how the classifications for drivers may vary:

• Drivers for a retail grocery store are included in the retail grocery classification 6402 since the classification does not exclude delivery.

• Drivers working for a drug store are included in the delivery classification 1101, because the drug store classification 6406 excludes delivery.

• Drivers for household moving businesses are included in the moving and storage classification 6907, since the classification does not exclude delivery.

• Drivers for intrastate and interstate common carriers are included in the trucking classification 1102, since the classification does not exclude drivers.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-31016 Classification by analogy. ((**How do you determine what classification(s) to assign to my business if a specific reference does not exist in the classification plan?** You may operate a business which is not specifically referenced in our classification plan. This can simply be the result of differences in terminology. Classifications are constantly evolving as employers adopt new technology, employ more specialized employees, modernize equipment, and employ new processes. In rare instances our classification plan will not specifically reference a type of business. When we discover a type of business or industry for which a classification does not exist, we will follow the same general classification approach that we use to classify a business when a reference does exist. However, we need to go a step

further by considering the processes used and the related hazards. We call this *classifying by analogy*.

Example: *You are the owner of a pen manufacturing business. Assume we have contacted you and learn the following:*

- *You purchase all the plastic components from another unrelated business;*
- *Some of your pens have plastic housings and others have metal housings;*
- *You manufacture all of the small metal components at your plant;*
- *Your metal manufacturing consists of metal stamping, using metal lighter than nine gauge, and extrusion processes;*
- *You also manufacture small boxes to package your pens;*
- *You operate a printing department for printing your company's logo and pen information on the boxes;*
- *As a special service to customers, you will deliver their pens if they are within a sixty mile radius of your plant.*

We have over three hundred classifications. To simplify the classification process, we have grouped our classification codes into about thirty eight smaller groupings which we refer to as a schedule grouping. In the case of a pen manufacturer, we can narrow our search to the group which covers metal goods manufacturing. Within the metal goods manufacturing group we have classifications that cover the fabrication of structural iron or steel beams used in construction; classifications that cover the manufacture of wood stoves, storage tanks, and other products using plate metal; classifications that cover light weight sheet metal works such as heating and ventilating duct work; and a classification that covers the manufacture of light metal products. In our search for a classification we encounter classification 3602. Classification 3602 includes the manufacture of fishing tackle, scientific instruments, metal buttons, and jewelry. When we consider the weight of metal, other materials used in the manufacture of the product, the manufacturing processes, and the end product, we conclude that classification 3602 is the most applicable to the manufacture of writing pens and would assign this classification to your pen manufacturing business.)) **How do you determine what classification(s) to assign to a business if the type of business is not specifically noted in the classification plan?**

Because technologies and processes continually evolve, sometimes new types of businesses are not yet specifically identified in our classification plan. Under these circumstances, we continue to classify by the nature of an employer's business.

Department staff review the combined overall operations and occupations of the business to determine the nature of the business. Once we have determined the nature of business, we look for other businesses that have similar processes, use similar equipment, and whose operations are likely to produce the same level of risk as the new business. This is called *classifying by analogy*.

Example: When indoor simulated golf was first introduced as a business model in Washington state, this type of business was not yet identified by our classification plan. Because the operations of indoor simulated golf take place

indoors and rely on computer regulated screens operating within individual cubicles, the nature of business was determined to be significantly different than that of golf courses, driving ranges, and miniature golf. By analogy, the department determined the combined overall operations of indoor simulated golf aligned more closely to those of casinos and billiard halls than to any other golfing enterprise, and classified accordingly.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-0214 Classification 0214.

((0214-00 Concrete paving and repaving: Highways, streets or roadways

Applies to contractors engaged in concrete paving and repaving of highways, streets, or roadways including approaches and bridges. This classification covers all forms of concrete paving, repaving, seraping, sawing, drilling or cutting operations in connection with a highway, street or roadway project, including the construction of curbs, gutters, sidewalks, median walls and retaining walls when performed as part of the roadway paving or repaving project. The process begins after the roadbed or roadside grade has already been established and the subsurface or sub base has been prepared. Work contemplated by this classification includes the laying of crushed stone, placement of reinforcing steel or expansion joints, grading or rolling stone base, set up and tear down of forms, pouring, and finishing of concrete. Equipment used by a contractor subject to this classification includes, but is not limited to, serapers, graders, rollers, paving machinery, water trucks and dump trucks.

This classification excludes preliminary roadbed or roadside construction such as clearing right of ways, establishing grades, subsurfaces or sub bases which are to be reported separately in classification 0101; asphalt paving, surfacing/resurfacing which is to be reported separately in the classification applicable to the work being performed; concrete flatwork not in connection with highway, street, or roadway projects which is to be reported separately in classification 0217; and construction specialty services such as the installation of guardrails, lighting standards and striping which are to be reported separately in classification 0219.

0214-01 Concrete curbs, gutters, and sidewalks: Construction and repair in connection with highways, streets or roadways

Applies to contractors engaged in the construction or repair of concrete curbs, gutters, and sidewalks in connection with highways, streets, or roadways including approaches and bridges. The process begins after the roadbed or roadside grade has already been established and the subsurface or sub base has been prepared. Work contemplated by this classification includes the set up and tear down of forms, placement of reinforcing steel or expansion joints, and the pouring and finishing of concrete.

This classification excludes preliminary roadbed or roadside construction such as clearing right of ways, establishing grades, subsurfaces or sub bases which are to be reported separately in classification 0101; asphalt paving,

surfacing/resurfacing which is to be reported separately in the classification applicable to the work being performed; concrete flatwork not in connection with highway, street, or roadway projects which is to be reported separately in classification 0217; and construction specialty services such as the installation of guardrails, lighting standards and striping which are to be reported separately in classification 0219.

0214-02 Concrete median walls and retaining walls: Construction and repair in connection with highways, streets or roadways

Applies to contractors engaged in the construction or repair of concrete median (divider) walls and retaining walls in connection with highway, street, or roadway projects including approaches and overpasses. The process begins after the roadbed or roadside grade has already been established and the subsurface or sub base has been prepared. Work contemplated by this classification includes the set-up and tear down of forms, placement of reinforcing steel or expansion joints, and the pouring and finishing of concrete to form median or divider walls, median strips, or retaining walls alongside the roadway.

This classification excludes the preliminary land excavation of a retaining wall area, as well as roadbed or roadside construction such as clearing right of ways, establishing grades, subsurfaces or sub bases which are to be reported separately in classification 0101; asphalt paving, surfacing/resurfacing which is to be reported separately in the classification applicable to the work being performed; concrete flatwork not in connection with highway, street, or roadway projects which is to be reported separately in classification 0217; and construction specialty services such as the installation of guardrails, lighting standards and striping which are to be reported separately in classification 0219.

0214-03 Concrete sawing, drilling, and cutting: In connection with highways, streets or roadways

Applies to contractors engaged in concrete sawing, drilling and cutting in connection with concrete highway, street, or roadway projects including concrete curbs, gutters, sidewalks, median walls and retaining walls. These activities occur on new or existing roadway and related projects such as, but not limited to, the sawing, cutting and drilling for manholes, drainage grates, poles or posts, exposing underground utility lines and systems, and repairing defective areas.

This classification excludes preliminary roadbed or roadside construction such as clearing right of ways, establishing grades, subsurfaces or sub bases which is to be reported separately in classification 0101; asphalt paving, or surfacing/resurfacing which is to be reported separately in the classification applicable to the work being performed; concrete flatwork not in connection with highway, street, or roadway projects which is to be reported separately in classification 0217; and construction specialty services such as the installation of guardrails, lighting standards and striping which are to be reported separately in classification 0219.)) Concrete paving, repaving, and other concrete work associated with or connected to roadways (highways, streets, and other roads used for vehicles). This includes concrete work for:

- Highway approaches to roadways;
- Paving public or commercial parking lots (single-level and nonenclosed);
- Paving bridges;
- Curbs, gutters, and sidewalks along roadways;
- Median (divider) walls between roadways;
- Retaining walls along roadways.

The concrete paving and repaving reported in classification 0214 starts after the road's right of way has been cleared and excavated and its sub base is level and compressed.

Paving includes, but is not limited to, the following operations:

- Laying of crushed stone and grading or rolling the fill to level and compress;
- Placement of reinforcing steel or expansion joints;
- Set-up and tear down of forms;
- Pouring the concrete;
- Rolling and other finish work.

Operations reported in classification 0214 can also include work on existing surfaces; for example, scraping, sawing, drilling, or cutting concrete for:

- Repaving;
- Placing manholes, drainage grates, poles and posts;
- Repairing damaged concrete;
- Exposing underground pipes and utilities.

This classification does not include operations such as:

- Clearing right of ways, establishing grades, and preparing the sub base which are to be reported separately in classification 0101;

• Constructing covered or multilevel, public, or commercial parking garages, which are reported separately in classification 0518;

• Asphalt paving, surfacing/resurfacing which is to be reported separately in the classification applicable to the work being performed;

• Concrete flatwork not in connection with highway, street, or roadway projects which is to be reported separately in classification 0217;

• Construction specialty services such as the installation of guardrails, lighting standards and striping which are to be reported separately in classification 0219.

Classification 0214 is a construction industry classification (see WAC 296-17-31013).

For administrative purposes, classification 0214 is divided into the following subclassification(s):

0214-00 Concrete paving and repaving: Highways, streets or roadways, N.O.C.

0214-01 Concrete curbs, gutters, and sidewalks: Construction and repair in connection with highways, streets or roadways.

0214-02 Concrete median walls and retaining walls: Construction and repair in connection with highways, streets or roadways.

0214-03 Concrete sawing, drilling, and cutting: In connection with highways, streets or roadways.

AMENDATORY SECTION (Amending WSR 12-11-109, filed 5/22/12, effective 7/1/12)

WAC 296-17A-0307 Classification 0307.

(0307-01 Furnaces and heating systems: Installation, service or repair

Applies to contractors engaged in the installation, service, or repair of furnaces and heating systems, including duct work, in all types of residential and commercial settings. These services are generally performed by furnace contractors, heating and ventilation contractors, or sheet metal contractors. Work contemplated by this classification includes the fabrication, erection, installation and duct work performed at the job site. Materials include, but are not limited to:

- Air purification systems;
- Concrete pads;
- Fireplace inserts or units;
- Fittings;
- Flat sheets of metal;
- Galvanized pipe;
- Gas logs;
- Gas or electric furnace units;
- Heat pumps;
- Heater units;
- Hot water tanks;
- Insulation wrap;
- Preformed or bent venting duct and pipe;
- Thermostats;
- Vent collars and reels;
- Vents.

Contractors who operate a sheet metal fabrication shop or who prefabricate the duct systems in a shop away from the construction site are to be assigned classification 3404 for the shop fabrication work. When a contractor's business is assigned classification 3404 for shop operations, then classification 5206, "Permanent yard or shop," is no longer applicable to the contractor's business for the storage of materials or repair to equipment.

This classification excludes:

- Sheet metal fabrication shops which are to be reported separately in classification 3404;
- Duct cleaning work which is to be reported separately in classification 1105;
- Installation or repair of ventilation, air conditioning and refrigeration systems which is to be reported separately in classification 0307-04; and
- The installation of wood stoves which is to be reported separately in classification 0307-05.

Special note: This classification includes the installation of display areas or showrooms which provide prospective customers an opportunity to inspect the quality of workmanship and products carried by the contractor. Generally, displays or showrooms are installed where the contractors store their materials. It is common for contractors subject to this classification to sell furnace and heating system materials and accessories, but the intent of these areas is not to sell products to walk-in customers. Sales of these products by a furnace and heating systems contractor are included in classification 0307. Classifications 2009, 6309, or similar store classifications are not to be assigned to a contracting business. If the conditions of the standard exception general reporting rules have been met, employees engaged exclusively in showing

the display areas or showrooms to customers are to be assigned classification 6303.

0307-04 Ventilating, air conditioning and refrigeration systems: Installation, service or repair, N.O.C.

Applies to contractors engaged in the installation, service, or repair of ventilating, air conditioning and refrigeration systems not covered by another classification (N.O.C.); including duct work at the job site in all types of residential and commercial settings. These services are generally performed by heating and ventilation contractors, refrigeration contractors, or sheet metal contractors. Work contemplated by this classification includes the fabrication, erection, installation and duct work performed at the job site. Materials include, but are not limited to:

- Air conditioning units;
- Air purification systems;
- Concrete pads;
- Fittings;
- Flat sheets of metal;
- Galvanized pipe;
- Hoods and protective metal covers;
- Hot water tanks;
- Preformed or bent duct portions;
- Refrigeration systems;
- Thermostats;
- Vent collars and reels.

This classification includes the installation or repair of built-in vacuum systems and air (pneumatic) tube systems, such as those at drive-up teller windows. Contractors who operate a sheet metal fabrication shop or who prefabricate the duct systems in a shop away from the construction site are to be assigned classification 3404 for the shop fabrication work. When a contractor's business is assigned classification 3404 for shop operations, then classification 5206 "Permanent yard or shop" is no longer applicable to the contractor's business for the storage of materials or repair to equipment.

This classification excludes:

- Sheet metal fabrication shops which are to be reported separately in classification 3404;
- Installation or repair of furnace or heating systems which is to be reported separately in classification 0307-01;
- The installation of wood stoves which is to be reported separately in classification 0307-05.

Special note: This classification includes the installation of display areas or showrooms which provide prospective customers an opportunity to inspect the quality of workmanship and products carried by the contractor. Generally, displays or showrooms are installed where the contractors store their materials. It is common for contractors subject to this classification to sell ventilating and air conditioning equipment and materials, but the intent of these areas is not to sell products to walk-in customers. Sales of these products by a ventilating and air conditioning contractor are included in classification 0307. Classifications 2009, 6309, or similar store classifications, are not to be assigned to a contracting business. If the conditions of the standard exception general reporting rule have been met, employees engaged exclusively in showing the display areas or showrooms to customers are to be assigned classification 6303.

0307-05 Wood, pellet, or gas stove: Installation, service or repair

Applies to contractors engaged in the installation, service or repair of wood, pellet or gas stoves in all types of residential and commercial settings. Work contemplated by this classification includes the fabrication, installation and duct work performed at the job site. Materials include, but are not limited to:

- Gas fireplace logs;
- Heater units;
- Inserts;
- Preformed or bent venting duct and pipe;
- Protective metal covers or hoods;
- Vents;
- Vent collars;
- Wood, gas or pellet stoves.

Contractors who operate a sheet metal fabrication shop or who prefabricate the duct systems in a shop away from the installation site are to be assigned classification 3402 for the shop fabrication work. When a contractor's business is assigned classification 3402 for the shop operations, then classification 5206, "Permanent yard or shop," is no longer applicable to the contractor's business for the storage of materials or repair to equipment.

This classification excludes wood stove and accessory stores which are to be reported separately in classification 6309; stove manufacturing which is to be reported separately in classification 3402; sheet metal fabrication shops which are to be reported separately in classification 3404; brick or masonry work which is to be reported separately in classification 0302; and the installation or repair of furnace or heating systems which is to be reported separately in classification 0307-01.

Special note: This classification includes the installation of display areas or showrooms which provide prospective customers an opportunity to inspect the quality of workmanship and products carried by the contractor. Generally, displays or showrooms are installed where the contractors store their materials. It is common for contractors subject to this classification to sell wood stove installation materials and accessories, but the intent of these areas is not to sell products to walk-in customers. Sales of these products by a wood stove installation contractor are included in classification 0307. Classifications 2009, 6309, or similar store classifications, are not to be assigned to a contracting business. Employees engaged exclusively in showing the display areas or showrooms to customers are to be assigned classification 6303 provided the conditions of the standard exception general reporting rule have been met.)) **Description:**

Installation, service, or repair of:

• Heating systems, ventilation systems, air conditioning systems, refrigeration systems, furnaces, built-in vacuum systems, and pneumatic tube systems;

- Stoves that burn wood, pellets or gas.

Goods installed, serviced or repaired may include, but are not limited to:

- Air conditioning units;
- Air purification systems;
- Concrete pads;
- Duct systems;

- Gas stoves;
- Gas or electric furnace units;
- Heater units;
- Pellet stoves;
- Refrigeration units;
- System controls;
- Thermostats;
- Vents;
- Wood stoves.

Materials used by firms in this classification may include, but are not limited to:

- Fireplace inserts or units;
- Fittings;
- Flat sheets of metal;
- Galvanized pipe;
- Hoods and protective metal covers;
- Gas fireplace logs;
- Heat pumps;
- Hot water tanks;
- Insulation wrap;
- Preformed or bent venting duct and pipe;
- Vent collars and reels.

Work environments in this classification may include, but are not limited to:

- Construction sites;
- Residential customer locations;
- Commercial customer locations;
- Yards and shops;
- Display areas or showrooms.

Exclusions: Classification 0307 excludes:

• Worker hours engaged in **sheet metal fabrication shop** operations, which are reported separately in classification 3404. If records are not maintained for dividing worker hours between classifications, these hours must be reported in the highest rated classification as described in WAC 296-17-31017(4):

Note: When a contractor's business is assigned a manufacturing shop or plant classification such as classification 3404, all shop and yard operations are reported in the manufacturing shop or plant classification and the special exception classification 5206 is no longer applicable to the contractor's business.

• Worker hours engaged in **duct cleaning work**, which are reported separately in classification 1105. If records are not maintained for dividing worker hours between classifications, these hours must be reported in the highest rated classification as described in WAC 296-17-31017(4):

• Worker hours engaged in **other sheet metal installation or sheet metal construction**, which are reported separately in classification 0519. If records are not maintained for dividing worker hours between classifications, these hours must be reported in the highest rated classification as described in WAC 296-17-31017(4).

Additional considerations for 0307:

• Classification 0307 is a construction industry classification (see WAC 296-17-31013);

• In most cases, contractors cannot have a store classification in addition to classification 0307, unless store operations are their principal business. To determine if a contractor can also have a store classification such as classification 2009 or 6309, apply the multiple classification rule (WAC 296-17-

31017). If a contractor does not qualify for a store classification and if the work meets the restrictions described in the exception rule (WAC 296-17-31018) and the classification descriptions (chapter 296-17A WAC), the contractor may report employees working in a display area or showroom in classification 5206 or 6303.

Subclassifications:

For administrative purposes, classification 0307 is divided into the following subclassifications:

0307-01 Heating, ventilation, air conditioning, refrigeration and furnace systems: Installation, service or repair.

0307-05 Wood, pellet or gas stove: Installation, service or repair.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-0518 Classification 0518.

((0518-00 Building construction, N.O.C.: Alterations and concrete construction, N.O.C.)

Applies to contractors engaged in building construction, not covered by another classification (N.O.C.), including alterations. Work contemplated by this classification includes nonwood frame buildings and structures such as, but not limited to, waste treatment and waste disposal plants, fish hatcheries and stadiums in which the superstructure, skeleton framework, or building shell consists of concrete, iron or steel, or a combination of concrete, iron, steel and/or wood. This classification makes no distinction to the size of the structure or number of stories within the building and includes all concrete tilt-up buildings. Activities include, but are not limited to, the set up and tear down of forms, placement of reinforcing steel, rebar, or wire mesh, pouring and finishing concrete within the building or structure such as foundations, monolithic slabs, ground supported floor pads, precast or poured in place bearing floors or wall panels, columns, pillars, balconies, stairways, including the raising and/or standing of concrete tilt-up walls or precast floors and wall portions, and raising and securing metal frames or members into place using a crane or boom and securing by bolt, rivet or weld.

This classification excludes all other phases of construction which are not in connection with building the superstructure, skeleton framework, or building shell such as, but not limited to, site preparation and excavation which is to be reported separately in classification 0101; bridge or tunnel construction which is to be reported separately in classification 0201; pile driving which is to be reported separately in classification 0202; underground utilities and systems which is to be reported separately in the classification applicable to the work being performed; asphalt work which is to be reported separately in the classification applicable to the work being performed; concrete paving or flatwork not contained within the building which is to be reported separately in the classification applicable to the work being performed; new landscape construction which is to be reported separately in classification 0301; brick, block, granite, marble, slate or masonry work which is to be reported separately in classification 0302; plastering, stuccoing and lathing work

which is to be reported separately in classification 0303; plumbing work which is to be reported separately in classification 0306; HVAC work which is to be reported separately in classification 0307; carpet and tile work which is to be reported separately in classification 0502; exterior painting which is to be reported separately in classification 0504; roof work which is to be reported separately in classification 0507; installation of glass panels, curtain walls or windows which is to be reported separately in classification 0511; installation of insulation, sound proofing or suspended acoustical ceilings which is to be reported separately in classification 0512; interior finish carpentry such as the installation of interior doors, cabinets, fixtures or molding which is to be reported separately in classification 0513; installation of overhead doors, garage doors which is to be reported separately in classification 0514; installation of exterior doors and door frames, interior framing and carpentry work which is to be reported separately in classification 0516; installation of sheet metal siding or gutter work which is to be reported separately in classification 0519; interior building painting which is to be reported separately in classification 0521; electrical work which is to be reported separately in classification 0601; the installation of elevators and elevator door bucks which is to be reported separately in classification 0602; new dam construction projects which are to be reported separately in classification 0701; wood frame buildings which are to be reported separately in classification 0510; sheet metal tool sheds which are to be reported separately in classification 0516; brick or block buildings which are to be reported separately in classification 0302 and wallboard installation, taping or texturing which are to be reported separately in the applicable classifications.

0518-01 Metal carport: Erection

Applies to contractors engaged in the erection of metal carports such as those used for commercial parking lots. This classification includes raising and securing metal frames, members, or I-beams into place with a boom or crane and securing by bolt, rivet or weld.

This classification excludes the erection of nonstructural sheet metal patio cover/carports which is to be reported separately in classification 0519, and the erection of a wood carport which is to be reported separately in the applicable carpentry classification (see classification 0510 for additional information).

0518-02 Metal service station canopy: Erection

Applies to contractors engaged in the erection of metal service station canopies. Work contemplated by this classification includes, but is not limited to, raising and securing metal frames, members, or I-beams into place with a boom or crane and securing by bolt, rivet or weld.

This classification excludes the removal or installation of underground tanks which is to be reported separately in classification 0108, and the removal or installation of service station pumps which is to be reported separately in classification 0603.

0518-03 Building wrecking or demolition – Iron, steel, concrete, or wood

Applies to contractors engaged in wrecking or demolishing iron, steel, concrete, or wood buildings or structures not

covered by another classification. Work contemplated by this classification includes incidental sales of materials, burning or hauling away of debris, and incidental ground clearing activities at the site to permit other use of land. Wrecking and demolition involves barricading the site and walkways to keep nonconstruction workers out of the area to prevent possible injury to them. Guards, watchmen, and traffic controllers (flaggers) are on-site and in adjacent areas to keep work areas secure. Salvage of materials is usually done by hand. Loading of trucks with debris is by chute or front end loaders. Actual demolition of a building or structure is performed in a variety of ways, including dismantling board by board, by crane (pulling sections to the ground), by crane equipped with a steel ball which is swung from the boom of the crane, or by explosives. Employees of the contractor responsible for the overall completion of the project are to be reported in this classification.

This classification excludes security guards employed by contractors to guard the job site before or after the construction work activity hours who are to be reported separately in classification 6601; establishments primarily engaged in selling salvaged building materials which are to be reported separately in classification 2009; interior building demolition ("strip-outs") which is to be reported separately in classification 0516; and all iron, steel, concrete, or wood building construction which is to be reported separately in the applicable classification-) **0518-00 Nonwood frame buildings and structures, N.O.C. and concrete construction, N.O.C.**

Applies to work on nonwood frame buildings and structures (without regard to size or number of stories) when the superstructure (skeleton framework or building shell) consists of concrete, iron or steel, or a combination of concrete, iron, steel and/or wood, as well as all other building construction not covered by another classification. It includes, but is not limited to, structures such as:

- Waste treatment and waste disposal plants;
 - Fish hatcheries;
 - Public and commercial (covered and multilevel) parking lots and parking garages;
 - Stadiums;
 - High-rise office and housing complexes.
- Activities include, but are not limited to:
- The set up and tear down of forms;
 - Placement of reinforcing steel, rebar, or wire mesh;
 - Pouring and finishing concrete within the building or structure such as:
 - Foundations;
 - Monolithic slabs;
 - Ground supported floor pads;
 - Precast or poured in place load bearing floors or wall panels;
 - Columns;
 - Pillars;
 - Balconies;
 - Stairways.
 - The raising and/or standing up (by crane or boom) of concrete:
 - Tilt-up walls;
 - Precast floors and wall portions;
 - Metal frames;

- Members into place.
- Securing frame and slabs by:
 - Bolts;
 - Rivets;
 - Welds.

Note: The installation of interior and exterior doors, door frames, all interior framing, and other interior rough-in carpentry work is reported separately in classification 0516.

All other phases of construction not specific to pouring a concrete foundation, placing or joining the iron or steel framework, or attaching concrete slabs, steel, iron, or wood to building shell, are classified separately according to their phase of construction.

Classification 0518 is a construction industry classification (see WAC 296-17-31013).

0518-01 Metal carport and service station canopies

Subclassification 0518-01 excludes:

- Nonstructural sheet metal patio cover/carports which are reported separately in classification 0519;
- Wood carports which are reported separately in the applicable framing/siding classifications.

Classification 0518 is a construction industry classification (see WAC 296-17-31013).

0518-03 Building wrecking or demolition - Iron, steel, concrete, or wood

Applies to contractors engaged in wrecking or demolishing iron, steel, concrete, or wood buildings or structures not covered by another classification, whether dismantling board by board, by bulldozer, by crane equipped with a steel ball, explosives, or other means.

Work contemplated by this classification includes:

- Incidental sales of materials;
- Burning or hauling away of debris;
- Barricading the site and walkways;
- Guards and flaggers on-site and in adjacent areas when dismantling operations are underway.

Classification 0518 is a construction industry classification (see WAC 296-17-31013).

AMENDATORY SECTION (Amending WSR 07-12-047, filed 5/31/07, effective 7/1/07)

WAC 296-17A-2903 Classification 2903.

(~~2903-00 Wood chip, hog fuel, bark, bark flour, fire log and lath: Manufacturing~~)

Applies to establishments engaged in the production of products such as, but not limited to, wood chips, hog fuel, bark, bark flour, fire logs, kindling, excelsior, particleboard, and similar wood by-products.

Wood chips are small pieces of wood, generally uniform in size and larger and coarser than sawdust, commonly used to make pulp, particleboard, stuffing for products such as animal bedding, and as smoker/barbecue fuel;

Hog fuel is made by grinding waste wood in a hog machine, is larger and coarser than wood chips, and is used to fire boilers or furnaces, often at the mill or plant at which the fuel was processed;

Bark is the outermost covering of a tree which is chopped into pieces of varying sizes, and is commonly used for landscaping;

Bark flour is finely ground bark used as a filler or extender in adhesives;

Fire logs are made by forming sawdust into a log about 15 inches long and are used for fuel;

Lath is a narrow strip of wood commonly used to support shingle, slate or tile roofing, and as a fencing material;

Excelsior is the curled shreds of wood used as a packing and stuffing material, or as a raw material in making various board products;

Particleboard is a panel made from discrete particles of wood which are mixed with resins and formed into a solid board under heat and pressure.

The degree of manual labor required to make these products varies depending upon the size of the operation and sophistication of the equipment. Raw materials include, but are not limited to, logs, mill waste, bark, sawdust, or chips. Machinery includes, but is not limited to, rip saws, cut-off saws, loaders, debarkers, hog chippers, hammer mills, conveyors, sorting screens, and storage bunkers. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. The operation of portable chipping or debarking mills is included in this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

2903-06 Wood furniture stock: Manufacturing

Applies to establishments engaged in the manufacture of wood furniture stock such as, but not limited to, tabletops, table or chair legs, chair backs or seats, panels for beds, turning squares (bolts of wood which are shaped on lathes into furniture legs) and furniture squares (standard sized—usually 2" x 2"—pieces of wood used in constructing frames of upholstered furniture). Stock may be mass produced or custom. Raw material includes dimensional lumber from hardwoods such as, but not limited to, ash or alder. If the lumber is not presurfaced, it is sanded and/or planed. It is cut to desired width and thickness with a rip saw; and cut to desired length with a cut-off saw. Pieces may be beveled with a table saw, bored with a horizontal boring machine, molded or shaped, and joints formed using a mortise, tenon or jointer. Finished stock is banded and/or palletized and usually shipped unfinished and unassembled to furniture manufacturing plants. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; manufacture of wood furniture and caskets which is to be reported separately in classification 2905; lumber remanufacturing which is to be reported separately in classification 2903-26; veneer manufacturing which is to be reported separately in

classification 2904; and sawmill operations which are to be reported separately in classification 1002.

2903-08 Wood door, jamb, window, sash, stair, molding and miscellaneous millwork: Manufacturing, prehangng or assembly

Applies to establishments engaged in the manufacture, prehangng or assembly of wooden doors, door components, jambs, windows, sashes, stairs, mantels, moldings, turnings, and miscellaneous millwork such as, but not limited to, shutters, door and window grilles, skylights, pillars, wainseot, and similar architectural ornaments. Doors manufactured in this classification may be for residential or commercial use, such as, but not limited to, garage, closet, warehouse, interior and exterior; they may be odd-size or standard, panel, solid, louver, hollow core, sliding, bifold and overhead. Component parts for stairs include, but are not limited to, risers, tread, balusters, hand rails, and newel posts. Fireplace mantels include both the shelf and the complete ornamental facing surrounding the firebox. Moldings include, but are not limited to, picture moldings, chair rails, quarter round, eaves, and architectural molding and base. Raw materials include, but are not limited to, cut stock lumber, plywood, veneer, particleboard, cardboard, plastic laminates, glue, hardware, glass, and metal. Cutting and fitting of glass and metal components for doors and windows is an integral phase of the manufacturing process and is included within the scope of this classification. Machinery includes, but is not limited to, various types of saws (table, panel, rip, cut-off, radial arm, trim, circular, band, jig, and miter), molders, shapers, routers, planers, finger jointers, mortises, tenons, lathes, presses, various types of sanders, drill presses, hand drills, boring machines, pneumatic nail, screw and staple guns, spray guns, chisels, air compressors, glue spreaders, drying ovens, overhead vacuum lifts, conveyor systems, fork lifts, and pallet jacks. Some door manufacturers have "door machines" which route impressions in jambs and blanks for hinge placement, and bores holes in the blank for knobs and locks; some have computerized overhead vacuum lights, electronic gluers, hydraulic lift pits, or electronically controlled saws. Prehangng doors involves boring holes in door blanks for knobs and locks, routing impressions into the blanks and jambs for hinge replacement, mounting hinges, trimming door and jamb replacements to exact size. Finishing the products with stain, paint, oil, or lacquer is included in this classification when done by employees of employers subject to this classification. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of wood furniture and caskets which is to be reported separately in classification 2905; the manufacture of wood cabinets, countertops, and fixtures which is to be reported separately in classification 2907; lumber remanufacturing which is to be reported separately in classification 2903-26; veneer manufacturing which is to be reported separately in classification 2904; the manufacture of metal doors, jambs, windows, and sashes which is to be reported separately in

classification 3402; and sawmill operations which are to be reported separately in classification 1002.

Special note: Lumber yards and building materials centers subject to classification 2009 are to be assigned classification 2903-08 in addition to their basic classification if they prehang door blanks.

~~2903-10 Wood box, shook, pallet, bin: Manufacturing, assembly, or repair~~

~~Wood pallet dealer/recycle operations: Including repairs of pallets~~

Applies to establishments engaged in the manufacture, assembly, or repair of wood pallets, boxes, bins, shook, shipping crates, and storage containers. A shook is a set of unassembled sawn wood components for assembling a packing box or barrel. Shooks are usually sold to box assembly plants. Pallets may be constructed out of vertical and horizontal runners of dimensional lumber to form a slatted pallet or by attaching three evenly spaced rows of wooden blocks between two sheets of solid plywood to form a lid block pallet. Usually, the manufacturer subject to this classification picks up pallets, boxes or shipping crates from the customer, brings them to the plant for repair, reconditioning, or rebuilding, then returns them to the customer. However, the *assembly or repair* of bins is often done at the customer's location, which is still to be reported in classification 2903-10 when performed by employees of the bin manufacturer. Raw materials include, but are not limited to, dimensional lumber, plywood, nails, staples, screws, glue, and paint. Machinery includes, but is not limited to, a variety of saws (table, rip, radial arms, cut-off, band or trim), planers, molders, drills, boring machines, notchers, nailing machines, pneumatic stapler, screw and nail guns, conveyors, roll cases, sorting tables, pallet jacks, and fork lifts. Incoming lumber is cut to specified lengths, widths, and thicknesses with saws, then planed, bored, tongued, and grooved. Pieces are nailed, stapled or glued together to form finished products. Cut ends of pallets, bins, and boxes may be painted for design or for color identification purposes. Customer's name may be imprinted on the product using stencils and paint or wood burning tools. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes lumber remanufacturing which is to be reported separately in classification 2903-26; and sawmill operations which are to be reported separately in classification 1002. Nonwood pallet/bin dealers are to be reported in the appropriate metal, fiberglass, or plastics classification.

~~2903-12 Wood products, N.O.C.: Manufacturing or assembly~~

Applies to establishments engaged in the manufacture or assembly of miscellaneous wood products which are not covered by another classification (N.O.C.), including, but not limited to, ladders, utility pole crossarms, beams, barricades, cable spools, slugs or ends for paper rolls, attic vents, prefabricated wall panels, gazebos, saunas, solariums, lattice panels, mall and park furnishings, playground equipment, docks and floats, parade floats, boat trailer bunks, cattle feeders, tree spreaders, tack strip, exhibit booths, weaving looms, and

pottery wheels. Finishing of the product with stains or other lacquers is included in this classification when done by employees of employers subject to this classification. Raw materials include, but are not limited to, dimensional lumber, plywood, particleboard, lath, logs, glue, staples, screws, nails, stains, paints, oils, and lacquers. Operations require substantial amounts of machine work, as well as hand assembly. Machinery includes, but is not limited to, saws (table, panel, cut off, band, jig, miter, or chain), sanders, planers, routers, shapers, molders, jointers, drill presses, boring machines, hydraulic presses, pneumatic nail, screw and staple guns. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification also includes log home manufacturers who use a sawmill type operation using dimensional lumber to construct the shell of the home. Log home manufacturers constructing log home shells in a permanent yard using the traditional method of peeling the logs, using chainsaws to notch logs, and assembling the logs together, are to be reported in classification 1003-06.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of wood household and sporting goods which is to be reported separately in classification 2909; the manufacture of wood furniture and caskets which is to be reported separately in classification 2905; the manufacture of wood cabinets, countertops and fixtures which is to be reported separately in classification 2907; lumber remanufacturing which is to be reported separately in classification 2903-26; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

~~2903-13 Veneer products: Manufacturing~~

Applies to establishments engaged in the manufacture of veneer products by laminating rough veneer to plywood or particleboard and applying plastic or polyester overlays. Laminated veneer sheets are generally sold to other manufacturers and used in the construction of items such as, but not limited to, cabinets, countertops, furniture, wall board, flooring, and shelving. Veneer products generally require no pre-finishing with paint, stain or lacquer. Raw materials include, but are not limited to, plywood, particleboard, polyester, paper, polyethylene, fiberglass, plastic laminates and glue. To make veneer products, sheets of rough veneer are individually fed through glue spreader machines which apply glue to both sides. Veneer sheets may be laminated to other veneer or to plywood or particleboard, cut to size with saws, then plastic or polyester overlays applied. Laminated sheets are fed through either hydraulic cold or hot presses to be bonded and cured. More sophisticated presses automatically feed the sheets through, and shear the laminated panels to standard 4' x 8' or 4' x 10' dimensions, or to specified lengths and widths for custom orders. Forklifts are used to move materials. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of household and sporting goods wooden ware which is to be reported separately in classification 2909; the manufacture of wood products not covered by another classification (N.O.C.) which is to be reported separately in classification 2903-12; the manufacture of wood furniture and caskets which is to be reported separately in classification 2905; the manufacture of wood cabinets, countertops and fixtures which is to be reported separately in classification 2907; the manufacture of rough veneer which is to be reported separately in classification 2904-00; lumber remanufacturing which is to be reported separately in classification 2903-26; and sawmill operations which are to be reported separately in classification 1002.

2903-20 Wood sign: Manufacturing

Applies to establishments engaged in the manufacture of interior or exterior signs made of wood or wood products. Raw materials include, but are not limited to, dimensional lumber, plywood, molding, acrylic, paint, stain, lacquer and hardware. When additional sizing is required, saws, such as table, panel, cut-off, or radial arm, are used to cut material to desired dimensions. Pieces may be further sized, shaped, and smoothed with routers, saws, planers, or sanders. Stain, paint, or other finishes may be applied as background colors, borders or designs, with pneumatic spray guns, airbrushes, or by hand. Lettering or designs can be painted directly on the sign, cut from separate stock and glued or screwed on, or carved, routed or sandblasted. Computer-cut vinyl lettering may also be applied. Sign painting and lettering is included in this classification when done by employees of the sign manufacturer. Hand drills or drill presses are used to mount wood lettering or designs, bore holes and attach hardware used in the subsequent installation of the sign. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes the installation or removal of signs outside of buildings which is to be reported separately in classification 0403; the installation or removal of signs inside of buildings which is to be reported separately in classification 0513; sign painting or lettering on the inside of buildings which is to be reported separately in classification 4109; establishments that paint on or apply lettering to sign "backings" that are manufactured by others which is to be reported separately in classification 4109; the manufacture of metal or plastic signs which is to be reported separately in the classification applicable to the manufacturing process; and sawmill operations which are to be reported separately in classification 1002.

Special note: The majority of sign manufacturers also install their signs. Installation and removal of signs is to be reported separately.

2903-21 Wood truss: Manufacturing

Applies to establishments engaged in the manufacture of structural roof trusses, and/or ceiling and floor joists from wood or wood products. These products usually do not require a high degree of finishing work. Raw materials

include, but are not limited to, dimensional lumber (usually 2" x 4", 2" x 6", and 2" x 8", which is kiln dried, machine stressed, and presurfaced), plywood, metal gussets, and hardware. Dimensional lumber is cut with gang, table, resaw, or radial arm saws. Cut stock is placed in a hydraulic jig assembly which holds the unassembled components in the properly aligned configuration. Pneumatic nailers are used to embed the nail clips which connect each joint of the truss. A gantry, which is an overhead crane traveling along a bridge-like frame, is used to relocate the truss along the assembly line. The assembled truss is placed in a stationary or moveable press which attaches reinforcing triangular shaped metal plates called gussets at each joint or angle. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all installation activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of door jambs, windows, sashes, stairs, molding and miscellaneous millwork which is to be reported separately in classification 2903-08; lumber remanufacturing which is to be reported separately in classification 2903-26; and sawmill operations which are to be reported separately in classification 1002.

Special note: Truss manufacturers, whose primary customers are building contractors and building supply dealers, usually deliver their product. Delivery to the construction site often entails placing trusses onto the roof top, using boom lifts mounted on the delivery truck, which is included in this classification when performed by employees of employers subject to this classification.

2903-26 Lumber: Remanufacturing

Applies to establishments engaged in lumber remanufacturing, which is the process of converting cants, plywood, or lumber into a more specialized or higher grade product. Cants are large slabs of wood, usually having one or more rounded edges, which have been cut from logs. The incoming stock is generally green, rough-cut, and may be owned by the customer or by the remanufacturer. Machinery includes, but is not limited to, a variety of saws, (chop, resaw, trim, rip, table, radial arm, and cut-off), planers, surfacers, sanders, molders, groovers, finger jointers, tenoners, gluers, kiln dryers, fork lifts, and trolley cars. Stock is kiln dried, resawed, planed, grooved, or otherwise treated, according to customer specification if the customer owns it, or to standard cuts if it is for resale. Remanufacturers sell lumber to construction contractors or manufacturers that use it in the construction of products such as, but not limited to, paneling, countertops, framing studs, siding, decking, fencing, railroad ties, or molding. Remanufacturers generally do not finish the material with stain, paint, or lacquer. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of roof trusses and ceiling and floor joists which is to be reported separately in classification 2903-21; veneer man-

ufacturing which is to be reported separately in classification 2904; establishments that exclusively kiln-dry and/or treat lumber with preservatives, fire retardants, or insecticides, and that do not perform any remanufacturing operations which are to be reported separately in classification 1003; and sawmill operations which are to be reported separately in classification 1002.

2903-27 Ridge cap and/or shim: Manufacturing

Applies to establishments engaged in the production of shims and ridge caps. Shims are thin wedges of wood used for filling spaces or leveling. Ridge caps are shingles which are used as a covering for roof peaks. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

Special note: This classification must be assigned only by Classification Services after a field inspection of the business has been performed. If a classification must be assigned prior to the field inspection, assign classification 1005-02.

2903-28 Wood boat: Manufacturing, repair, or refinish

Applies to establishments engaged in manufacturing, repairing, or refinishing wooden boats. Raw materials include, but are not limited to, dimensional lumber, plywood, glue, staples, screws, nails, stains, paints, oils, and lacquers. Machinery includes, but is not limited to, band saws, lathes, drill presses, jointers, planers and sanders. Other than pleasure craft, very few wooden boats have been manufactured over the last fifty years. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes the manufacture of fiberglass boats which is to be reported separately in classification 3511, and the manufacture of metal boats which is to be reported separately in the classification applicable to the materials used and work being performed.)) Classification 2903 operations often represent the manufacturing steps between cutting raw logs in sawmills and a finished wood product that is manufactured from the intermediary wood products produced in this classification.

Equipment/machinery common to classification 2903:

- Air compressors and brushes;
- Boring machines;
- Chippers;
- Chisels;
- Conveyance equipment: Forklifts, loaders, over-head cranes, pallet jacks, trolley systems;
- Debarkers;
- Delivery trucks;
- Drills;
- Dryers;

- Jointer;
- Kilns;
- Lathes;
- Mills;
- Molders;
- Planers;
- Pneumatic nail guns;
- Presses;
- Routers;
- Sanders and blasters;
- Saws;
- Sorting screens;
- Sprayers, coaters, and spreaders; paint and glue sorting screens;
- Staple and screw guns.

Classification 2903 excludes:

- Worker hours engaged in repair or installation work away from the employers' premises, *except where noted otherwise in this rule*, which are reported separately in the applicable installation classification;
- Worker hours engaged in cutting, cultivating, or gathering of wood from forestland or tree farms, which are reported separately in the applicable classifications;
- Worker hours engaged in cutting raw logs and all other sawmill activities, which are reported separately in classifications **1002** and **5001**.

Note: If records are not maintained for dividing worker hours between classifications, you must report these hours in the highest rated classification as described in WAC 296-17-31017 (4).

For administrative purposes, classification **2903** is divided into the following subclassifications:

2903-00 Manufacturing wood chips, hog fuel, bark, bark flour, fire logs and laths

Applies primarily to wood products made from log by-products, such as bark, sawdust, chips, or other mill waste.

Products reported in classification 2903-00 may include, but are not limited to:

- Wood chips - Small pieces of wood, generally uniform in size and larger and coarser than sawdust, commonly used to make pulp, particleboard, stuffing for products such as animal bedding, and as smoker/barbecue fuel;
- Hog fuel - Made by grinding waste wood in a hog machine. The bits are larger and coarser than wood chips. Hog fuel can be used to fire boilers or furnaces;
- Bark - The outermost covering of a tree which is chopped into pieces of varying sizes, and is commonly used for landscaping;
- Bark flour - Finely ground bark used as a filler or extender in adhesives;
- Fire logs - Made by forming sawdust into a log about fifteen inches long and used for fuel;
- Lath - A narrow strip of wood commonly used to support shingle, slate or tile roofing, and as a fencing material;
- Excelsior - The curled shreds of wood used as a packing and stuffing material, or as a raw material in making various board products;

• Particleboard - A panel made from discrete particles of wood which are mixed with resins and formed into a solid board under heat and pressure.

Note: In addition to operations taking place in a permanent yard or shop, this classification includes operating portable chipping or debarking mills close to the wood source. Also refer to the overall classification 2903 description at the beginning of this rule.

2903-06 Manufacturing wood furniture stock

Applies to the manufacturing of wood furniture stock. Wood furniture stock is used to make finished furniture. The wood stock is rough cut, planed, or sanded and banded and/or palletized for shipping. It is then sold to other manufacturers as unfinished and unassembled pieces of lumber.

Note: Subclassification **2903-26** can also be considered for employers cutting and sizing lumber stock for other uses in addition to furniture manufacturing. Also refer to the overall classification 2903 description at the beginning of this rule.

2903-08 Manufacturing and assembly of wood doors, jambs, windows, sashes, stairs, molding and other miscellaneous millwork

Manufacturers assigned this classification mill their products from presized stock lumber, plywood, veneer, and particle board, but materials may also include cardboard, plastic laminates, glue, hardware, glass or metal, stains, oils, and paints.

Products reported in classification 2903-08 may include, but are not limited to:

• Doors - This includes wood doors of all sizes and shapes, for commercial or residential uses;

• Door/window components and grilles;

• Jambs;

• Mantels;

• Moldings - This includes all types of wood molding;

Picture rails, chair rails, baseboards, and other architectural molding;

• Pillars;

• Sashes;

• Shutters;

• Skylights;

• Stairs and component parts for stairs - Risers, tread, balusters, hand rails, and posts;

• Turnings;

• Wainscot;

• Windows.

Excluded from subclassification 2903-08:

• Firms engaged in manufacturing wood furniture or caskets, which are classified in 2905;

• Firms engaged in manufacturing wood cabinets, countertops, and fixtures, which are classified in 2907;

• Worker hours engaged in manufacturing metal doors, jambs, windows and sashes, which are reported separately in classification 3402.

Note: Lumber yards and building materials centers subject to classification **2009** that prehang doors are to be assigned classification **2903-08** in addition to their basic classification. Also refer to the overall classification 2903 description at the beginning of this rule.

2903-10 Manufacturing, assembly, or repair of wood containers and pallets; wood pallet dealer and recycle operations; Including repairs of pallets

Applies to the manufacturing, assembly, and repair of wood pallets and all other types of wood containers using lumber, plywood, nails, staples, screws, glue, and paint. It also includes repairing, reconditioning, or rebuilding pallets or containers, whether at the employers' facilities or at the customer's location.

Products reported in classification 2903-10 may include, but are not limited to:

• Boxes;

• Bins;

• Crates;

• Shooks (a shook is a set of unassembled wood components for assembling a packing box or barrel);

• Shipping containers;

• Storage containers.

Note: Also refer to the classification 2903 description at the beginning of this rule.

2903-12 Manufacturing and assembly of wood products not otherwise classified (N.O.C.)

Applies to the manufacturing or assembly of miscellaneous wood products which are not described by nor included under another classification. Items manufactured are a variety of sizes and require varying degrees of manufacturing and assembly by machine and/or hand, and are primarily made from lumber, plywood, laths, and particle board, but materials may also include acrylic, staples, screws, nails, hardware, stains, paints, oils, and lacquers.

Products reported in classification 2903-12 may include, but are not limited to:

• Attic vents;

• Barricades;

• Beams;

• Cable spools;

• Cross arms;

• Docks;

• Ends for paper rolls;

• Floats;

• Gazebos;

• Ladders;

• Lattice panels;

• Log home shells from dimensional-log lumber;

• Playground equipment;

• Ridge cap shingles;

• Saunas;

• Shims;

• Signs;

• Slugs;

• Solariums;

• Utility poles;

• Wall panels.

Special notes for manufacturing ridge cap shingles or shims:

• Classification 2903 can be assigned only after a site visit. If a classification must be assigned prior to the field inspection, the employer will be assigned classification **1005-02**.

• Employers manufacturing shakes and/or shingles in addition to ridge caps are to report the manufacture of ridge caps in classifications **1002** or **1005**, depending on the processes.

Excluded from subclassification 2903-12:

• Firms engaged in manufacturing log home shells in a permanent yard using the traditional method of peeling the logs, using chainsaws to notch logs, and assembling the logs together, which are classified in **1003**:

• Worker hours engaged in **sawmill operations**, which are reported separately in classification **1002**:

• Worker hours engaged in building log homes on-site, which are reported separately in the applicable construction classifications:

• Firms engaged in manufacturing wood household and sporting goods, which are classified in **2909**:

• Firms engaged in manufacturing wood furniture or caskets, which are classified in **2905**:

• Firms engaged in manufacturing wood cabinets, countertops and fixtures, which are classified in **2907**:

• Worker hours engaged in installation or removal of signs outside of buildings, which are reported separately in classification **0403**:

• Worker hours engaged in installation or removal of signs inside of buildings, which are reported separately in classification **0513**:

• Worker hours engaged in sign painting or lettering on the inside of buildings, and/or painting on or applying lettering to sign "backings" that are manufactured by others, which are reported separately in classification **4109**:

• Worker hours engaged in manufacturing metal or plastic signs, which are reported separately in the classification applicable to the manufacturing process.

Note: Also refer to the overall classification 2903 description at the beginning of this rule.

2903-13 Manufacturing veneer products

Applies to establishments principally engaged in the application of veneer. Veneer is a thin layer of superior quality or excellent grained wood. Veneer products, in this classification, are manufactured by gluing veneer to a core made of plywood, some other lower quality wood, or nonwood based material. The veneer is then covered with protective overlays. The product is generally sold as a lumber substitute to manufacturers or contractors.

Excluded from subclassification 2903-13:

• Firms engaged in veneer and plywood manufacturing, which are classified in **2904**.

Note: Also refer to the classification 2903 description at the beginning of this rule.

2903-21 Manufacturing wooden roof trusses

Applies to manufacturing wooden roof trusses, and/or ceiling and floor joists from wood or wood products, such as dimensional lumber (usually 2" x 4", 2" x 6", and 2" x 8"), plywood, various fasteners and other hardware.

Note: Incidental delivery by the manufacturer to the construction site often includes lifting trusses onto the roof top with a boom lift mounted on the delivery truck. This is included in this classification. Also refer to the overall classification 2903 description at the beginning of this rule.

2903-26 Lumber remanufacturing

Lumber remanufacturing is the process of converting green wood (unseasoned wood) and often rough-cut cants (large slabs of wood cut from logs), plywood, or lumber into a more specialized or higher grade product. The remanufactured lumber is then sold to other manufacturers or contractors, who use it to make their products.

Products reported in classification 2903-26 may include, but are not limited to:

- Countertops;
- Decking;
- Fencing;
- Framing studs;
- Molding;
- Paneling;
- Railroad ties;
- Siding.

Excluded from subclassification 2903-26:

• Firms engaged in only kiln drying and/or treatment of lumber with preservatives, fire retardants, or insecticides, which are classified in **1003**.

Note: Also refer to the overall classification 2903 description at the beginning of this rule.

2903-28 Manufacturing, repairing, or refinishing wood boats

Applies to businesses that manufacture, repair, or refinish wooden boats.

Excluded from subclassification 2903-28:

• Worker hours engaged in manufacturing or repairing fiberglass boats, which are classified in **3511**;

• Worker hours engaged in manufacturing or repairing metal boats, which are classified in the applicable metal manufacturing classification;

• Firms that do not manufacture boats but are engaged in mechanical, engine, electrical, vinyl and glass boat work or installation of boat accessories, as well as detailing of all types of boats, which are classified in **3414**.

Note: Also refer to the overall classification 2903 description at the beginning of this rule.

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

WAC 296-17A-3702 Classification 3702.

**((3702-01 Breweries or malt houses
Yeast: Manufacturing**

Applies to establishments engaged in operating breweries, micro breweries, or malt houses, and includes all operations involved in the making of malt, beer, or ale as well as packaging into kegs, bottles or cans. Beer is produced from water, hops, barley malt and corn or rice; this mixture is cooked, filtered, cooled and then fermented. After the fermentation is complete, the beer is usually pasteurized and fil-

tered, then sealed in kegs or packaged in individual bottles or cans. The exact process varies from brewery to brewery. Some breweries produce their own malt while others obtain the barley malt from an independent malting company. This classification includes warehouses and distributing stations maintained by the breweries at the brewery or at separate locations. This classification also includes tour guides, tasting room and gift shop employees. This classification also applies to establishments engaged in the manufacture of yeast.

This classification excludes establishments engaged exclusively as wholesale or combined wholesale/retail distributors of beverages which are to be reported separately in classification 2105.

3702-03 Bottling: Beverages, N.O.C.

Applies to establishments engaged in the production, bottling, and distribution of beverages not covered by another classification (N.O.C.) such as, but not limited to, carbonated and noncarbonated soft drinks, seltzers, fruit juices, lemonades, iced teas, and bottled waters. These bottling establishments purchase syrup or concentrate from the franchiser or concentrate manufacturer to produce a variety of products. Containers such as, but not limited to, aluminum or steel cans, plastic or glass bottles, are sanitized, filled with beverages, and sealed. Typically, bottlers will operate a single production facility and have multiple distribution warehouses.

This classification excludes establishments engaged exclusively as wholesale or combined wholesale/retail distributors of beverages which are to be reported separately in classification 2105 and manufacturers of syrup/concentrate for soft drinks which are to be rated separately in classification 3902.

3702-05 Wine making or wineries

Spirituos liquor: Manufacturing

Applies to establishment engaged in making wine from fruits or flavoring products such as, but not limited to, grapes, berries, peaches, or dandelions. The ingredients are crushed and the juice extracted; yeast is added to the juice; then the mixture is stored in a cool, temperature-controlled environment (such as a cellar) for fermentation to begin. During the natural fermentation, the sugar from the fruit is converted into alcohol. Additional processing includes clarification, filtration, pasteurization, centrifugation, and blending. The wine is bottled under vacuum and corked, labeled, and cased. This classification also applies to establishments engaged in the manufacture of spirituous liquor such as whiskey, gin, rum, and vodka. Operations involve preparing the mash from various grains, potatoes or molasses received from others, and fermenting, distilling and barreling of the products. This classification includes tour guides, tasting room and gift shop employees.

This classification excludes establishments engaged exclusively as a wholesale or combined wholesale/retail distributor of beverages which are to be reported separately in classification 2105; off-premises wine/liquor stores which are to be reported separately in classification 6403; and vineyard operations which are to be reported separately in classification 4813-)) **Beverage manufacturing, wine making,**

distilleries, breweries, malt houses, bottling, and yeast manufacturing

Applies to all types of alcoholic and nonalcoholic beverage manufacturing and bottling operations.

Beverage manufacturing and bottling includes the following operations:

- Blending of water, concentrates, juices, syrups, other consumables, and preservatives;

- Carbonating beverages;

- Crushing and mixing of ingredients;

- Cooking liquid mixtures containing grains, vegetables, fruit, herbs, and other natural or artificial ingredients;

- Distilling alcohol;

- Extracting juice;

- Fermenting;

- Filling bottles, cans, kegs, or other containers;

- Filtering;

- Labeling;

- Manufacturing yeast;

- Operating gift shops at manufacturing location;

- Pasteurizing;

- Sanitizing bottles, cans, or other containers.

Classification 3702 also includes incidental:

- Tasting rooms at the same location as the manufacturing site;

- Tours of facilities and premises.

Classification 3702 excludes:

- Worker hours engaged in vineyard operations, which are reported separately in classification 4813-00;

- Worker hours engaged in tasting room operations at a separate location away from the manufacturing site, which are reported separately in classification 6403-07;

- Worker hours engaged in full service restaurant operations, which are reported separately in classification 3905;

- Manufacturers exclusively manufacturing and bottling dairy beverages, which are classified in 3902-28;

- Manufacturers exclusively manufacturing and bottling fruit juices, which are classified in 3902-02.

Note: If records are not maintained for dividing worker hours between classifications, you must report these hours in the highest rated classification as described in WAC 296-17-31017(4).

For administrative purposes, classification 3702 is divided into the following subclassifications:

3702-01 Breweries, malt houses, and yeast manufacturing

3702-03 Bottling and manufacturing beverages, N.O.C.

3702-05 Wine making and liquor distillation

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-4907 Classification 4907.

((4907-00 Inmate work opportunity - State

Applies to state prisoners who are employed by the state prison in a tax reduction industry to provide goods or services only (regardless of the type) to tax-supported entities or non-profit organizations. Tax reduction industries provide basic

work training and experience which qualify the inmates for better work within the prison or in the public community. Work is performed at the prison or at a separate location and the goods produced are property of the state.

This classification excludes work done by state prisoners under a free venture enterprise contract with a private business (profit or nonprofit) which is to be reported separately in the classification applicable to the work being performed.

4907-01 Inmate work opportunity—City

Applies to inmates of city jails who are employed by the city jail in a tax reduction industry to provide goods or services only (regardless of the type) to tax-supported entities or nonprofit organizations. Tax reduction industries provide basic work training and experience which qualify the inmates for better work within the jail or in the public community. Work is performed at the jail or at a separate location.

This classification excludes work done by city prisoners under a free venture enterprise contract with a private business (profit or nonprofit) which is to be reported separately in the classification applicable to the work being performed.

4907-02 Inmate work opportunity—County

Applies to inmates of county jails who are employed by the county jail in a tax reduction industry to provide goods or services only (regardless of the type) to tax-supported entities or nonprofit organizations. Tax reduction industries provide basic work training and experience which qualify the inmates for better work within the jail or in the public community. Work is performed at the jail or at a separate location.

This classification excludes work done by county prisoners under a free venture enterprise contract with a private business (profit or nonprofit) which is to be reported separately in the classification applicable to the work being performed.)) **Classification 4907 Offender work opportunity**

Applies to offenders in custody of the state, city, or county, when the offenders perform work in a tax reduction industry to provide goods or services only (of any type) to tax-supported entities, nonprofit corporations, or private contractors. Goods produced by a tax reduction industry are used by a public agency or nonprofit corporation. Tax reduction industries provide basic work training and experience which qualify offenders for better work within the prison, jail, or in the public community. Work is performed at the prison, jail, or at a separate location.

This classification excludes work performed by offenders under a free venture enterprise contract with a private business (profit or nonprofit) which is to be reported separately in the classification applicable to the work being performed.

For administrative purposes, classification 4907 is divided into the following subclassifications:

4907-00 Class 2 Offender work opportunity - State

4907-01 Offender work opportunity - City

4907-02 Offender work opportunity - County

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-4908 Classification 4908.

4908-00 ((Inmates of adult honor camps

~~Applies to inmates of adult honor camps who are employed by a city, town, county, or state agency. Their employment, which takes place away from the honor camp, provides basic work training and experience to qualify inmates for better work in the correctional institute or in the public community. Typical work includes, but is not limited to, constructing and maintaining forest trails, cutting fallen trees into firewood, picking up and burning fallen limbs, fighting forest fires, and planting new trees.)) **Class IV offender work crews**~~

Applies to offenders in the custody of the department of corrections (DOC) who reside in Washington state prisons and perform work for state agencies, other governments or public benefit nonprofit corporations. The offenders participate to gain work skills and experience and earn a nominal gratuity. The offender crews are supervised for safety and security by a DOC correctional officer.

The entities receiving services direct and supervise offenders regarding the work performed. Work performed includes, but is not limited to:

- Litter cleanup;
- Forest conservation;
- Freight, stock and material moving;
- Stream and habitat restoration;
- Large event set-up and take down; and
- Grounds keeping.

Special notes: This coverage is mandatory and entities that utilize offender services must report offender work hours and pay the industrial insurance premiums to the department.

Public benefit nonprofit corporations are described in RCW 24.03.005(17).

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-5201 Classification 5201.

5201-75 Electric power or transmission equipment: Manufacturing or assembly

~~((Applies to establishments engaged in the manufacture or assembly of electrical power or transmission equipment, most of which is industrial and is used by public utilities for the transmission of electrical power. Equipment manufactured includes, but is not limited to, transformers, switchboards, circuit breakers, switches or switchboard apparatus, power switching devices or systems, and power invertors. Transformers step down voltage from very high to a lower voltage. Switching equipment is normally used to switch the electricity from an incoming line to outgoing lines. Transformers are usually made from sheet metal which is approximately 14 gauge. Machinery used to manufacture transformers is similar to that used in a sheet metal shop. Winding machines are also used to wind wire to form a coil which is placed inside the transformer. This is a shop or plant only classification.~~

~~This classification excludes the installation, service or repair away from shop of products manufactured which are to be reported separately in the applicable classification; the installation, removal, and repair of electric power or transmission equipment or machinery by a contractor which is to~~

be reported separately in the classification applicable to the work being performed.

Special note: Switchboards, current breakers and switches subject to this classification are distinguishable from switchboards, current breakers and switches covered in classification 3602. Classification 3602 switches are those found on personal computers, household light switches, and small electrical appliances compared to switches manufactured in classification 5201 which are large metal bars used in power plants and substations. Circuit breakers covered in classification 3602 are of the size found in household breaker panels compared to circuit breakers covered in classification 5201 which appear more like large round cylinders with flat metal bars extruding from the cylinders. Switchboards covered in classification 3602 are computerized systems such as telephone systems compared to industrial switchboards such as those used in rail systems for switching trains on tracks.)) Applies to the manufacture or assembly of industrial electrical transmission equipment and other large electrical equipment used in producing or transmitting electrical power.

Equipment includes, but is not limited to:

- Transformers - Equipment that reduces the level of voltage;
- Industrial switchboards, switches, switchboard apparatuses, and power switching devices and systems (switching equipment moves electricity from incoming lines to outgoing lines);
- Industrial circuit breakers - Automatic switches that prevent electrical circuit overload;
- Power invertors - Equipment that changes direct current (DC) to alternating current (AC);
- Solar panels and photovoltaic (PV) inverters used in solar power production (PV inverters change DC current out of a photovoltaic solar panel into AC current).

Subclassification 5201-75 excludes:

- Worker hours engaged in the installation, service or repair of equipment away from shop or plant which are reported separately in the applicable classification. If records are not maintained for dividing worker hours between classifications, you must report these hours in the highest rated classification as described in WAC 296-17-31017(4);
- Firms engaged in manufacturing the smaller, nonindustrial switches and breakers found in the precision electrical instruments classified in 3602.

5201-76 Electric toasters, frying pans, wire harnesses, vacuum cleaners, electrical appliances, N.O.C: Manufacturing or assembly

((Applies to establishments engaged in the manufacture or assembly of electric toasters, frying pans, wire harnesses, vacuum cleaners (including central vacuum systems), table top or counter top electrical appliances which are not covered by another classification (N.O.C.) including, but not limited to, electric shavers, steam and dry irons, waffle irons, can openers, mixers and blenders. *Wire harnesses* are the configuration of wires making up the electrical circuit inside an appliance or vehicle that does not include the cord set which will connect the appliance to the power source. The manufacturing process contemplated by this classification is the assembly of component parts and casings, purchased from

other manufacturers, with small hand tools such as, but not limited to, drills, screwdrivers, rivet guns, and soldering or brazing tools. This is a shop or plant only classification; all activities away from the shop or plant are to be reported separately.

This classification excludes establishments engaged in the repair of household appliances for others which are to be reported separately in classification 0607; establishments engaged in the manufacture of larger household appliances such as electric ranges, washing machines and refrigerators which are to be reported separately in classification 3402; establishments engaged in the assembly of electric cordset radio and ignitions which are to be reported separately in classification 3602; and the service or repair away from shop of products manufactured in this classification which are to be reported separately in the applicable classification.)) Applies to the manufacture or assembly of household electrical appliances. This includes the assembly of component parts and casings with small hand tools such as drills, screwdrivers, rivet guns, and soldering or brazing tools. Electrical appliances include, but are not limited to, electric:

- Can openers;
- Clothes irons;
- Frying pans;
- Mixers and blenders;
- Shavers;
- Toasters;
- Vacuum cleaners (including central vacuum systems);
- Waffle irons;
- Wire harnesses (a configuration of wires inside an appliance or vehicle);
- And other counter top electrical appliances which are not covered by another classification (N.O.C.).

Subclassification 5201-76 excludes:

- Worker hours engaged in installation, services, or repair of household appliances away from the shop or plant that are reported separately in classification 0607. If records are not maintained for dividing worker hours between classifications, you must report these hours in the highest rated classification as described in WAC 296-17-31017(4);
- Firms manufacturing or assembling larger household appliances such as electric ranges, washing machines and refrigerators, which are classified in 3402;
- Firms manufacturing or assembling electric cords, radio cable, and ignitions which are classified in 3602.

5201-78 Electric motors, generators, alternators, starters, convertors, solenoids and servomotors: Manufacturing or assembly including repair

((Applies to establishments engaged in the manufacture or assembly of electric motors, generators, alternators, starters, convertors, solenoids and servomotors of all sizes and horsepower. *Convertors* convert electricity from one voltage to another; *solenoids* are switches used to control the flow of electrical current; *servomotors* are electrical motors used to help control a mechanical device. This is a shop or plant only classification; all activities away from the shop or plant are to be reported separately.

This classification excludes the installation, service, or repair away from shop of products manufactured in this clas-

sification which are to be reported separately in the applicable classification and the installation, removal, and repair of electric power or transmission equipment in machinery by contractor which is to be reported separately in classification 0601-.) Applies to manufacture or assembly of:

- Electric motors (convert electrical energy into mechanical energy);
- Generators (convert mechanical energy to DC electrical current);
- Alternators (convert mechanical energy to AC electrical current);
- Starters (electric motors used to initiate an engine's operation under its own power);
- Convertors (change electricity from one voltage to another);
- Solenoids (switches that control the flow of electrical current);
- Servomotors (electrical motors used to help control a mechanical device) of all sizes and horsepower.

Note: Electric motor manufacturing requiring machining of metal parts is reported in classification 3402.

Subclassification 5201-78 excludes:

Worker hours engaged in the installation, hook-up, service or repair of equipment away from the shop or plant which are to be reported separately in the applicable classification. If records are not maintained for dividing worker hours between classifications, you must report these hours in the highest rated classification as described in WAC 296-17-31017(4).

AMENDATORY SECTION (Amending WSR 15-02-060, filed 1/6/15, effective 7/1/15)

WAC 296-17A-6109 Classification 6109.

~~((6109-00 Physicians, surgeons, and medical clinics, N.O.C.~~

Applies to establishments of licensed practitioners such as physicians and surgeons, and to medical clinics not covered by another classification (N.O.C.) engaged in the practice of general or specialized medicine and surgery. Physicians diagnose and treat a variety of diseases and injuries, order or execute various tests, analyses, and diagnostic images to provide information on a patient's condition, analyze reports and findings of tests and of examination, diagnose conditions, and administer or prescribe treatments and drugs. Physicians may also inoculate and vaccinate patients to immunize them from communicable diseases, or refer patients to a medical specialist or other practitioners for specialized treatment. They may also make house and emergency calls to attend to patients unable to visit the office. Surgeons examine patients to verify necessity of surgery, review reports of patient's general physical condition and medical history, reactions to medications, estimate possible risk to patient, and determine best operational procedure. Surgeons may specialize in a particular type of surgery. This classification includes licensed ophthalmologists who specialize in the diagnosis and treatment of diseases and injuries of the eyes, and examine patients for symptoms indicative of organic or congenital ocular disorders. This classification includes cler-

ical office and sales personnel, as well as other employees engaged in service in the physician's or surgeon's office or in a medical clinic, such as laboratory or X-ray technicians, and nurses.

This classification excludes psychologists and psychiatrists who are to be reported separately in classification 6109-10; optometrists who are to be reported separately in classification 6109-09; radiology and MRI referral clinics which are to be reported separately in classification 6109-17; orthotic referral clinics which are to be reported separately in classification 6109-14; and nutrition, diet, or weight loss clinics which are to be reported separately in classification 6109-12.

6109-01 Dentists and dental clinics

Applies to establishments of licensed dental practitioners and dental clinics engaged in the practice of general or specialized dentistry. Services provided by dental offices or clinics include, but are not limited to, examination of teeth and gums to determine condition, diagnosis of disease, injuries, or malformation, extractions, fillings, root canals, oral surgery, tooth replacement, cleaning, instruction on oral and dental hygiene and preventative care. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the dentist's office such as hygienists, and dental assistants or technicians.

6109-02 Chiropractors, N.O.C.

Applies to establishments of licensed practitioners not covered by another classification (N.O.C.) who are engaged in the practice of chiropractic medicine. Chiropractors diagnose and treat musculoskeletal conditions of the spinal column and extremities to prevent disease and correct abnormalities of the body believed to be caused by interference with the nervous system. They manipulate the spinal column and other extremities to adjust, align, or correct abnormalities caused by neurologic and kinetic articular dysfunction. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the chiropractor's office.

6109-04 Naturopaths, N.O.C.

Applies to establishments of health practitioners not covered by another classification (N.O.C.) who diagnose, treat, and care for patients, using a system of practice that bases treatment of physiological functions and abnormal conditions on natural laws governing the human body, relying on natural remedies such as, but not limited to, acupuncture, sunlight supplemented with diet, and naturopathic corrections and manipulations to treat the sick. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the naturopath's office.

6109-08 Physical therapists, N.O.C.

Applies to establishments of health practitioners not covered by another classification (N.O.C.) who are engaged in the practice of physical therapy, occupational therapy, respiratory therapy, or speech therapy. Therapists treat and rehabilitate people living with physical or mental disabilities or disorders, to develop or restore functions, prevent loss of physical capacities, and maintain optimum performance. Includes occupations utilizing means such as exercise, massage, heat, light, water, electricity, and specific therapeutic

apparatus, usually as prescribed by a physician; or participation in medically oriented rehabilitative programs, including educational, occupational, and recreational activities. *Physical therapists* plan and administer medically prescribed physical therapy treatment for patients suffering from injuries, or muscle, nerve, joint and bone diseases, to restore function, relieve pain, and prevent disability. *Occupational therapists* plan, organize, and conduct occupational therapy programs to facilitate development and rehabilitation of people living with mental, physical, or emotional disabilities. *Respiratory therapists* administer respiratory therapy care and life support to patients with deficiencies and abnormalities of the cardio-pulmonary system, under the supervision of physicians and by prescription. *Speech therapists* specialize in diagnosis and treatment of speech and language problems, and engage in scientific study of human communication. This classification includes clerical office and sales personnel, as well as other employees engaged in therapy services and also includes travel to health facilities or other locations to administer therapy services.

6109-09 Optometrists, N.O.C.

Applies to establishments of optometrists not covered by another classification (N.O.C.). Optometrists are licensed practitioners, but do not hold a medical degree. An optometrist in general practice examines patients' eyes to determine the nature and degree of vision problems or eye diseases and prescribes corrective lenses or procedures, performs various tests to determine visual acuity and perception and to diagnose diseases and other abnormalities, such as glaucoma and color blindness. An optometrist may specialize in the type of services provided, such as contact lenses, low vision aids, or vision therapy, or in the treatment of specific groups such as children or elderly patients. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the optometrist's office.

This classification excludes optometrists employed by optical goods stores who are to be reported separately in classification 6308, and ophthalmologists who are to be reported separately in classification 6109-00.

6109-10 Psychologists and psychiatrists, N.O.C.

Applies to establishments of licensed practitioners not covered by another classification (N.O.C.) who are engaged in the diagnoses and treatment of patients with mental, emotional, or behavioral disorders. *Psychologists* are licensed practitioners who diagnose or evaluate mental and emotional disorders of individuals and administer programs of treatment. They interview patients in clinics, hospitals, prisons, and other institutions, and study medical and social case histories. *Psychiatrists* are licensed practitioners who diagnose and treat patients with mental, emotional, and behavioral disorders. They organize data obtained from the patient, relatives, and other sources, concerning the patient's family, medical history, and the onset of symptoms, and determine the nature and extent of mental disorder and formulate a treatment program utilizing a variety of psychotherapeutic methods and medications. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the doctor's office.

6109-12 Nutrition, diet, or weight loss clinics, N.O.C.

Applies to establishments engaged as nutrition, diet, or weight loss clinics not covered by another classification (N.O.C.) which provide programs whereby clients may achieve a healthy and permanent weight loss. The programs vary in approaches but most are based on the behavior modification theory, utilizing private counseling or group support meetings and seminars to educate individuals about their eating habits and proper eating patterns. Some programs may sell vitamin supplements or a line of food products to be used by their clients and may publish newsletters or other forms of literature for the benefit of their clients. This classification includes clerical office and sales personnel.

This classification excludes exercise programs which are to be reported separately in the appropriate classification.

6109-13 Childbirth classes

Applies to establishments providing childbirth education for expectant parents. Topics include, but are not limited to, expectations during pregnancy, breathing and relaxing techniques, and massage therapy. Literature and/or movies may be provided in addition to oral instruction. This classification includes clerical office and sales personnel.

6109-14 Orthotic referral clinics

Applies to establishments operating as clinics to provide care to patients with disabling conditions of the limbs and spine by fitting and preparing orthopedic braces under the direction of and in consultation with physicians. Orthotists examine and evaluate the patient's needs in relation to disease and functional loss, and assist in the design of an orthopedic brace. Orthotists select materials, make cast measurements, model modifications and layouts. When the brace is finished, they evaluate it on the patient, make adjustments to ensure correct fit, and instruct the patient in the use of the orthopedic brace. This classification also includes clinics of prosthetists who provide care to patients with partial or total absence of a limb by planning fabrication of, writing specifications for, and fitting the prosthesis under the guidance of and in consultation with a physician. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the referral clinics.

This classification excludes the manufacture of orthopedic braces, splints or prostheses which is to be reported separately in the applicable classification.

6109-15 Midwife services

Applies to establishments engaged in the practice of midwifery. Midwives provide care for women undergoing medically uncomplicated pregnancy and low risk labor and delivery. The delivery may take place in a clinic setting or in the expectant mother's home. This classification includes clerical office and sales personnel.

6109-16 Licensed massage therapy, reflexology, and foot massage services

Applies to establishments of licensed practitioners who are engaged in the practice of massage therapy. Some massage therapists work in conjunction with physicians or sports teams, or at hospitals, rehabilitation facilities or convalescent homes. If a client is referred by a physician, the therapist will review the medical report and in conjunction with the client, will determine the nature of the massage (whether it is for

relaxation or to correct or relieve a medical problem) and the modality to be used, such as deep muscle work, trigger point therapy, or joint rotation. Establishments providing reflexology and foot massage services are included in this classification. This classification includes clerical office and sales personnel as well as other employees engaged in these services.

This classification excludes massage therapists employed by a health club, gymnasium, sauna, or bath house who are to be reported separately in classification 6204; massage therapists employed by a business classified in 6501-01.

6109-17 Radiology and MRI referral clinics

Applies to establishments of licensed practitioners who are engaged in the practice of radiology and/or magnetic resonance imaging. Radiologists diagnose and treat diseases of the human body using X-ray and radioactive substances. They examine the internal structures and functions of the organ systems and make diagnoses after correlating the X-ray findings with other examinations and tests. They administer radiopaque substances by injection, orally, or as enemas, to render internal structures and organs visible on X-ray films or fluoroscopic screens. Radiologists may employ magnetic resonance imaging technologists to operate magnetic resonance imaging equipment which produces cross-sectional images (photographs) of a patient's body for diagnostic purposes. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the clinics, such as nurses or technologists.) **Medical and health services N.O.C.**

Applies to licensed medical practitioners, medical or treatment clinics, and other health practices not providing overnight care or residency. Medical and health services examine, test, diagnose, refer, consult, and treat patients for all types of diseases, conditions, maladies, injuries, syndromes, addictions, and disorders.

Classification 6109 includes:

- All work performed at clinics;
- Employees of a clinic visiting patients at home, or in other care related facilities such as hospitals or nursing homes;
- Clerical office and sales personnel, whether working at a clinic or in a separate business office.

Occupations typically reported in classification 6109 include employment such as:

- Acupuncturists;
- Alternative medicine practitioners;
- Chiropractors;
- Counselors;
- Dental assistants;
- Dental technicians;
- Dentists;
- Dieticians;
- Eyewear technicians;
- Foot massagers;
- Hygienists;
- Laboratory technicians;
- Licensed massage therapists;
- Medical billers;
- Midwives;
- Naturopaths;
- Nurse practitioners;

- Nurses;
- Occupational therapists;
- Ophthalmologists;
- Optometrists;
- Orthotic technicians;
- Pharmacists;
- Phlebotomists;
- Physical therapists;
- Physicians;
- Prosthetic technicians;
- Psychiatrists;
- Psychologists;
- Radiologists;
- Receptionists;
- Reflexologists;
- Respiratory therapists;
- Speech therapists;
- Surgeons;
- X-ray technicians.

Special note: Some organizations such as schools, spas, sports teams, and summer camps may employ medical and health practitioners to provide care to their employees or customers. These medical services are included in the basic classification representing the nature of the organization's business.

Classification 6109 excludes:

- Firms providing medical services treating animals, which are classified in 6107-01;
- Firms providing medical care, therapy, and nursing services whose principal business is treating patients in their homes, which are classified in 6110-00;
- Firms providing in-home personal care and chore services which are classified in 6511;
- Personal care and chore service employees employed by the person being cared for, who are classified in 6510 or 6512, and dieticians and counselors employed by home health care services who meet the standard exception requirements and are classified 6303-21;
- Medical facilities that include overnight acute care, recovery, and rehabilitation, which are classified in 6105, 6120, and 6121;
- Medical facilities providing care in state licensed convalescent and nursing homes, which are classified in 6108-00;
- Long-term residential facilities providing personal care services with less than acute care medical services, which are classified in 6509.

For administrative purposes, classification 6109 is divided into the following subclassification(s):

6109-00 Physicians and medical clinics, N.O.C.

6109-01 Dental clinics

6109-02 Chiropractors

6109-04 Naturopaths

6109-08 Physical, occupational, respiratory, and speech therapists

6109-09 Eye clinics

6109-10 Licensed mental health practitioners; psychologists and psychiatrists

6109-12 Clinics for nutrition, diet, or weight loss

6109-13 Childbirth classes

6109-14 Orthotic and prosthesis clinics**6109-15 Midwife services****6109-16 Licensed massage therapy, reflexology, and nonlicensed massage services****6109-17 Radiology and MRI referral clinics**

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-6110 Classification 6110.**6110-00 Home health services and nursing care, N.O.C.**

Applies to establishments engaged in providing skilled and semiskilled nursing and home health care services to individuals who ~~((do not))~~ need the continuous care and supervision that hospitals and nursing facilities ~~((can))~~ provide. Patients frequently are referred to home health agencies by physicians, hospital discharge planners or other medical professionals. ~~((Typically, a home health care provider will come to the patient's home to assess the individual's situation, recommend a plan of treatment and coordinate the plan. A nurse may function as the "case manager" for the patient and will coordinate the case plan. Usually a physician must authorize the plan of treatment for home care services. The services offered will vary according to each client's needs and can range from personal care for the patients such as bathing and grooming, cooking, housecleaning, to laboratory services; to skilled nursing services. Home health services may offer therapy services such as physical, occupational, speech, and respiratory. Care may be intermittent or long term. This classification includes home health nursing visits or care made on a private duty basis.~~

~~This classification excludes home health care social workers and dietitians with no cooking duties who may be reported separately in classification 6303 provided all the conditions of the general reporting rules covering standard exception employees have been met; private households which employ workers who serve on or about the premises in occupations usually considered as domestic service which are to be reported separately in classification 6510; and establishments engaged in providing chore workers/home care assistants to private individuals who are to be reported separately in classification 6511.)~~

Duties of these health care providers could include:

• Going to the patient's home to assess the individual's situation, recommend a plan of treatment and coordinate the plan. (Usually a physician must authorize the plan of treatment for home care services.);

• Taking vital signs;

• Giving medications;

• Dressing wounds;

• Performing laboratory services;

• Providing therapy services, such as physical, occupational, speech and respiratory;

• Educating the patient;

• Communicating the progress of the patient to the doctor.

This classification excludes:

• Home health care social workers and dieticians with no cooking duties. If all the conditions of the general reporting

rules covering standard exception employees are met, these workers may be reported separately in 6303.

• Private households which employ workers who serve on or about the premises in occupations usually considered as domestic service, which are classified in 6510.

• Firms engaged in providing chore workers/home care assistants to private individuals, which are classified in 6511.

Worker hours engaged in chore service activities, such as: Doing housework, cooking, or bathing of patients, which are reported separately in classification 6511. If records are not maintained for dividing worker hours between classifications, these hours must be reported in the highest rated classification as described in WAC 296-17-31017(4).

AMENDATORY SECTION (Amending WSR 15-02-060, filed 1/6/15, effective 7/1/15)

WAC 296-17A-6204 Classification 6204.**Gyms, fitness centers, martial arts training, baths or saunas**

Classification **6204** applies to businesses that offer activities and services for recreation, health, and fitness. Gyms typically include cardio workout machines, weight equipment, free weights, bicycle machines, and studio space for group exercise sessions and classes. These facilities may also offer additional items such as running tracks, tennis and racket ball courts, pools, tanning rooms, massage, saunas, baths, and gymnastic equipment. There may also be some retail sales and limited food and beverage services.

Businesses in this classification sometimes advertise as day spas. This classification includes day spas offering a soaking pool, bath, hot tub, sauna, or steam rooms. Businesses with these spa features may also offer aromatherapy, mud baths, body wrap, rub down, massage, or other personal beauty services.

Occupations reported in this classification may include:

Activity directors;

Personal trainers;

Instructors;

Facility managers;

Lifeguards;

Cleaning staff;

Massage therapists;

Spa attendants;

Estheticians;

Nutritional counselors;

Child care providers;

Food and beverage service workers;

Front desk staff;

Grounds keepers;

Maintenance personnel;

Scuba diving instructors providing lessons in a swimming pool, even if not employed by pool facility.

This classification excludes:

• Day spas or beauty shops which do not offer baths, soaking pools, or hot tubs that are reported separately in classification 6501((-);

• Massage therapy businesses ~~((that))~~ which are reported separately in classification 6109((-);

- Golf courses (~~(that)~~) which are reported separately in classification **6206(-)**;
- Clubs that offer members' fine dining, lounges, bars, conference rooms, and other services in addition to the athletic facilities, (~~and~~) which are reported separately in classification **6205(-)**;
- Dance schools (~~(that)~~) which are reported separately in classifications **6103** and **6104(-)**;
- Ski resorts (~~(that)~~) which are reported separately in classification **6705(-)**;
- Scuba diving instruction not taking place in pools (~~(that)~~) which is reported in classification **0202(-)**;
- Swim instructors employed by organizations that have no facility or pool (~~(that)~~) who are to be reported in classification **6103**.

For administrative purposes, classification **6204** is divided into the following subclassification(s):

6204-00 Baths, hot tubs, saunas, steam rooms

6204-04 Exercise (~~(or health institutes, gymnasiums, and health clubs.)~~) facilities, gyms, fitness and martial arts centers, N.O.C.

AMENDATORY SECTION (Amending WSR 15-11-063, filed 5/19/15, effective 7/1/15)

WAC 296-17A-6303 Classification 6303.

Sales personnel with outside duties, messengers, insurance producers or surplus line brokers, social workers and dietitians employed by a home health care service

Although referenced as sales personnel, this classification also applies to others with similar type activities. While some duties may be performed in a business office, the work is often conducted away from the employer's physical business location or in showrooms. We refer to work that takes place away from the employer's premises as "outside sales."

Classification **6303** is a standard exception classification, as described in WAC 296-17-31018 Exception classifications, with restrictions on both the type of work and where the work can take place. If any of a worker's duties are excluded from **6303** because of restrictions described in this rule, then none of the worker's hours may be reported in classification **6303**.

Special note: Care must be taken to:

- Look beyond job titles such as salesperson, social worker, or messenger. Job titles do not ensure the work satisfies the restrictions for classification **6303**;
- Ensure standard exceptions are permitted - Some basic classifications include sales work;
- Ensure workers assigned classification **6303** perform no work other than what is allowed by this classification or that permitted in WAC 296-17-4904.

Classification **6303** includes all activities allowed by WAC 296-17A-4904 (office workers) as well as:

- Meeting with customers off premises;
- Showing and demonstrating products and merchandise;
- Off-site classroom instructional training;
- Driving oneself or being transported to or from meeting or training locations;

- Delivering interoffice mail, correspondence and legal documents necessary for administering the employer's business;
 - Providing counseling or verbal direction to clients of a home health care service;
 - Performing public relations for employers' business.
- Classification **6303** excludes:
- Stocking, shipping, receiving, or delivering merchandise;
 - The demonstration of machinery or equipment;
 - Workers who perform any duties not specifically allowed by WAC 296-17A-4904 or 296-17A-6303;
 - Specialty services merchandising products in stores, reported in classification **0607-19**;
 - Directly supervising workers not included in classifications **4904** or **6303**;
 - Providing samples to retail customers, reported in classification **6406-40** or **7106-01**;
 - Working as a driver for a service that transports or chauffeurs others;
 - Driving, cooking, or cleaning for, or physically assisting others for home health care services;
 - Employees of collection agencies, who are reported separately in **5301-13**;
 - Door-to-door sales persons who are reported separately in **6309-22**;
 - Employees of services (WAC 269-17A-4903) providing inspection or valuation services to others;
 - Employees of messenger services who are reported separately in **1101-09**;
 - Employees working for a legal messenger service who are reported separately in **6601-07**;
 - Construction estimators, who are reported in classification **4911**, when their work is limited to time and material estimating for a full work shift.

Special note: Hands on training outside of a classroom setting has to be reported separately in the applicable basic classification. For example, a karate instructor is reported in classification 6204, not 6303.

For administrative purposes, classification **6303** is divided into the following subclassifications:

6303-00 Outside sales personnel, messengers, N.O.C.

6303-03 Insurance sales personnel and claims adjusters

Special note: Individuals licensed by the insurance commissioner as insurance producers for soliciting, negotiating, and selling insurance are exempt from coverage as specified in RCW 51.12.020(11) and 48.17.010. To elect coverage, these individuals must submit a completed optional coverage form to the department.

6303-21 Home health care services: Social workers and dietitians

~~((Social workers are employed by home health care services providing care for people living with disabilities. Duties include teaching people living with physical or developmental disabilities in their own home to manage daily living skills such as caring for themselves, dressing, cooking, shopping, and going to the doctor.~~

~~Dietitians (also called nutritionists) are referred to patients by their physicians. The dietitian assesses the~~

patient's current nutritional status, and then develops a food plan to meet the patient's needs.

Subclassification **6303-21** excludes:

- ~~Cooking, cleaning, transporting and physically assisting clients;~~
- ~~Nursing and home health care services which are to be reported separately in **6110-00**;~~
- ~~Therapy services which are reported separately in **6109**;~~
- ~~Domestic servants who are to be reported separately in **6510-00**;~~
- ~~Chore workers who are to be reported separately in **6511**;~~
- ~~Home care services provided through the home care referral registry (HCRR) who are to be reported separately in **6512-00**.~~

Special note: Subclassification **6303-21** is not to be assigned to any account that does not also have classification **6110** and/or **6511**.) Applies to social workers and dietitians employed by home health care services agencies. These agencies provide care for the elderly, or individuals who need the continuous care and supervision that hospitals and nursing facilities provide, or people living with disabilities. Duties in this classification include teaching people with physical or developmental disabilities in their own homes to manage daily living skills to care for themselves, and assessing clients to determine level of care needed.

Note: Employees working in this classification are only assessing level of need, and teaching clients how to perform duties and tasks; they do not provide direct care to individuals.

Teaching duties of social workers could include teaching clients to:

- Shop for groceries;
- Dress and use proper hygiene;
- Use public transportation;
- Attend medical appointments or go to work;
- Cook meals;
- Write checks;
- Budget finances;
- Do laundry;
- Access recreational or social activities.

Patients are referred to dietitians (also called nutritionists) by the patients' physicians. The dietitian assesses the patient's current nutritional status, and then develops a food plan to meet the patient's needs.

Classification 6303-21 excludes:

- Direct care of clients, such as: Cooking, cleaning, transporting and physically assisting clients, which is to be reported in the applicable classification;
- Nursing and home therapy services which are classified in **6110-00**;
- Domestic servants who are classified in **6510**;
- Chore workers who are classified in **6511**;
- Home care services provided through the home care referral registry (HCRR), which are classified in **6512-00**.

Special note: Subclassification **6303-21** should be assigned only to accounts that also have classifications **6110**, **6511**, or both.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-6308 Classification 6308.

~~(6308-00 Stores: Jewelry—Wholesale or retail~~

~~Applies to establishments engaged in the sale of premanufactured jewelry. Jewelry sales may be retail to consumers or on a wholesale basis to other stores and dealers. It is common for jewelry stores to employ a goldsmith who will size rings on premises, mount gem stones into settings, or make custom jewelry. Jewelry stores could also be engaged in watch repair and engraving and may offer these services as a part of the jewelry store business. Repair of watches and engraving is included in this classification when performed by jewelry store employees. Custom jewelry making subject to classification 6308-00 is distinguishable from jewelry manufacturing subject to classification 3602 in that businesses in classification 3602 are engaged primarily in the manufacture of jewelry in mass quantities, while jewelry stores in classification 6308 are primarily in the business of selling jewelry purchased from a manufacturer or dealer, and may also make custom or one-of-a-kind pieces.~~

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6308-01 Stores: Hearing aid—Wholesale or retail

Applies to establishments engaged in the sale of hearing aids. Hearing aids are purchased directly from the manufacturer or a distributor and resold to retail consumers, or at wholesale to other hearing aid stores. Stores subject to this classification routinely offer free hearing tests to customers. Classification 6308-01 is distinguishable from medical services rendered by a physician subject to classification 6109 in that technicians employed by hearing aid stores subject to classification 6308 rely on sound testing equipment to conduct examinations. They can provide hearing aid appliances to customers, but do not perform medical procedures and do not need medical certification. This classification includes technicians employed by the store who conduct hearing tests. Medical doctors, on the other hand, perform a number of medical tests including X ray and may recommend or perform hearing corrections through surgical procedures.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6308-02 Stores: Optical—Wholesale or retail

Applies to establishments engaged in the sale of optical goods such as, but not limited to, eye glasses and contact lenses. Optical stores purchase eye glass frames and premade lenses from other sources and sell them to retail customers, or wholesale to other optical stores. Stores subject to this classification routinely offer free eye exams to customers. The eye examinations are performed by optometrists or by technicians. These technicians do not need medical certification in order to conduct tests. This classification includes optometrists or technicians employed by optical stores. Classification 6308-02 is distinguishable from medical services ren-

dered by a physician (ophthalmologist) subject to classification 6109 in that optical stores in classification 6308 rely on testing equipment and can only provide eye glass appliances to customers. Medical doctors, on the other hand, perform a number of medical tests including X ray and may recommend or perform vision corrections through surgical procedures.

This classification excludes establishments engaged in grinding operations as part of the manufacture of optical lenses which are to be reported separately in classification 6604 and establishments engaged in the manufacture of eye glass frames which are to be reported separately in the classification applicable to the materials and processes used.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6308-03 Stores: Clock and watch—Wholesale or retail

Applies to establishments engaged in the sale of clocks and watches, including related repair. Stores subject to this classification carry an assortment of clocks and watches such as, but not limited to, cuckoo clocks, grandfather clocks, anniversary clocks, and an assortment of heirloom quality pocket or wrist watches. Establishments assigned to this classification are not engaged in the manufacture or assembly of clocks or clock kits. Clocks are purchased directly from the manufacturer or a distributor and resold to retail consumers, or at wholesale to other stores. Classification 6308-03 is distinguishable from clock or watch manufacturing subject to classification 3602 in that clock stores subject to classification 6308 are engaged exclusively in the sale of items manufactured by others and businesses in classification 3602 are engaged primarily in the manufacture of clock mechanisms.

This classification excludes establishments engaged in the manufacture of wooden components or cabinets such as those for grandfather or cuckoo clocks which are to be reported separately in classification 2905.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6308-04 Stores: Trophy or awards—Wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of trophies, plaques, awards and related items such as, but not limited to, banners, name badges, certificates, buttons, pins, ribbons, pens, advertising or specialty items. As a convenience to their customers, trophy stores may also sell small signs or similar items which they purchase from others. Establishments subject to this classification purchase component parts from other unrelated businesses, then assemble and engrave or letter them per customer specifications. Component pieces include, but are not limited to, plastic, marble, metal, or wood bases and backings, decorative mounts, small hardware, vinyl fabric, and ready made banners. They use hand tools, table top punching or bending devices and engraving equipment. While stores may still use old style engraving machines for some custom orders, most of today's engraving or lettering is done on computerized equipment.

This classification excludes the manufacture of component pieces or signs which is to be reported separately in the classification applicable to the work being performed.

Special note: Producing "computerized vinyl lettering or designs" is a normal activity in several types of businesses such as, but not limited to, trophy stores, manufacturers of textile banners, or sign painting services in a shop. Computerized lettering or designs are made on a plotter/cutter that is attached to a computer. A roll of vinyl fabric is placed on the plotter/cutter. Designs are created on the computer, then transferred electronically to the plotter/cutter that punches them out in the vinyl material. Designs are transferred onto the backing with the use of transfer paper. One must look beyond the producing of computerized vinyl applications when determining the nature of the business being classified. An employee whose *only* duties are generating vinyl lettering or designs on computerized equipment in an office environment could qualify for classification 4904 provided all the conditions of the general reporting rule covering standard exception employees have been met.

Special note: Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.) **Wholesale or retail store operations: Stores for jewelry, hearing aids, optical products, clocks and watches, and trophies**

Classification 6308 applies to retail and/or wholesale stores selling precision designed products. These are generally smaller sized items. Sales include:

- Clocks (all sizes) and watches;
- Eyeglasses and contact lenses;
- Hearing aids;
- Jewelry;
- Trophies, plaques, and awards.

Store operations include:

- Cashiering;
- Engraving;
- Inventorying;
- Merchandising and stocking of store;
- Measuring for size, adjusting, and fitting products to customers;
- Receiving and returning merchandise at store's loading ramp;
- Sales work inside store;
- Servicing, repair, and assembly of goods sold by the store as well as custom design of jewelry;
- Store security and surveillance;
- Technicians (including opticians) operating equipment to measure customers' vision or hearing accuracy.

Classification 6308 excludes:

- Clinics employing medical doctors, ophthalmologists, or optometrists for diagnosing and treating of hearing and visual impairments and diseases, which are classified in 6109;

Note: Medical clinics may provide products and services similar to those in classification 6308 involving the sale of eye glasses and hearing aids.

- Firms engaged in the grinding of lenses, which are classified in 6604;

• Firms engaged in the manufacture of wooden components or cabinets, such as those for grandfather clocks, which are classified in 2905.

• Firms engaged in the manufacturing of large quantities of products listed in this classification; stores in 6803 are allowed only to individually customize items or make custom products.

For administrative purposes, classification **6308** is divided into the following subclassification(s):

6308-00 Jewelry stores

6308-01 Hearing aid stores

6308-02 Optical stores

6308-03 Clock and watch stores

6308-04 Trophy stores

Note: This classification includes stores that personalize items such as banners, name badges, certificates, buttons, pins, ribbons, pens, vinyl lettering, advertising or other related items.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-6607 Classification 6607.

6607-00 Card rooms; bingo parlors or casinos

Applies to establishments engaged in operating card rooms, bingo parlors, or casinos. To qualify for this classification, card rooms must be run as a separate operation when located in a tavern or restaurant that has a license to sell spirits or hard liquor. ~~((This classification includes employments such as, but not limited to, dealers, security floor managers, janitorial and maintenance staff, and food and beverage operations.))~~ Bingo parlors and casinos are usually operated by Native American tribal organizations or by nonprofit organizations to raise funds for charity. This classification applies to any workers these organizations employ to operate bingo or casino games. ~~((Typical employments include, but are not limited to, game attendants and helpers, money collectors, callers, card dealers, janitorial and maintenance staff, and food and beverage operations.))~~

This classification includes employment such as:

- Callers;
- Card dealers;
- Food and beverage operations;
- Game attendants and helpers;
- Janitorial and maintenance staff;
- Money collectors;
- Security floor managers.

Special note: Coverage for Native American tribes conducting a bingo operation is subject to jurisdictional policy.

6607-01 Billiard or pool halls

Applies to establishments engaged in operating billiard or pool halls. This classification *could* apply to the operation of a billiard or pool hall in connection with another enterprise, such as a bowling alley or skating rink, but *only* if it is conducted as a separate and distinct operation. ~~((This classification includes, but is not limited to, counter personnel who collect money for the rental of billiard and pool equipment, rackers, food and beverage operations, and janitorial and maintenance staff.~~

~~This classification excludes clerical office and outside sales personnel who may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met; billiard or pool tables that are provided as part of a bowling center, tavern, or restaurant operation which are to be reported separately in the applicable classification.))~~

This classification includes employment such as:

• Counter personnel who collect money for the rental of billiard and pool equipment;

• Food and beverage operations;

• Janitorial and maintenance staff;

• Rackers.

This classification excludes:

• Billiard or pool tables that are provided as part of a bowling center, tavern, or restaurant operation which are to be reported separately in the applicable classification.

6607-02 Recreational, social or community centers, N.O.C.

Applies to establishments engaged in operating recreational, social or community centers not covered by another classification (N.O.C.) such as ~~((, but not limited to, senior centers, community centers for minors, and adult social establishments))~~:

• Adult social establishments;

• Community centers for minors;

• Senior centers.

These organizations may target a particular age or cultural group. Organizations may provide educational workshops, social interaction, drug prevention programs, crafts and limited physical recreational activities. This classification includes food or beverage operations provided by the center. Organizations in classification 6607 do not require membership fees as opposed to clubs in classification 6205 that charge a fee for membership.

~~This classification excludes ((YMCA's and boy/girls clubs which are to be reported separately in classification 6203; health clubs and gymnasiums which are to be reported separately in classification 6204; clubs, N.O.C. such as fraternal organizations which are to be reported separately in classification 6205, and municipal community centers which are to be reported separately in the applicable classification))~~:

• YMCAs and boys/girls clubs which are to be reported separately in classification 6203;

• Fitness centers and gymnasiums which are to be reported separately in classification 6204;

• Clubs, N.O.C., such as fraternal organizations, which are to be reported separately in classification 6205; and

• Municipal community centers which are to be reported separately in the applicable classification.

Special note: While subclassification 6607-02 also applies to adult day care services, it should not be added to any account with classifications 6509 (adult family homes and assisted living facilities) or 6108 (nursing homes), unless the adult day care is operated as an independent enterprise as described in WAC 296-17-31017. Adult day care services are considered incidental and included in the basic classification for employers providing care services that include overnight stays.

6607-03 Indoor playgrounds

Applies to establishments that provide indoor entertainment centers for children. Generally these operations include a playground area consisting of ~~((interconnecting tubes, ladders, slides, ball bins, roller slides, and water and/or air beds))~~ play toys and equipment that may include:

- Ball bins;
- Interconnecting tubes;
- Ladders;
- Slides;
- Roller slides;
- Water and/or air beds.

The equipment is typically made of plastic, rubber, and/or plexi-glass. Video games may also be available on the premises but generally they are maintained by the game vendor. ~~((Typical duties of the employees include, but are not limited to, selling tickets, supervising the playground area, facilitating parties, snack bar operations and light cleaning such as dusting the tubes, vacuuming and cleaning the snack area. The more involved janitorial duties are usually contracted out to a private janitorial firm. Included in this classification is child day care service whereby parents can leave children at the playground for a specific period of time. This service usually places limitations on the time a child may be left at the center.~~

~~This classification excludes child day care services not part of an indoor playground operations which are to be reported separately in classifications 6103 and 6104; amusement parks, permanently located kiddie rides, and establishments which provide adult or family sports entertainment, which may include batting cages and miniature golf, which are to be reported separately in classification 6208; and establishments engaged in providing gymnastic training to children which are to be reported separately in classification 6204.~~

Special note: Normally establishments in this classification do not employ workers who are engaged exclusively in clerical office or sales. However, separate classifications could be assigned provided all the conditions of the general reporting rules covering standard exception employees have been met.)

This classification includes employment such as:

- Child day care service where parents can leave children at the playground for a specific period of time;
- Facilitating parties;
- Light cleaning such as dusting tubes, vacuuming and cleaning the snack area;
- Selling tickets;
- Snack bar operations;
- Supervising the playground area.

The more involved janitorial duties are usually contracted out to a private janitorial firm.

This classification excludes:

- Child day care services not part of an indoor playground operations which are to be reported separately in classifications 6103 and 6104;
- Amusement parks, permanently located kiddie rides, and establishments which provide adult or family sports entertainment, which may include batting cages and minia-

ture golf, which are to be reported separately in classification 6208; and

- Establishments engaged in providing gymnastic training to children which are to be reported separately in classification 6204.

6607-04 Indoor simulated golfing

Applies to establishments engaged in providing computer simulated indoor golf facilities to the public. The operation consists of separate cubicles which house a computer simulated screen and a play area. Customers select a particular course from a list of available courses which are generally exact replicas of famous courses throughout the world. The player hits a golf ball against a canvas screen inside the cubicle; a computer measures the speed and direction of the ball and simulates the shot so the player can view the results on the screen. Facilities may provide a small putting area, a snack area with limited seating, and/or the sale of golf shirts and memorabilia. ~~((Typical duties of the workers include monitoring facilities, setting up computers and collecting the admission price, selling memorabilia, food and beverage operations, and light janitorial work.))~~ This classification includes employment such as:

- Food and beverage operations;
- Light janitorial work;
- Monitoring facilities;
- Selling memorabilia;
- Setting up computers and collecting the admission price.

This classification excludes miniature golf courses and driving ranges which are reported separately in classification 6208.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-7203 Classification 7203.**7203-00 Offenders: Community service ((workers)) work**

Applies to ~~((individuals))~~ adult and juvenile offenders who are ((sentenced)) under jurisdiction of the state or local law enforcement agencies and who are authorized to perform community service work for ((a state agency, county, city, town or nonprofit organization as the result of a court order. The "workers" perform various services for benefit of the agency or organization. These services may range from clerical office or counseling duties to maintenance or construction work. The type of work performed has no bearing on the assignment of this classification. The workers are not compensated for their work; instead, they are allowed to perform these services in lieu of imprisonment)) state agencies, and other government or public benefit nonprofit corporations.

Some offenders perform these services in lieu of imprisonment and the work is for the benefit of the entity requesting services. The work may include a wide range of duties, all of which are included in this classification.

Special notes: This classification is assigned only if the agency or organization for ~~((whom))~~ which the service is being provided elects to cover their community service workers (RCW 51.12.045). To add this coverage, the department must receive a completed application for elective coverage of

excluded employments form F213-112-000 from the entity prior to the entity receiving the offenders' services.

Public benefit nonprofit corporations are described in RCW 24.03.005(17).

Juvenile offenders under a diversion agreement contract are described in RCW 13.40.080.

WSR 16-14-086
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed July 5, 2016, 9:24 a.m., effective August 5, 2016]

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

Purpose: Chapter 246-296 WAC, Drinking water state revolving fund loan program, removes references to the department of commerce and public works board as a result of the passage of 2ESB 5251, 2016 legislative session. 2ESB 5251 transferred administrative responsibilities from these agencies to the department of health. The rule making includes changes to definitions to align with other drinking water rules for consistency.

Citation of Existing Rules Affected by this Order: Amending WAC 246-296-010, 246-296-020, 246-296-030, 246-296-040, 246-296-050, 246-296-060, 246-296-120, 246-296-130, 246-296-140, 246-296-150, and 246-296-160.

Statutory Authority for Adoption: RCW 70.119A.170 as amended by 2ESB 5251.

Adopted under notice filed as WSR 16-11-049 on May 13, 2016.

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 11, 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 11, 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 11, Repealed 0.

Date Adopted: July 5, 2016.

Clark Halvorson
Assistant Secretary

AMENDATORY SECTION (Amending WSR 16-06-100, filed 3/1/16, effective 4/1/16)

WAC 246-296-010 Purpose and scope. The purpose of this chapter is to:

(1) Establish a funding program for public water system infrastructure improvements that increase a public water system's ability to provide safe and reliable drinking water and improve public health protection;

(2) Establish eligibility criteria for public water systems to receive funding including, but not limited to, proper operation, management, and maintenance consistent with federal DWSRF capacity requirements;

(3) Provide additional financial assistance to eligible disadvantaged communities;

(4) Provide DWSRF loans in response to an emergency;

(5) Use a portion of the EPA capitalization grant for set-aside activities according to federal law;

(6) Establish that sound financial practices and ongoing oversight are in place to manage the DWSRF in perpetuity;

(7) Establish requirements for public water systems to receive a DWSRF loan including, but not limited to, planning requirements; being resource efficient, sustainable, and environmentally sound;

(8) Establish requirements for public water systems to receive a DWSRF loan in response to an emergency; and

(9) Establish the responsibilities of the department(~~(, the board, and commerce,))~~) for administering the DWSRF loan program.

AMENDATORY SECTION (Amending WSR 16-06-100, filed 3/1/16, effective 4/1/16)

WAC 246-296-020 Definitions, abbreviations, and acronyms. The definitions, abbreviations, and acronyms in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "**Affordability**" means a community's ability, on a per household basis, to pay for rate increases that result from a DWSRF loan project.

(2) "**Application**" means the DWSRF loan request form provided by the department.

(3) "**Application package**" means the DWSRF loan application form(s), requirements, terms of assistance, and related information created by the department(~~(, the board, and commerce,))~~).

(4) (~~(("Board" means the Washington state public works board.~~

~~(5))~~) "**Borrower**" means the person that has legal and financial responsibility for the DWSRF loan.

~~((6))~~) ~~(5)~~) "**Capitalization grant**" means an award by EPA of funds to a state for the DWSRF and other purposes as authorized in Section 1452 of the SDWA.

~~((7))~~) "~~Commerce~~" means the ~~Washington state department of commerce.~~

~~(8))~~) ~~(6)~~) "**Construction completion report**" means a form provided by the department and completed for each specific construction project to document:

(a) Project construction in accordance with chapter 246-290 WAC and general standards of engineering practice;

(b) Physical capacity changes;

(c) Satisfactory test results; and

(d) The completed form is stamped with an engineer's seal, and signed and dated by a professional engineer.

~~((9))~~) ~~(7)~~) "**Default**" means failure to meet a financial obligation such as a DWSRF loan payment.

~~((10))~~) ~~(8)~~) "**Department**" means the Washington state department of health.

~~((11))~~ (9) **"Disadvantaged community"** means the service area of a proposed project within a public water system where the project will result in:

(a) Water rates that are more than one and one-half percent of the MHI of the service area; or

(b) Restructuring, when one or more public water systems are having financial difficulties.

~~((12))~~ (10) **"DWSRF (drinking water state revolving fund)"** means the program that meets the requirements of RCW 70.119A.170 to administer federal funds and other funds deposited in a dedicated account used to finance public water system infrastructure improvements and drinking water program activities.

~~((13))~~ (11) **"DWSRF loan"** means an agreement between the ~~(board)~~ department and the borrower in which the DWSRF provides funds for eligible assistance and the borrower agrees to repay the principal sum, applicable interest, and DWSRF loan fee to the DWSRF.

~~((14))~~ (12) **"DWSRF loan fee"** means a nonrefundable fee that is charged on all DWSRF loans, including DWSRF loans for which all or part of the principal is forgiven.

~~((15))~~ (13) **"Ecology"** means the Washington state department of ecology.

~~((16))~~ (14) **"Eligible public water system"** means a Group A community public water system, either privately or publicly owned, or a nonprofit Group A noncommunity public water system.

~~((17))~~ (15) **"Emergency"** means an event such as a natural disaster or other unforeseen or unavoidable circumstances that causes damage or disrupts normal public water system operations and requires immediate action to protect public health and safety. A failure to maintain, replace, reconstruct, upgrade, or make necessary infrastructure improvements does not constitute an emergency.

~~((18))~~ (16) **"EPA"** means the United States Environmental Protection Agency.

~~((19))~~ (17) **"Public project"** means a public water system infrastructure improvement project that includes water efficiency, energy efficiency, or environmental innovations as follows:

(a) Water efficiency projects use improved technologies and practices to deliver equal or better service with less water, including preventing water loss and reducing customer demand to protect water resources;

(b) Energy efficiency projects use improved technologies and practices to reduce energy consumption or produce cleaner energy for use in water treatment;

(c) Environmentally innovative projects use new or innovative approaches to manage water resources in a more environmentally sustainable way. Projects that are considered environmentally innovative include those that:

(i) Prevent or remove pollution;

(ii) Help a community adapt to climate change through water resource protection programs; or

(iii) Result in other proven, sustainable environmental benefits.

~~((20))~~ (18) **"Group A public water system"** ~~(means a public water system providing service such that it meets the definition of a public water system provided in the 1996~~

~~amendments to the federal Safe Drinking Water Act, P.L. 104-182, Section 101(b).~~

A Group A public water system is further defined as a community or noncommunity public water system.

~~(a) "Community public water system" means any Group A public water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving at least twenty-five people year-round more than one hundred eighty days per year, as defined in chapter 246-290 WAC.~~

~~(b) "Noncommunity public water system" means a Group A public water system that is not a community public water system. Noncommunity public water systems are further defined as:~~

~~(i) "Nontransient noncommunity public water system" means a public water system that serves twenty-five or more of the same nonresidential people for one hundred eighty or more days within a calendar year.~~

~~(ii) "Transient noncommunity public water system" means a public water system that serves:~~

~~(A) Twenty-five or more different people each day for sixty or more days within a calendar year;~~

~~(B) Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within a calendar year; or~~

~~(C) One thousand or more people for two or more consecutive days within a calendar year.~~

~~(21)) is defined and referenced under WAC 246-290-020.~~

(19) **"Group B public water system"** means a public water system that is not a Group A public water system ~~(-A public water system is classified as a Group B public water system if it serves fewer than fifteen service connections, and:~~

~~(a) Fewer than twenty-five people; or~~

~~(b) Twenty-five or more people per day for less than sixty days per year provided the public water system does not serve one thousand or more people for two or more consecutive days.~~

~~(22)) and is defined and referenced under WAC 246-291-005.~~

(20) **"Individual water supply system"** means any water system that is not subject to chapter 246-290 or 246-291 WAC; and provides water to either one single-family residence, or to a system with four or fewer connections, all of which serve residences on the same farm.

~~((23))~~ (21) **"IUP (intended use plan)"** means the federally required document prepared each year by the department identifying the intended uses of the DWSRF funds and describing how those uses support the DWSRF goals.

~~((24))~~ (22) **"Loan closeout"** means a loan agreement is complete when the loan is repaid in full.

~~((25))~~ (23) **"MHI (median household income)"** means the midpoint or the average of two midpoints in the range of household incomes in the project's service area. The median divides the list of households in a service area into two parts; half of the households exceed the median, and half of the households are below the median.

~~((26))~~ (24) **"Multiple benefit"** means projects that address more than one type of health risk.

~~((27))~~ (25) **"Municipality"** means a city, town, special purpose district, or municipal corporation established according to the applicable laws of this state.

~~((28))~~ (26) **"NEPA"** means the National Environmental Policy Act of 1969, 42 United States Code 4321 et seq., PL-91-190.

~~((29))~~ (27) **"Nonprofit organization"** means an entity that has a federal tax exempt status identification number.

~~((30))~~ (28) **"Owner"** means any agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, person, or any other entity that holds as property a public water system.

~~((31))~~ (29) **"Person"** means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of these entities.

~~((32))~~ (30) **"Principal forgiveness"** means that a reduction of a percentage of the total loan amount is not required to be paid back by the borrower. Principal forgiveness is applied when the project is complete.

~~((33))~~ (31) **"Project report"** means a department-approved document the borrower or borrower's agency develops under WAC 246-290-110.

~~((34))~~ (32) **"Public water system"** ~~((means any public water system providing water for human consumption through pipes or other constructed conveyances, excluding water systems serving only one single family residence and water systems with four or fewer connections, all of which serve residences on the same farm. This includes:~~

~~(a) Collection, treatment, storage, and distribution facilities under control of the owner, or owner's authorized agent, primarily used in connection with the public water system; and~~

~~(b) Collection or pretreatment storage facilities not under the control of the owner, or owner's authorized agent, but primarily used in connection with the public water system)) is defined and referenced under WAC 246-290-020.~~

~~((35))~~ (33) **"Receivership"** means the voluntary or involuntary transfer of ownership and operation of a public water system according to chapter 7.60 RCW and RCW 43.70.195.

~~((36))~~ (34) **"Regional benefit"** means project improvements that affect more than one public water system.

~~((37))~~ (35) **"Restructuring"** means changing public water system ownership(;) including, but not limited to:

(a) Consolidation of two or more existing public water systems into a single public water system;

(b) Transfer of ownership; or

(c) Receivership.

~~((38))~~ (36) **"SDWA (Safe Drinking Water Act)"** means Public Law 93-523, including all amendments.

~~((39))~~ (37) **"SEPA"** means the State Environmental Policy Act under chapter 43.21C RCW.

~~((40))~~ (38) **"Set-aside"** means the use of a portion of DWSRF funds allotted to the state for a range of specific SDWA-related activities under Section 1452 of the SDWA, to fund new programs, and for other drinking water program activities.

~~((41))~~ (39) **"SERP (state environmental review process)"** means the NEPA-like environmental review process adopted by Washington state to comply with the requirements of 40 C.F.R. 35.3140. SERP combines the SEPA review with additional elements to comply with federal requirements.

~~((42))~~ (40) **"Surface water"** means a body of water open to the atmosphere and subject to surface runoff.

~~((43))~~ (41) **"Sustainable"** means able to continue a benefit into the future as a result of appropriate public water system design, processes, operations, governance, and maintenance.

~~((44))~~ (42) **"SWSMP (small water system management program)"** means a document for a small nonexpanding Group A public water system developed and approved under WAC 246-290-105.

~~((45))~~ (43) **"System capacity"** means a public water system's operational, technical, managerial, and financial capability to achieve and maintain ongoing compliance with all relevant local, state, and federal plans and regulations.

~~((46))~~ (44) **"Transfer of ownership"** means to change legal ownership of a public water system from one person to another.

~~((47))~~ (45) **"Water right"** means a legal authorization, such as a permit, claim, or other authorization, on record with or accepted by the department of ecology, authorizing the beneficial use of water in accordance with all applicable state laws.

~~((48))~~ (46) **"WFI (water facilities inventory)"** means a department form summarizing a public water system's characteristics.

~~((49))~~ (47) **"WSP (water system plan)"** means a document that a Group A community public water system submits to the department as required under WAC 246-290-100. The plan addresses a public water system's capacity to comply with relevant local, state, and federal plans and regulations, describes the public water system's present and future needs, and establishes eligibility for funding under this chapter.

AMENDATORY SECTION (Amending WSR 12-01-077, filed 12/19/11, effective 2/1/12)

WAC 246-296-030 Administration. (1) ~~((The department, the board, and commerce shall jointly administer the DWSRF program.~~

~~(2))~~ The department shall:

(a) Apply for and receive the DWSRF grant from EPA;

(b) Manage the use of DWSRF set-aside funds for regulatory purposes and technical assistance to public water systems as authorized under the SDWA;

(c) Annually develop ranking values for the criteria under WAC 246-296-130 by assigning the highest value to proposed projects that resolve the most significant public health problems;

(d) Provide guidance to public water systems before the yearly application cycle begins;

(e) Publish the ranking values in the funding application package;

(f) Determine public water system and project eligibility for DWSRF loans;

(g) Develop lists of proposed projects for DWSRF loans in priority order; ~~and~~

(h) ~~((Present lists of proposed projects to the board; and~~

~~))~~ Submit the IUP to EPA.

~~((3))~~ (2) The department shall include the following information in the IUP:

(a) The DWSRF loan fee account;

(b) The current fee; and

(c) The account balance.

~~((4))~~ (3) The ~~((board))~~ department shall select projects to receive DWSRF funding based on the criteria under WAC 246-296-140.

~~((5-Commerce))~~ (4) The department shall:

(a) ~~((Act as the board's administrative agent;~~

~~))~~ Require borrowers to comply with the terms of their DWSRF loan agreements;

~~((e))~~ (b) Manage DWSRF loan finances, including fiscal tracking and billing; and

~~((d))~~ (c) Verify that accounting, audit, and fiscal procedures conform to applicable federal government regulations.

AMENDATORY SECTION (Amending WSR 12-01-077, filed 12/19/11, effective 2/1/12)

WAC 246-296-040 Use of funds by the state. (1) The department may use the following funds to carry out the purposes of the DWSRF:

(a) Capitalization grants provided by the federal government;

(b) State matching funds appropriated under RCW 70.119A.170;

(c) Principal and interest payments;

(d) DWSRF loan fees; and

(e) Any other funds earned and deposited.

(2) The department may use these funds to:

(a) Finance DWSRF loans for planning, design, and construction of public water system infrastructure projects that will address or prevent violations of applicable federal, state, and local drinking water requirements;

(b) Finance reasonable costs for the department ~~((, the board, and commerce))~~ to administer the DWSRF program; and

(c) Fund set-aside activities authorized in categories (b) through (e) of Section 35.3535 of the SDWA, including:

(i) DWSRF program administration;

(ii) Technical assistance specific to small public water systems;

(iii) State drinking water program management; and

(iv) Local assistance and other state programs.

AMENDATORY SECTION (Amending WSR 16-06-100, filed 3/1/16, effective 4/1/16)

WAC 246-296-050 DWSRF loan terms. (1) The ~~((board))~~ department may approve a DWSRF loan for a project that will not serve a disadvantaged community at or below market interest rates for a maximum of twenty years from project completion.

(2) The ~~((board))~~ department may approve a DWSRF loan for projects that will serve disadvantaged communities:

(a) At an interest rate set at or below market interest rates for up to thirty years, as long as the DWSRF loan does not exceed the useful life of the project;

(b) That qualifies for principal forgiveness for up to fifty percent of the principal DWSRF loan amount; or

(c) That qualifies for principal forgiveness for up to seventy-five percent of the principal DWSRF loan amount for an emergency loan.

(3) A project is considered complete when the department approves the construction completion report.

(4) The borrower shall begin repaying the principal and interest no later than one year after the project is complete.

(5) The department ~~((and the board))~~ shall:

(a) Set terms that secure repayment of the debt and maintain a financially sound DWSRF program in perpetuity; and

(b) Publish specific rates and contract terms in the annual application package.

AMENDATORY SECTION (Amending WSR 12-01-077, filed 12/19/11, effective 2/1/12)

WAC 246-296-060 Establishing a DWSRF loan fee, loan fee account, and loan fee uses. (1) The department ~~((and board))~~ shall:

(a) Establish the terms of a DWSRF loan fee; and

(b) Annually set the DWSRF loan fee amount.

(2) The ~~((board))~~ department shall set the DWSRF loan fee for each project.

(3) The DWSRF loan amount may include the DWSRF loan fee.

(4) The department ~~((and board))~~ shall determine the amount of DWSRF loan fee account funds to be used for program administration.

(5) The department ~~((, commerce, and the board))~~ shall use DWSRF loan fees only for program administration activities.

(6) ~~((Commerce))~~ The department shall deposit and retain DWSRF fees in a dedicated DWSRF loan fee account.

AMENDATORY SECTION (Amending WSR 12-01-077, filed 12/19/11, effective 2/1/12)

WAC 246-296-120 Annual DWSRF loan application responsibilities. Annual DWSRF loan application responsibilities are established as follows:

(1) Applicants shall submit a completed application package to the department on or before the due date in the application package.

(2) The department shall:

(a) Determine the eligibility of the project;

(b) Rank the project using the ranking criteria established under WAC 246-296-130;

(c) Create a prioritized list of eligible projects in order of public health significance;

(d) Develop an IUP by:

(i) Publishing a draft IUP for public review and comment; and

(ii) Amending the IUP, if necessary, after considering public comments.

(e) Submit a capitalization grant application, including the final IUP, to EPA for review and approval;

(f) Revise the IUP if EPA requires changes; and

(g) Provide for administrative review and dispute resolution under WAC 246-296-160.

(3) The ~~((board))~~ department shall:

(a) Determine if each applicant with a project on the prioritized IUP is financially capable and ready to proceed, using the criteria under WAC 246-296-140;

(b) Select projects on the IUP to receive assistance from the fund using the criteria under WAC 246-296-140; and

(c) Provide for administrative review and dispute resolution of departmental ~~((or board))~~ decisions under WAC 246-296-160.

AMENDATORY SECTION (Amending WSR 12-01-077, filed 12/19/11, effective 2/1/12)

WAC 246-296-130 Project priority rating and ranking criteria. The department shall, at a minimum, consider the following to assign points, and rate and rank proposed projects:

(1) Criteria for risk categories and points based on:

(a) Type and significance of public health problems the project will resolve;

(b) If the project is needed to bring the public water system into compliance with federal, state, and local drinking water requirements;

(c) Current compliance status; and

(d) Affordability on a per household basis, determined by comparing the community's average water rate to the MHI in the community's service area, for a community public water system.

(2) Additional points based on the type of project being proposed, if the project:

(a) Is to restructure a public water system;

(b) Creates a sustainable regional public health benefit;

(c) Has multiple benefits that are sustainable;

(d) Is consistent with the Growth Management Act ~~((as determined by commerce))~~;

(e) Is financially sustainable;

(f) Qualifies as a green project;

(g) Serves a disadvantaged community; or

(h) Results in service meters on existing services not currently metered.

AMENDATORY SECTION (Amending WSR 12-01-077, filed 12/19/11, effective 2/1/12)

WAC 246-296-140 Final project selection criteria. When awarding a DWSRF loan to a public water system, the ~~((board))~~ department shall consider, at a minimum, the applicant's ability to:

(1) Repay the DWSRF loan based on a risk assessment;

(2) Provide adequate security in case of DWSRF loan default; and

(3) Promptly begin the project based on past contract performance, if applicable.

AMENDATORY SECTION (Amending WSR 12-01-077, filed 12/19/11, effective 2/1/12)

WAC 246-296-150 DWSRF loan conditions. (1) A borrower shall comply with all applicable laws, regulations, and requirements.

(2) A DWSRF loan agreement must address applicable federal, state, and local laws, orders, regulations, and permits; including, but not limited to:

(a) Procurement;

(b) Nondiscrimination;

(c) Labor;

(d) Job safety;

(e) National Historic Preservation Act;

(f) Drug-free environments; and

(g) State and federal disadvantaged business regulations, such as those designed to help minority and women-owned businesses.

(3) A borrower shall maintain accounting records that conform to generally accepted government accounting standards issued by the Comptroller General of the United States, available at <http://www.gao.gov/yellowbook>;

(4) A borrower shall document its legal ability to:

(a) Provide a dedicated source of revenue; and

(b) Guarantee the repayment of the DWSRF loan from that dedicated source. Dedicated sources of revenue may include:

(i) Special assessments;

(ii) General taxes;

(iii) General obligation bonds;

(iv) Revenue bonds;

(v) User charges;

(vi) Rates;

(vii) Fees; and

(viii) Other sources.

(5) A borrower shall submit a construction completion report for all project components and other documentation as required under chapter 246-290 WAC.

(6) A borrower shall comply with any EPA or department orders and compliance schedules during the term of the DWSRF loan agreement.

(7) The department ~~((, the board,))~~ and the borrower shall approve amendments to the DWSRF loan agreement as needed.

(a) The DWSRF loan agreement must be amended:

(i) For significant changes to the project's original ranked application and project scope of work; or

(ii) If additional time is needed to complete project activities.

(b) Amendments to the DWSRF loan agreement are not required when adjustments are made at loan closeout to reconcile minor differences between the contract and the completed project.

(8) ~~((Commerce))~~ The department, or its authorized auditor shall audit the borrower's records.

(9) The ~~((board))~~ department may terminate the DWSRF loan agreement in whole or in part at any time if the borrower:

(a) Fails to comply with the terms of the DWSRF loan agreement under this chapter; or

(b) Uses the DWSRF loan proceeds for activities other than those identified in the DWSRF loan agreement.

(10) The ~~((board))~~ department shall, upon termination of a DWSRF loan agreement:

(a) Promptly notify the borrower in writing of its:

- (i) Decision to terminate the loan agreement;
- (ii) Reason for terminating the loan agreement;
- (iii) Effective date of termination; and

(b) Require immediate payment of the entire remaining balance of the DWSRF loan and any interest accrued.

AMENDATORY SECTION (Amending WSR 12-01-077, filed 12/19/11, effective 2/1/12)

WAC 246-296-160 Administrative review and dispute resolution. (1) An applicant may request that the department reconsider a decision of ineligibility under WAC 246-296-070, 246-296-080, and 246-296-090. The request must be:

(a) Sent in writing to the department at: P.O. Box 47822, Olympia, Washington, 98504-7822; and

(b) Received within ten working days of the date the department notifies the applicant of the decision.

(2) An applicant that disagrees with the department's decision about rating and ranking its application under WAC 246-296-130 may submit comments to the department during public review of the draft IUP.

(3) An applicant may request a review of the decision by the ~~((board))~~ department about its DWSRF loan application. A request for review must be received by the ~~((board))~~ department in writing at least fourteen calendar days before a scheduled ~~((board))~~ department meeting.

**WSR 16-14-106
PERMANENT RULES
OFFICE OF**

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2016-11—Filed July 6, 2016, 8:33 a.m., effective August 6, 2016]

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

Purpose: This action is the final step in the realignment of rules within chapters 284-43 and 284-170 WAC. Under this rule making, the following will occur:

Sections in Title 284 WAC which contain references to sections in either chapters 284-43 or 284-170 WAC will be revised to properly refer to the originally referenced WAC sections by their new number.

This will not change the existing rules or their application in any way other than their citation numbers.

Citation of Existing Rules Affected by this Order: Amending WAC 284-43-0270, 284-43-0290, 284-43-0310, 284-43-0330, 284-43-1020, 284-43-1040, 284-43-1120, 284-43-1140, 284-43-3010, 284-43-3150, 284-43-3170, 284-43-3190, 284-43-4000, 284-43-4040, 284-43-4500, 284-43-5040, 284-43-5110, 284-43-5170, 284-43-5400, 284-43-5410, 284-43-5620, 284-43-5622, 284-43-5700, 284-43-5702, 284-43-5720, 284-43-5740, 284-43-5760, 284-43-5780, 284-43-5800, 284-43-5820, 284-43-5900, 284-43-

7010, 284-43-7020, 284-43-7100, 284-43-7120, 284-44-043, 284-44A-010, 284-46-507, 284-46A-010, 284-50-377, 284-51-215, 284-96-015, 284-170-200, 284-170-210, 284-170-230, 284-170-240, 284-170-260, 284-170-270, 284-170-280, 284-170-300, 284-170-310, 284-170-330, 284-170-340, and 284-170-480.

Statutory Authority for Adoption: RCW 48.02.060.

Adopted under notice filed as WSR 16-10-078 on May 3, 2016.

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 54, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 54, 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 54, Repealed 0.

Date Adopted: July 6, 2016.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-0270 Market conduct requirements related to grandfathered status. (1) An issuer may allow a group covered by grandfathered health insurance coverage to add new employees to its health benefit plan, and move employees between benefit options at open enrollment without affecting grandfathered status, as long as the group's plan does not change in any way that triggers the loss of grandfathered status as set forth in 45 C.F.R. 147.140 and WAC ~~((284-170-950))~~ 284-43-0250.

(2) An issuer must provide a statement in the plan materials provided to participants or beneficiaries describing the benefits provided under the plan, explaining that the group health plan believes it is a grandfathered health plan within the meaning of Section 1251 of the Affordable Care Act, and include contact information for questions and complaints that conforms to the model notice language found in 45 C.F.R. 147.140.

(3) An issuer must not restrict group eligibility to purchase a nongrandfathered plan offered through an association or member-governed group because the group is not affiliated with or does not participate in the association or member-governed group, unless the association or member-governed group meets the requirements of WAC ~~((284-170-958))~~ 284-43-0330(1).

(4) WAC ~~((284-170-950 through 284-170-958))~~ 284-43-0250 through 284-43-0330 does not prohibit an issuer from discontinuing a grandfathered plan design and replacing it with a nongrandfathered plan.

(5) An issuer must not limit eligibility based on health status for either grandfathered or nongrandfathered health plans.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-0290 Small group coverage market transition requirements. (1) For all nongrandfathered small group plans issued and in effect prior to January 1, 2014, in 2014 issuers must replace issued nongrandfathered small group health benefit plans with health benefit plans approved by the commissioner as follows:

(a) An issuer may elect to withdraw a product pursuant to RCW 48.43.035, and discontinue each health benefit plan in force under that product on the same date, requiring groups to select a replacement plan to be effective on the date of discontinuation; or

(b) An issuer may discontinue a small group's coverage at renewal and offer the full range of plans the issuer offers in the small group market as replacement options, to take effect on the small group's renewal date. For small groups covered by nongrandfathered health benefit plans purchased based on an association or member-governed group affiliation or membership, the requirements of WAC ((~~284-170-955 and 284-170-958~~) 284-43-0310 and 284-43-0330) apply;

(c) If an issuer does not have a replacement plan approved by the commissioner to offer in place of the discontinued plan, the issuer must assist each enrollee in identifying a replacement option offered by another issuer.

(2) If an issuer selects the replacement option described in subsection (1)(b) of this section, the issuer must provide the small group plan sponsor with written notice of the discontinuation and replacement options not later than ninety days before the renewal date for the small group's coverage. The commissioner may, for good cause shown, permit a shorter notice period for providing the replacement option information to a group. The written notice must contain the following information:

(a) Specific descriptions of the replacement plans for which the small group and its enrollees are eligible, both on or off the health benefit exchange. At the issuer's discretion, rate information may but is not required to be, included in the notice describing the replacement plans, provided subsequent rating information is provided with renewal;

(b) Electronic link information to the summary of benefits and explanation of coverage for each replacement plan option;

(c) Contact information to access assistance from the issuer in selecting the replacement plan option or answering enrollee questions about the replacement plans made available to them by their employer.

(3) For either replacement option set forth in subsection (1) of this section, the issuer must provide a separate written notice to each enrollee notifying the enrollee that their small group plan coverage will be discontinued and replaced. The notice must be provided not later than ninety days prior to the discontinuation and replacement date.

(4) If an issuer has electronic mail contact information for the small group plan sponsor or the enrollees, the written

notice may be provided electronically. The issuer must be able to document to the commissioner's satisfaction both the content and timing of transmission. The issuer must send written notice by U.S. mail to a sponsor or enrollee for whom the electronic mail message was rejected.

(5) An issuer may offer small groups the option to voluntarily discontinue and replace their coverage prior to their renewal date.

(a) An issuer must not selectively offer early renewal to small groups, but must make this option universally available.

(b) An issuer must not alter or change a small group's renewal date to lengthen the period of time before discontinuation and replacement occurs in 2014. For example, if a small group's renewal date is March 31st of each year, the issuer may not adjust the small group's benefit year in 2013 to effect a renewal date of November 30th.

(6) This section applies to each health benefit plan that provides coverage based on receipt of claims for services, even if the coverage falls under one of the categories excepted from the definition of "health plan" as set forth in RCW 48.43.005 (26)(i) and (l). This section does not apply to a health benefit plan that provides per diem or single payment coverage based on a triggering event or diagnosis regardless of the medical necessity of the type or range of services received by an enrollee.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-0310 Association health plan compliance with statutory or regulatory changes. (1) An issuer offering plans through an association or member-governed group must implement all new federal or state health plan market requirements when they become effective. Replacement requirements for this section apply based on whether the purchaser is classified as an individual, small group, or large group purchaser. These requirements also apply to member employer groups of less than two or to individual member purchasers.

(2) An issuer providing plans of the type referenced in subsection (1) of this section must discontinue a noncompliant plan, and offer replacement plans effective on the renewal date of the master group contract for large groups, and on the group's anniversary renewal date for nongrandfathered small group and individual plans.

(3) If the association is a large group as defined in WAC ((~~284-170-958~~) 284-43-0330(1)), the same renewal date must apply to all participating employers and individuals, and the replacement coverage must take effect on the same date for each participant. The purchaser's anniversary date must not be used in lieu of this uniform renewal date for purposes of discontinuation and replacement of noncompliant coverage.

(4) If the association is not a large group as defined in WAC ((~~284-170-958~~) 284-43-0330(1)), and the master group contract and the member group do not have the same renewal date, an issuer must provide notice of the discontinuation and replacement of the plan to the affected association member group or plan sponsor, and each enrollee in the affected mem-

ber group, not fewer than ninety days prior to the member's anniversary renewal date.

(5) If an issuer does not have a replacement plan approved by the commissioner to offer in place of a discontinued plan, the issuer must assist each enrollee in identifying a replacement option offered by another issuer.

(6) For purposes of this section, "purchaser" means the group or individual whose eligibility for the plan is based in whole or in part on membership in the association or member-governed group.

(7) For purposes of this section, the "anniversary renewal date" means the initial or first date on which a purchasing group's health benefit plan coverage became effective with the issuer, regardless of whether the issuer is subject to other agreements, contracts or trust documents that establish requirements related to the purchaser's coverage in addition to the health benefit plan.

(8) An issuer must not adjust the master contract renewal or anniversary date to delay or prevent application of any federal or state health plan market requirement.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-0330 Transition of plans purchased by association members. (1) An issuer must not offer or issue a plan to individuals or small groups through an association or member-governed group as a large group plan unless the association or member-governed group to whom the plan is issued constitutes an employer under 29 U.S.C. § 1002(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et. seq.), as amended, and the number of eligible employees is more than fifty.

(2) An issuer must make a good faith effort to ensure that any association or member-governed group to whom it issues a large group plan meets the requirements of subsection (1) of this section prior to submitting its form and rate filings to the commissioner, and prior to issuing such coverage. An issuer must maintain the documentation supporting the determination and provide it to the commissioner upon request. An issuer may reasonably rely upon an opinion from the U.S. Department of Labor as reasonable proof that the requirements of 29 U.S.C. 1002(5) are met by the association or member-governed group.

(3) For plans offered to association or member-governed groups that do not meet the requirements of subsection (1) of this section, the following specific requirements apply:

(a) An issuer must treat grandfathered plans issued under those purchasing arrangements as a closed pool, and file a single case closed pool rate filing. For purposes of this section, a single case closed pool rate filing means a rate filing which includes the rates and the rate filing information only for the issuer's closed pool enrollees.

(b) For each single case closed pool rate filing, an issuer must file a certification from an officer of the issuer attesting that:

(i) The employer groups covered by the filing joined the association prior to or on March 23, 2010;

(ii) The issuer can establish with documentation in its files that none of the conditions triggering termination of

grandfathered status set forth in WAC ((~~284-170-950~~)) 284-43-0250 or in 45 C.F.R. 2590.715-1251(g) have occurred for any plan members.

(4) For each grandfathered plan issued to an association or member governed group under subsection (3) of this section, the issuer must include the following items in its rate filing:

(a) Plan number;

(b) Identification number assigned to each employer group, including employer groups of less than two;

(c) Initial contract or certificate date;

(d) Number of employees for each employer group, pursuant to RCW 48.43.005(11);

(e) Number of enrolled employees for each employer group for the prior calendar year;

(f) Current and proposed rate schedule for each employer group; and

(g) Description of the rating methodology and rate change for each employer group.

(5) WAC ((~~284-43-950~~)) 284-43-6540 applies for a single case rate closed pool under this section.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-1020 Special enrollment requirements for small group plans. (1) A "special enrollment period" means a period of time outside the initial or annual group renewal period during which an individual applicant may enroll if the individual has experienced a qualifying event. An issuer must make periods for special enrollment in its small group plans available to an otherwise eligible applicant if the applicant has experienced one of the qualifying events identified in this section.

(2) A qualifying event for special enrollment in small group plans offered on or off the health benefit exchange is one of the following:

(a) The loss of minimum essential benefits, including loss of employer sponsored insurance coverage, or of the coverage of a person under whose policy they were enrolled, unless the loss is based on the individual's voluntary termination of employer sponsored coverage, the misrepresentation of a material fact affecting coverage or for fraud related to the terminated health coverage;

(b) The loss of eligibility for medicaid or a public program providing health benefits;

(c) The loss of coverage as the result of dissolution of marriage or termination of a domestic partnership;

(d) A permanent change in residence, work, or living situation, whether or not within the choice of the individual, where the health plan under which they were covered does not provide coverage in that person's new service area;

(e) The birth, placement for adoption or adoption of the applicant for whom coverage is sought;

(f) A situation in which a plan no longer offers benefits to the class of similarly situated individuals that includes the applicant;

(g) Loss of individual or group coverage purchased on the health benefit exchange due to an error on the part of the

exchange, the issuer or the U.S. Department of Health and Human Services;

(h) Marriage or entering into a domestic partnership, including eligibility as a dependent of an individual marrying or entering into a domestic partnership.

(3) Nothing in this rule is intended to alter or affect the requirements of RCW 48.43.517.

(4) An issuer may require reasonable proof or documentation that an individual seeking special enrollment has experienced a qualifying event.

(5) An issuer must offer a special enrollee each benefit package available to members of the group who enrolled when first eligible. A special enrollee cannot be required to pay more for coverage than other members of the group who enrolled in the same coverage when first eligible. Any difference in benefits or cost-sharing requirements constitutes a different benefit package.

(6) An issuer must include detailed information about special enrollment options and rights in its health plan documents provided pursuant to WAC ((284-43-820)) 284-43-5130, and in any policy or certificate of coverage provided to an employer, plan sponsor, or enrollee. The notice must be substantially similar to the model notice provided by the U.S. Department of Labor or the U.S. Department of Health and Human Services.

(7) For children who experience a qualifying event, if the selected plan is not the plan on which the parent is then enrolled, or if the parent does not have coverage, the issuer must permit the parent to enroll when the child seeks enrollment for dependent coverage. An enrolling child must have access to any benefit package offered to employees, even if that requires the issuer to permit the parent to switch benefit packages.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-1040 Special enrollment periods for small group qualified health plans. (1) Issuers of small group qualified health plans must comply with the additional special enrollment period requirements set forth in 45 C.F.R. 155.420 (b)(2) and 45 C.F.R. 155.725.

(2) In addition to meeting the requirements set forth in WAC ((284-170-410)) 284-43-1020, issuers must include in qualified health plan contract forms and required disclosure documents an explanation of special enrollment rights if one of the following triggering events occurs:

(a) In addition to the requirements for adopted, placed for adoption, and newborn children, the same special enrollment right accrues for foster children and children placed in foster care;

(b) The individual demonstrates to the health benefit exchange that the qualified health plan in which they are enrolled violated a material provision of the coverage contract in relation to the individual;

(c) An individual's enrollment in or nonenrollment in a qualified health plan is unintentional, inadvertent or erroneous, and is the result of the error, misinterpretation or inaction of an officer, employee or agent of the health benefit exchange of the U.S. Department of Health and Human Ser-

vices, as determined by the health benefit exchange upon evaluation;

(d) In addition to the special enrollment event in WAC ((284-170-410)) 284-43-1020 (2)(d), a change in the individual's residence as the result of a permanent move results in new eligibility for previously unavailable qualified health plans;

(e) For qualified individuals who are an Indian, as defined by Section 4 of the Indian Health Care Improvement Act, enrollment in a qualified health plan or change from one qualified health plan to another must be permitted one time per month, without requiring an additional special enrollment triggering event.

(3) If the health benefit exchange establishes earlier effective dates for special enrollment periods, pursuant to 45 C.F.R. 155.420, an issuer must include in its plan documents and required disclosures an explanation of the effective date for special enrollment periods.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-1120 Individual market special enrollment period requirements for qualified health plans. (1) An issuer offering individual qualified health plans on the health benefit exchange must make special enrollment opportunities, subject to the same terms and conditions specified in WAC ((284-170-425)) 284-43-1100, available to applicants who experience a qualifying event.

(2) In addition to the special enrollment qualifying events set forth in WAC ((284-170-425)) 284-43-1100, the following special enrollment opportunities must be made available for individual plans offered on the health benefit exchange:

(a) For qualified individuals who are an Indian, as defined by Section 4 of the Indian Health Care Improvement Act, enrollment in a qualified health plan or change from one qualified health plan to another must be permitted one time per month, without requiring an additional special enrollment triggering event;

(b) The applicant demonstrates to the health benefit exchange that the qualified health plan in which they are enrolled violated a material provision of the coverage contract in relation to the individual;

(c) If applicant lost prior coverage due to errors by the health benefit exchange staff or the U.S. Department of Health and Human Services;

(d) The applicant, or his or her dependent, not previously a citizen, national or lawfully present individual, gains such status. For purposes of this subsection, "dependent" means a dependent as defined in RCW 48.43.005;

(e) The individual becomes newly eligible or newly ineligible for advance payment of premium tax credits, has a change in eligibility for cost-sharing reductions, or the individual's dependent becomes newly eligible. For purposes of (e) and (f) of this subsection, "dependent" means dependent as defined in 26 C.F.R. 54.9801-2;

(f) The individual or their dependent who is currently enrolled in employer sponsored coverage is determined newly eligible for advance payment of premium tax credit

pursuant to the criteria established in 45 C.F.R. 155.420 (d)(6)(iii);

(g) In addition to the special enrollment event in WAC ~~((284-170-425))~~ 284-43-1100 (2)(d), a change in the individual's residence as the result of a permanent move results in new eligibility for previously unavailable qualified health plans.

(3) An individual who experiences a qualifying event and whose prior coverage was on a catastrophic health plan as defined in RCW 48.43.005 (8)(c)(i) may be limited by the exchange to enrollment in a bronze or silver level plan.

(4) This section must not be interpreted or applied to preclude or limit the health benefit exchange's rights to automatically enroll qualified individuals based on good cause, exceptional circumstances as defined by the health benefit exchange or as required by the U.S. Department of Health and Human Services.

(5) Issuers must comply with the special enrollment event requirements established for qualified health plans offered on the health benefit exchange in 45 C.F.R. 155.420. If the health benefit exchange establishes earlier effective dates for special enrollment periods, pursuant to 45 C.F.R. 155.420, an issuer must include in its plan documents and required disclosures an explanation of the effective date for special enrollment periods.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-1140 Duration, notice requirements and effective dates of coverage for individual market special enrollment periods. (1) Special enrollment periods must not be shorter than sixty days from the date of the qualifying event.

(2) The effective date of coverage for those enrolling in an individual health plan through a special enrollment period is the first date of the next month after the premium is received by the issuer, unless one of the following exceptions applies:

(a) For those enrolling after the twentieth of the month, the issuer must begin coverage not later than the first date of the second month after the application is received. Issuers may establish an earlier effective date at their discretion;

(b) For special enrollment of newborn, adopted or placed for adoption children, the date of birth, date of adoption or date of placement for adoption, as applicable, becomes the first effective date of coverage. The same requirement applies to foster children or children placed for foster care on qualified health plans;

(c) For special enrollment based on marriage or the beginning of a domestic partnership, and for special enrollment based on loss of minimum essential coverage, coverage must begin on the first day of the next month.

(3) For individual plans offered either on or off the health benefit exchange, an issuer must include detailed information about special enrollment options and rights in its health plan documents provided pursuant to WAC ~~((284-43-820))~~ 284-43-5130, and in the policy, contract or certificate of coverage provided to an employer, plan sponsor or enrollee. The notice must be substantially similar to the

model notice provided by the U.S. Department of Health and Human Services.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-3010 Definitions. These definitions apply to the sections in this subchapter, WAC ~~((284-43-510 through 284-43-550))~~ 284-43-3030 through 284-43-3210:

"Adverse benefit determination" has the same meaning as defined in RCW 48.43.005 and WAC ~~((284-43-130))~~ 284-43-0160.

"Appellant" means an applicant or a person covered as an enrollee, subscriber, policy holder, participant, or beneficiary of an individual or group health plan, and when designated, their representative. Consistent with the requirements of WAC ~~((284-43-410))~~ 284-43-2000, providers seeking expedited review of an adverse benefit determination on behalf of an appellant may act as the appellant's representative even if the appellant has not formally notified the health plan or carrier of the designation.

~~("Internal appeal or review" means an appellant's request for a carrier or health plan to review and reconsider an adverse benefit determination.)~~

"External appeal or review" means the request by an appellant for an independent review organization to determine whether the carrier or health plan's internal appeal decisions are correct.

"Internal appeal or review" means an appellant's request for a carrier or health plan to review and reconsider an adverse benefit determination.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-3150 Notice of internal review determination. Each carrier's review process must require delivery of written notification of the internal review determination to the appellant. In addition to the requirements of WAC ~~((284-43-515))~~ 284-43-3070, the written determination must include:

- (1) The actual reasons for the determination;
- (2) If applicable, instructions for obtaining further review of the determination, either through a second level of internal review, if applicable, or using the external review process;
- (3) The clinical rationale for the decision, which may be in summary form; and
- (4) Instructions on obtaining the clinical review criteria used to make the determination;
- (5) A statement that the appellant has up to one hundred eighty days to file a request for external review, and that if review is not requested, the internal review decision is final and binding.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-3170 Expedited review. (1) A carrier's internal and external review processes must permit an expe-

ditioned review of an adverse benefit determination at any time in the review process, if:

(a) The appellant is currently receiving or is prescribed treatment or benefits that would end because of the adverse benefit determination; or

(b) The ordering provider for the appellant, regardless of their affiliation with the carrier or health plan, believes that a delay in treatment based on the standard review time may seriously jeopardize the appellant's life, overall health or ability to regain maximum function, or would subject the appellant to severe and intolerable pain; or

(c) The determination is related to an issue related to admission, availability of care, continued stay, or emergency health care services where the appellant has not been discharged from the emergency room or transport service.

(2) An appellant is not entitled to expedited review if the treatment has already been delivered and the review involves payment for the delivered treatment, if the situation is not urgent, or if the situation does not involve the delivery of services for an existing condition, illness, or disease.

(3) An expedited review may be filed by an appellant, the appellant's authorized representative, or the appellant's provider orally, or in writing.

(4) The carrier must respond as expeditiously as possible to an expedited review request, preferably within twenty-four hours, but in no case longer than seventy-two hours.

(a) The carrier's response to an expedited review request may be delivered orally, and must be reduced to and issued in writing not later than seventy-two hours after the date of the decision. Regardless of who makes the carrier's determination, the time frame for providing a response to an expedited review request begins when the carrier first receives the request.

(b) If the carrier requires additional information to determine whether the service or treatment determination being reviewed is covered under the health plan, or eligible for benefits, they must request such information as soon as possible after receiving the request for expedited review.

(5) If the treating health care provider determines that a delay could jeopardize the covered person's health or ability to regain maximum function, the carrier must presume the need for expedited review, and treat the review request as such, including the need for an expedited determination of an external review under RCW 48.43.535.

(6) A carrier may require exhaustion of the internal appeal process before an appellant may request an external review in urgent care situations that justify expedited review as set forth in this section.

(7) An expedited review must be conducted by an appropriate clinical peer or peers in the same or similar specialty as would typically manage the case being reviewed. The clinical peer or peers must not have been involved in making the initial adverse determination.

(8) These requirements do not replace the requirements related to utilization review for the initial authorization of coverage for services set forth in WAC ((~~284-43-410~~) 284-43-2000). These requirements apply when the utilization review decision results in an adverse benefit determination. In some circumstances, an urgent care review under WAC

((~~284-43-410~~) 284-43-2000) may apply in an identical manner to an expedited review under this section.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-3190 Concurrent expedited review of adverse benefit determinations. (1) "Concurrent expedited review" means initiation of both the internal and external expedited review simultaneously to:

(a) Review of a decision made under WAC ((~~284-43-410~~) 284-43-2000); or

(b) Review conducted during a patient's stay or course of treatment in a facility, the office of a health care professional or other inpatient or outpatient health care setting so that the final adverse benefit determination is reached as expeditiously as possible.

(2) A carrier must offer the right to request concurrent expedited internal and external review of adverse benefit determinations. When a concurrent expedited review is requested, a carrier may not extend the timelines by making the determinations consecutively. The requisite timelines must be applied concurrently.

(3) A carrier may deny a request for concurrent expedited review only if the conditions for expedited review in WAC ((~~284-43-540~~) 284-43-3170) are not met. A carrier may not require exhaustion of internal review if an appellant requests concurrent expedited review.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-4000 Application of subchapter F. Subchapter F applies to grandfathered health plans. For any grandfathered health plan as defined in RCW 48.43.005, a carrier may comply with RCW 48.43.530 and 48.43.535 by using an appeal process that conforms to the procedures and standards set forth in WAC ((~~284-43-615 through 284-43-630~~) 284-43-4020 through 284-43-4060).

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-4040 Procedures for review and appeal of adverse determinations. (1) An enrollee or the enrollee's representative, including the treating provider (regardless of whether the provider is affiliated with the carrier) acting on behalf of the enrollee may appeal an adverse determination in writing. The carrier must reconsider the adverse determination and notify the enrollee of its decision within fourteen days of receipt of the appeal unless the carrier notifies the enrollee that an extension is necessary to complete the appeal; however, the extension cannot delay the decision beyond thirty days of the request for appeal, without the informed, written consent of the enrollee.

(2) Whenever a health carrier makes an adverse determination and delay would jeopardize the enrollee's life or materially jeopardize the enrollee's health, the carrier shall expedite and process either a written or an oral appeal and issue a decision no later than seventy-two hours after receipt of the appeal. If the treating health care provider determines that

delay could jeopardize the enrollee's health or ability to regain maximum function, the carrier shall presume the need for expeditious review, including the need for an expeditious determination in any independent review under WAC ((284-43-630)) 284-43-4060.

(3) A carrier may not take or threaten to take any punitive action against a provider acting on behalf or in support of an enrollee appealing an adverse determination.

(4) Appeals of adverse determinations shall be evaluated by health care providers who were not involved in the initial decision and who have appropriate expertise in the field of medicine that encompasses the enrollee's condition or disease.

(5) All appeals must include a review of all relevant information submitted by the enrollee or a provider acting on behalf of the enrollee.

(6) The carrier shall issue to affected parties and to any provider acting on behalf of the enrollee a written notification of the adverse determination that includes the actual reasons for the determination, the instructions for obtaining an appeal of the carrier's decision, a written statement of the clinical rationale for the decision, and instructions for obtaining the clinical review criteria used to make the determination.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-4500 Definition. This definition applies to subchapter G. "Grievant" means a person filing a grievance as defined in WAC ((284-43-130)) 284-43-0160, and who is not an appellant under either subchapter E or F of this chapter.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-5040 Coverage for pharmacy services.

(1) The commissioner may disapprove any contract issued or renewed after July 1, 2001, that includes coverage for pharmacy services if the following statement is not provided to covered persons at the time of enrollment:

YOUR RIGHT TO SAFE AND EFFECTIVE PHARMACY SERVICES

State and federal laws establish standards to assure safe and effective pharmacy services, and to guarantee your right to know what drugs are covered under this plan and what coverage limitations are in your contract. If you would like more information about the drug coverage policies under this plan, or if you have a question or a concern about your pharmacy benefit, please contact us (the health carrier) at 1-800-???-????.

If you would like to know more about your rights under the law, or if you think anything you received from this plan may not conform to the terms of your contract, you may contact the Washington State Office of Insurance Commissioner at 1-800-562-6900. If you have a concern about the pharmacists or pharmacies serving you, please call the State Department of Health at 360-236-4825.

(2) The commissioner may disapprove any contract issued or renewed after July 1, 2001, that includes coverage

for pharmacy services if the carrier does not: Pose and respond in writing to the following questions in language that complies with WAC 284-50-010 through 284-50-230; offers to provide and provide upon request this information prior to enrollment; and ensures that this information is provided to covered persons at the time of enrollment:

(a) **"Does this plan limit or exclude certain drugs my health care provider may prescribe, or encourage substitutions for some drugs?"** The response must describe the process for developing coverage standards and formularies, including the principal criteria by which drugs are selected for inclusion, exclusion, restriction or limitation. If a determination of medical necessity is used, that term must be briefly defined here. Coverage standards involving the use of substitute drugs, whether generic or therapeutic, are either an exception, reduction or limitation and must be discussed here. Major categories of drugs excluded, limited or reduced from coverage may be included in this response.

(b) **"When can my plan change the approved drug list (formulary)? If a change occurs, will I have to pay more to use a drug I had been using?"** The response must identify the process of changing formularies and coverage standards, including changes in the use of substitute drugs. If the plan gives prior notice of these changes or has provisions for "grandfathering" certain ongoing prescriptions, these practices may be discussed here.

(c) **"What should I do if I want a change from limitations, exclusions, substitutions or cost increases for drugs specified in this plan?"** The response must include a phone number to call with a request for a change in coverage decisions, and must discuss the process and criteria by which such a change may be granted. The response may refer to the appeals or grievance process without describing that process in detail here. The response must state the time within which requests for changes will be acted upon in normal circumstances and in circumstances where an emergency medical condition exists.

(d) **"How much do I have to pay to get a prescription filled?"** The response must list enrollee point-of-service cost-sharing dollar amounts or percentages for all coverage categories including at least name brand drugs, substitute drugs and any drugs which may be available, but which are not on the health plan's formulary.

(e) **"Do I have to use certain pharmacies to pay the least out of my own pocket under this health plan?"** If the answer to this question is "yes," the plan must state the approximate number of pharmacies in Washington at which the most favorable enrollee cost sharing will be provided, and some means by which the enrollee can learn which ones they are.

(f) **"How many days' supply of most medications can I get without paying another co-pay or other repeating charge?"** The response should discuss normal and exceptional supply limits, mail order arrangements and travel supply and refill requirements or guidelines.

(g) **"What other pharmacy services does my health plan cover?"** The response should include any "intellectual services," or disease management services reimbursed by the plan in addition to those required under state and federal law in connection with dispensing, such as disease management

services for migraine, diabetes, smoking cessation, asthma, or lipid management.

(3) The commissioner may disapprove any contract issued or renewed after July 1, 2001, that includes coverage for pharmacy services if the general categories of drugs excluded from coverage are not provided to covered persons at the time of enrollment. Such categories may include items such as appetite suppressants, dental prescriptions, cosmetic agents or most over-the-counter medications. This subsection intends only to promote clearer enrollee understanding of the exclusions, reductions and limitations contained in a health plan, and not to suggest that any particular categories of coverage for drugs or pharmacy services should be excluded, reduced, or limited by a health plan.

(4) In complying with these requirements, a carrier may, where appropriate and consistent with the provisions of these rules, consolidate the information with other material required by disclosure provisions set forth in RCW 48.43.510 and WAC ((~~284-43-820~~) 284-43-5130).

(5) This information may be provided in a narrative form to the extent that the content of both questions and answers is included.

(6) The commissioner may grant an extension or waive these requirements for good cause and if there is assurance that the information, required herein, is distributed in a timely manner consistent with the purpose and intent of these rules.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-5110 Cost-sharing for prescription drugs. (1) A carrier and health plan unreasonably restrict the treatment of patients if an ancillary charge, in addition to the plan's normal copayment or coinsurance requirements, is imposed for a drug that is covered because of one of the circumstances set forth in either WAC ((~~284-43-817 or 284-43-818~~) 284-43-5080 or 284-43-5100). An ancillary charge means any payment required by a carrier that is in addition to or excess of cost-sharing explained in the policy or contract form as approved by the commissioner. Cost-sharing means amounts paid directly to a provider or pharmacy by an enrollee for services received under the health benefit plan, and includes copayment, coinsurance, or deductible amounts.

(2) When an enrollee requests a brand name drug from the formulary in lieu of a therapeutically equivalent generic drug or a drug from a higher tier within a tiered formulary, and there is not a documented clinical basis for the substitution, a carrier may require the enrollee to pay for the difference in price between the drug that the formulary would have required, and the covered drug, in addition to the copayment. This charge must reflect the actual cost difference.

(3) When a carrier approves a substitution drug, whether or not the drug is in the carrier's formulary, the enrollee's cost-sharing for the substitution drug must be adjusted to reflect any discount agreements or other pricing adjustments for the drug that are available to a carrier. Any charge to the enrollee for a substitution drug must not increase the carrier's underwriting gain for the plan beyond the gain contribution calculated for the original formulary drug that is replaced by the substitution.

(4) If a carrier uses a tiered formulary in its prescription drug benefit design, and a substitute drug that is in the formulary is required based on one of the circumstances in either WAC ((~~284-43-817 or 284-43-818~~) 284-43-5080 or 284-43-5100), the enrollee's cost sharing may be based on the tier in which the carrier has placed the substitute drug.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-5170 Prescription drug benefit disclosures. (1) A carrier must include the following information in the certificate of coverage issued for a health benefit plan, policy or agreement that includes a prescription drug benefit:

(a) A clear statement explaining that the health benefit plan, policy or agreement may cover brand name drugs or medication under the circumstances set forth in WAC ((~~284-43-817 or 284-43-818~~) 284-43-5080 or 284-43-5100), including, if a formulary is part of the benefit design, brand name drugs or other medication not in the formulary.

(b) A clear explanation of the substitution process that the enrollee or their provider must use to seek coverage of a prescription drug or medication that is not in the formulary or is not the carrier's preferred drug or medication for the covered medical condition.

(2) When a carrier eliminates a previously covered drug from its formulary, or establishes new limitations on coverage of the drug or medication, at a minimum a carrier must ensure that prior notice of the change will be provided as soon as is practicable, to enrollees who filled a prescription for the drug within the prior three months.

(a) Provided the enrollee agrees to receive electronic notice and such agreement has not been withdrawn, either electronic mail notice, or written notice by first class mail at the last known address of the enrollee, are acceptable methods of notice.

(b) If neither of these notice methods is available because the carrier lacks contact information for enrollees, a carrier may post notice on its web site or at another location that may be appropriate, so long as the posting is done in a manner that is reasonably calculated to reach and be noticed by affected enrollees.

(3) A carrier and health plan may use provider and enrollee education to promote the use of therapeutically equivalent generic drugs. The materials must not mislead an enrollee about the difference between biosimilar or bioequivalent, and therapeutically equivalent, generic medications.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-5400 Purpose and scope. For plan years beginning on or after January 1, 2014, each nongrandfathered health benefit plan offered, issued, or renewed to small employers or individuals, both inside and outside the Washington health benefit exchange, must provide coverage for a package of essential health benefits, pursuant to RCW 48.43.715. WAC ((~~284-43-849 through 284-43-885~~) 284-43-5400 through 284-43-5820) explains the regulatory standards defining this coverage, and establishes supplementation of the base-benchmark plan consistent with PPACA and

RCW 48.43.715, and the parameters of the state EHB-benchmark plan.

(1) WAC ((~~284-43-849 through 284-43-885~~)) 284-43-5400 through 284-43-5820 do not apply to a health benefit plan that provides excepted benefits as described in section 2722 of the federal Public Health Service Act (42 U.S.C. Sec. 300gg-21), nor to a health benefit plan that qualifies as a grandfathered health plan as defined in RCW 48.43.005.

(2) WAC ((~~284-43-849 through 284-43-885~~)) 284-43-5400 through 284-43-5820 do not require provider reimbursement at the same levels negotiated by the base-benchmark plan's issuer for their plan.

(3) WAC ((~~284-43-849 through 284-43-885~~)) 284-43-5400 through 284-43-5820 do not require a health benefit plan to exclude the services or treatments from coverage that are excluded in the base-benchmark plan.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-5410 Definitions. The following definitions apply to WAC ((~~284-43-849 through 284-43-885~~)) 284-43-5400 through 284-43-5820 unless the context indicates otherwise.

"Base-benchmark plan" means the small group plan with the largest enrollment, as designated in WAC ((~~284-43-865~~ (~~+~~))) 284-43-5600(1) or 284-43-5602(1), prior to any supplementation or adjustments made pursuant to RCW 48.43.715.

"EHB-benchmark plan" means the set of benefits that an issuer must include in nongrandfathered plans offered in the individual or small group market in Washington state.

"Health benefit," unless defined differently pursuant to federal rules, regulations, or guidance issued pursuant to section 1302(b) of PPACA, means health care items or services for injury, disease, or a health condition, including a behavioral health condition.

"Individual plan" includes any nongrandfathered health benefit plan offered, issued, or renewed by an admitted issuer in the state of Washington for the individual health benefit plan market, unless the certificate of coverage is issued to an individual pursuant to or issued through an organization meeting the definition established pursuant to 29 U.S.C. 1002(5).

"Mandated benefit" or "required benefit" means a health plan benefit for a specific type of service, device or medical equipment, or treatment for a specified condition or conditions that a health plan is required to cover by either state or federal law. Required benefits do not include provider, delivery method, or health status based requirements.

"Meaningful health benefit" means a benefit that must be included in an essential health benefit category, without which the coverage for the category does not reasonably provide medically necessary services for an individual patient's condition on a nondiscriminatory basis.

"Medical necessity determination process" means the process used by a health issuer to make a coverage determination about whether a health benefit is medically necessary for an individual patient.

"PPACA" means the federal Patient Protection and Affordable Care Act (Public Law 111-148), as amended by

the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and any rules, regulations, or guidance issued thereunder.

"Scope or limitation requirement" means a requirement applicable to a benefit that limits its duration, the number of times coverage is available for the benefit, or imposes a legally permitted eligibility or reference-based limitation on a specific benefit.

"Small group plan" includes any nongrandfathered health benefit plan offered, issued, or renewed by an admitted issuer in the state of Washington for the small group health benefit plan market to a small group, as defined in RCW 48.43.005, and 45 C.F.R. 144.102(c), unless the certificate of coverage is issued to a small group pursuant to a master contract held by or issued through an organization meeting the definition established pursuant to 29 U.S.C. 1002(5).

"Stand-alone dental plan" means coverage for a set of benefits limited to oral care including, but not necessarily limited to, pediatric oral care, as referenced in RCW 43.71.065.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-5620 Plan design. (1) A nongrandfathered individual or small group health benefit plan offered, issued, or renewed, on or after January 1, 2014, must provide coverage that is substantially equal to the EHB-benchmark plan, as described in WAC ((~~284-43-878, 284-43-879, and 284-43-880~~)) 284-43-5640, 284-43-5700, and 284-43-5780.

(a) For plans offered, issued, or renewed for a plan or policy year beginning on or after January 1, 2014, until December 31, 2016, an issuer must offer the EHB-benchmark plan without substituting benefits for the benefits specifically identified in the EHB-benchmark plan.

(b) For plan or policy years beginning on or after January 1, 2017, an issuer may substitute benefits to the extent that the actuarial value of the benefits in the category to which the substituted benefit is classified remains substantially equal to the EHB-benchmark plan.

(c) "Substantially equal" means that:

(i) The scope and level of benefits offered within each essential health benefit category supports a determination by the commissioner that the benefit is a meaningful health benefit;

(ii) The aggregate actuarial value of the benefits across all essential health benefit categories does not vary more than a de minimis amount from the aggregate actuarial value of the EHB-benchmark base plan; and

(iii) Within each essential health benefit category, the actuarial value of the category must not vary more than a de minimis amount from the actuarial value of the category for the EHB-benchmark plan.

(2) An issuer must classify covered services to an essential health benefits category consistent with WAC ((~~284-43-878, 284-43-879, and 284-43-880~~)) 284-43-5640, 284-43-5700, and 284-43-5780 for purposes of determining actuarial value. An issuer may not use classification of services to an essential health benefits category for purposes of determining

actuarial value as the basis for denying coverage under a health benefit plan.

(3) The base-benchmark plan does not specifically list all types of services, settings and supplies that can be classified to each essential health benefits category. The base-benchmark plan design does not specifically list each covered service, supply or treatment. Coverage for benefits not specifically identified as covered or excluded is determined based on medical necessity. An issuer may use this plan design, provided that each of the essential health benefit categories is specifically covered in a manner substantially equal to the EHB-benchmark plan.

(4) An issuer is not required to exclude services that are specifically excluded by the base-benchmark plan. If an issuer elects to cover a benefit excluded in the base-benchmark plan, the issuer must not include the benefit in its essential health benefits package for purposes of determining actuarial value. A health benefit plan must not exclude a benefit that is specifically included in the base-benchmark plan.

(5) An issuer must not apply visit limitations or limit the scope of the benefit category based on the type of provider delivering the service, other than requiring that the service must be within the provider's scope of license for purposes of coverage. This obligation does not require an issuer to contract with any willing provider, nor is an issuer restricted from establishing reasonable requirements for credentialing of, and access to, providers within its network.

(6) Telemedicine or telehealth services are considered provider-type services, and not a benefit for purposes of the essential health benefits package.

(7) Consistent with state and federal law, a health benefit plan must not contain an exclusion that unreasonably restricts access to medically necessary services for populations with special needs including, but not limited to, a chronic condition caused by illness or injury, either acquired or congenital.

(8) Unless an age based reference limitation is specifically included in the base-benchmark plan or a supplemental base-benchmark plan for a category set forth in WAC ((~~284-43-878, 284-43-879, or 284-43-880~~)) 284-43-5640, 284-43-5700, or 284-43-5780, an issuer's scope of coverage for those categories of benefits must cover both pediatric and adult populations.

(9) A health benefit plan must not be offered if the commissioner determines that:

(a) It creates a risk of biased selection based on health status;

(b) The benefits within an essential health benefit category are limited so that the coverage for the category is not a meaningful health benefit; or

(c) The benefit has a discriminatory effect in practice, outcome or purpose in relation to age, present or predicted disability, and expected length of life, degree of medical dependency, quality of life or other health conditions, race, gender, national origin, sexual orientation and gender identity or in the application of Section 511 of Public Law 110-343 (the federal Mental Health Parity and Addiction Equity Act of 2008).

(10) An issuer must not impose annual or lifetime dollar limits on an essential health benefit, other than those permitted as reference based limitations pursuant to WAC ((~~284-43-~~

~~878, 284-43-879, and 284-43-880~~)) 284-43-5640, 284-43-5700, and 284-43-5780.

(11) This section expires on December 31, 2016.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-5622 Plan design. (1) A nongrandfathered individual or small group health benefit plan offered, issued, or renewed, on or after January 1, 2017, must provide coverage that is substantially equal to the EHB-benchmark plan, as described in WAC ((~~284-43-8781, 284-43-8791, and 284-43-8801~~)) 284-43-5642, 284-43-5702, and 284-43-5782.

(a) For plans offered, issued, or renewed for a plan or policy year beginning on or after January 1, 2017, an issuer must offer the EHB-benchmark plan without substituting benefits for the benefits specifically identified in the EHB-benchmark plan.

(b) "Substantially equal" means that:

(i) The scope and level of benefits offered within each essential health benefit category supports a determination by the commissioner that the benefit is a meaningful health benefit;

(ii) The aggregate actuarial value of the benefits across all essential health benefit categories does not vary more than a de minimis amount from the aggregate actuarial value of the EHB-benchmark base plan; and

(iii) Within each essential health benefit category, the actuarial value of the category must not vary more than a de minimis amount from the actuarial value of the category for the EHB-benchmark plan.

(2) An issuer must classify covered services to an essential health benefits category consistent with WAC ((~~284-43-8781, 284-43-8791, and 284-43-8801~~)) 284-43-5642, 284-43-5702, and 284-43-5782 for purposes of determining actuarial value. An issuer may not use classification of services to an essential health benefits category for purposes of determining actuarial value as the basis for denying coverage under a health benefit plan.

(3) The base-benchmark plan does not specifically list all types of services, settings and supplies that can be classified to each essential health benefits category. The base-benchmark plan design does not specifically list each covered service, supply or treatment. Coverage for benefits not specifically identified as covered or excluded is determined based on medical necessity. An issuer may use this plan design, provided that each of the essential health benefit categories is specifically covered in a manner substantially equal to the EHB-benchmark plan.

(4) An issuer is not required to exclude services that are specifically excluded by the base-benchmark plan. If an issuer elects to cover a benefit excluded in the base-benchmark plan, the issuer must not include the benefit in its essential health benefits package for purposes of determining actuarial value. A health benefit plan must not exclude a benefit that is specifically included in the base-benchmark plan.

(5) An issuer must not apply visit limitations or limit the scope of the benefit category based on the type of provider delivering the service, other than requiring that the service must be within the provider's scope of license for purposes of

coverage. This obligation does not require an issuer to contract with any willing provider, nor is an issuer restricted from establishing reasonable requirements for credentialing of and access to providers within its network.

(6) Telemedicine or telehealth services are considered a method of accessing services, and are not a separate benefit for purposes of the essential health benefits package. Issuers must provide essential health benefits consistent with the requirements of (add RCW citation for SSB 5175 when it becomes available).

(7) Consistent with state and federal law, a health benefit plan must not contain an exclusion that unreasonably restricts access to medically necessary services for populations with special needs including, but not limited to, a chronic condition caused by illness or injury, either acquired or congenital.

(8) Benefits under each category set forth in WAC ((~~284-43-8781, 284-43-8791, or 284-43-8801~~) 284-43-5642, 284-43-5702, or 284-43-5782) must be covered for both pediatric and adult populations unless:

(a) A benefit is specifically limited to a particular age group in the base-benchmark plan and such limitation is consistent with state and federal law; or

(b) The category of essential health benefits is specifically stated to be applicable only to the pediatric population, such as pediatric oral services.

(9) A health benefit plan must not be offered if the commissioner determines that:

(a) It creates a risk of biased selection based on health status;

(b) The benefits within an essential health benefit category are limited so that the coverage for the category is not a meaningful health benefit; or

(c) The benefit has a discriminatory effect in practice, outcome or purpose in relation to age, present or predicted disability, and expected length of life, degree of medical dependency, quality of life or other health conditions, race, gender, national origin, sexual orientation and gender identity or in the application of Section 511 of Public Law 110-343 (the federal Mental Health Parity and Addiction Equity Act of 2008).

(10) An issuer must not impose annual or lifetime dollar limits on an essential health benefit, other than those permitted under WAC ((~~284-43-8781, 284-43-8791, and 284-43-8801~~) 284-43-5642, 284-43-5702, and 284-43-5782).

(11) This section applies to health plans that have an effective date of January 1, 2017, or later.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-5700 Essential health benefit category—Pediatric oral services. A health benefit plan must include "pediatric dental benefits" in its essential health benefits package. Pediatric dental benefits means coverage for the oral services listed in subsection (3) of this section, delivered to those under age nineteen.

(1) For benefit years beginning January 1, 2015, a health benefit plan must include pediatric dental benefits as an embedded set of benefits, or through a combination of a health benefit plan and a stand-alone dental plan that includes

pediatric dental benefits certified as a qualified dental plan. For a health benefit plan certified by the health benefit exchange as a qualified health plan, this requirement is met if a stand-alone dental plan meeting the requirements of subsection (3) of this section is offered in the health benefit exchange for that benefit year.

(2) The requirements of WAC ((~~284-43-878 and 284-43-880~~) 284-43-5640 and 284-43-5780) are not applicable to the stand-alone dental plan. A health benefit plan may, but is not required to, include the following services as part of the EHB-benchmark package. The supplemental base-benchmark plan specifically excludes oral implants, and an issuer should not include benefits for oral implants in establishing a plan's actuarial value.

(3) **Supplementation:** The base-benchmark plan covers pediatric services for the categories set forth in WAC ((~~284-43-878~~) 284-43-5640, but does not cover pediatric oral services. Because the base-benchmark plan does not cover pediatric oral benefits, the state EHB-benchmark plan requirements are supplemented for pediatric oral benefits. The Washington state CHIP plan is designated as the supplemental base-benchmark plan for pediatric dental benefits. A health plan issuer must offer coverage for and classify the following pediatric oral services as pediatric dental benefits in a manner substantially equal to the supplemental base-benchmark plan:

(a) Diagnostic services;

(b) Preventive care;

(c) Restorative care;

(d) Oral surgery and reconstruction to the extent not covered under the hospitalization benefit;

(e) Endodontic treatment;

(f) Periodontics;

(g) Crown and fixed bridge;

(h) Removable prosthetics; and

(i) Medically necessary orthodontia.

(4) The supplemental base-benchmark plan's visit limitations on services in this category are:

(a) Diagnostic exams once every six months, beginning before one year of age;

(b) Bitewing X ray once a year;

(c) Panoramic X rays once every three years;

(d) Prophylaxis every six months beginning at age six months;

(e) Fluoride three times in a twelve-month period for ages six and under; two times in a twelve-month period for ages seven and older; three times in a twelve-month period during orthodontic treatment; sealant once every three years for occlusal surfaces only; oral hygiene instruction two times in twelve months for ages eight and under if not billed on the same day as a prophylaxis treatment;

(f) Every two years for the same restoration (fillings);

(g) Frenulectomy or frenuloplasty covered for ages six and under without prior authorization;

(h) Root canals on baby primary posterior teeth only;

(i) Root canals on permanent anterior, bicuspid and molar teeth, excluding teeth 1, 16, 17 and 32;

(j) Periodontal scaling and root planing once per quadrant in a two-year period for ages thirteen and older, with prior authorization;

(k) Periodontal maintenance once per quadrant in a twelve-month period for ages thirteen and older, with prior authorization;

(l) Stainless steel crowns for primary anterior teeth once every three years; if age thirteen and older with prior authorization;

(m) Stainless steel crowns for permanent posterior teeth once every three years;

(n) Metal/porcelain crowns and porcelain crowns on anterior teeth only, with prior authorization;

(o) Space maintainers for missing primary molars A, B, I, J, K, L, S, and T;

(p) One resin based partial denture, if provided at least three years after the seat date;

(q) One complete denture upper and lower, and one replacement denture per lifetime after at least five years from the seat date;

(r) Rebasement and relining of complete or partial dentures once in a three-year period, if performed at least six months from the seat date.

(5) This section expires on December 31, 2016.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-5702 Essential health benefit category—Pediatric oral services. A health benefit plan must include "pediatric dental benefits" in its essential health benefits package. Pediatric dental benefits means coverage for the oral services listed in subsection (3) of this section, delivered to those under age nineteen. Plans must provide this coverage for enrollees until at least the end of the month in which the enrollee turns age nineteen.

(1) For benefit years beginning January 1, 2017, a health benefit plan must include pediatric dental benefits as an embedded set of benefits, or through a combination of a health benefit plan and a stand-alone dental plan that includes pediatric dental benefits certified as a qualified dental plan. For a health benefit plan certified by the health benefit exchange as a qualified health plan, this requirement is met if a stand-alone dental plan meeting the requirements of subsection (4) of this section is offered in the health benefit exchange for that benefit year.

(2) The requirements of WAC (~~(284-43-8781 and 284-43-8801)~~ 284-43-5642 and 284-43-5782) are not applicable to the stand-alone dental plan.

(3) A health benefit plan may, but is not required to, include the following services as part of the EHB-benchmark package. The base-benchmark plan specifically excludes oral implants, and an issuer should not include benefits for oral implants in establishing a plan's actuarial value.

(4) The base-benchmark plan covers pediatric services for the categories set forth in WAC (~~(284-43-8781)~~ 284-43-5642 and covers pediatric oral services. The designated base-benchmark plan for pediatric dental benefits consists of the benefits and services covered by health care service contractor Regence BlueShield as the *Regence Direct Gold* small group plan policy form, policy form number WW0114CCO-NMSD, and certificate form number WW0114BPPO1SD, offered during the first quarter of 2014 (SERFF filing number

RGWA-128968362). A health plan issuer must offer coverage for and classify the following pediatric oral services as pediatric dental benefits in a manner substantially equal to the base-benchmark plan:

(a) Diagnostic services;

(b) Preventive care;

(c) Restorative care;

(d) Oral surgery and reconstruction to the extent not covered under the hospitalization benefit;

(e) Endodontic treatment, not including indirect pulp capping;

(f) Periodontics;

(g) Crown and fixed bridge;

(h) Removable prosthetics; and

(i) Medically necessary orthodontia.

(5) The base-benchmark plan's visit limitations on services in this category are:

(a) Diagnostic exams once every six months, beginning before one year of age, plus limited oral evaluations when necessary to evaluate for a specific dental problem or oral health complaint, dental emergency or referral for other treatment;

(b) Limited visual oral assessments or screenings, limited to two per member per calendar year, not performed in conjunction with other clinical oral evaluation services;

(c) Two sets of bitewing X rays once a year for a total of four bitewing X rays per year;

(d) Cephalometric films, limited to once in a two-year period;

(e) Panoramic X rays once every three years;

(f) Occlusal intraoral X rays, limited to once in a two-year period;

(g) Periapical X rays not included in a complete series for diagnosis in conjunction with definitive treatment;

(h) Prophylaxis every six months beginning at age six months;

(i) Fluoride three times in a twelve-month period for ages six and under; two times in a twelve-month period for ages seven and older; and three times in a twelve-month period during orthodontic treatment;

(j) Sealant once every three years for permanent bicuspids and molars only;

(k) Oral hygiene instruction two times in twelve months for ages eight and under if not billed on the same day as a prophylaxis treatment;

(l) Restorations (fillings) on the same tooth every two years;

(m) Frenulectomy or frenuloplasty covered for ages six and under without prior authorization;

(n) Root canals on baby primary posterior teeth only;

(o) Root canals on permanent anterior, bicuspid and molar teeth, excluding teeth 1, 16, 17, and 32;

(p) Periodontal scaling and root planing once per quadrant in a two-year period for ages thirteen and older;

(q) Periodontal maintenance once per quadrant in a twelve-month period for ages thirteen and older;

(r) Stainless steel crowns for primary anterior teeth once every three years, if age thirteen and older;

(s) Stainless steel crowns for permanent posterior teeth once every three years;

(t) Installation of space maintainers (fixed unilateral or fixed bilateral) for members twelve years of age or under, including:

- (i) Recementation of space maintainers;
 - (ii) Removal of space maintainers; and
 - (iii) Replacement space maintainers when dentally appropriate.
- (u) One resin-based partial denture, if provided at least three years after the seat date;
- (v) One complete denture upper and lower, and one replacement denture per lifetime after at least five years from the seat date;

(w) Rebasement and relining of complete or partial dentures once in a three-year period, if performed at least six months from the seat date.

(6) Issuers must know and apply relevant guidance, clarifications and expectations issued by federal governmental agencies regarding essential health benefits. Such clarifications may include, but are not limited to, Affordable Care Act implementation and frequently asked questions jointly issued by the U.S. Department of Health and Human Services, the U.S. Department of Labor and the U.S. Department of the Treasury.

(7) This section applies to health plans that have an effective date of January 1, 2017, or later.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-5720 Purpose and scope—Pediatric dental benefits for health benefit plans sold outside of the health benefit exchange. For plan years beginning on or after January 1, 2015, each nongrandfathered health benefit plan offered, issued or renewed to small employers or individuals, outside the Washington health benefit exchange, must include pediatric dental benefits as an essential health benefit (EHB). This design requirement must be met by one of the methods set forth in WAC ((284-170-810)) 284-43-5760. Pediatric dental benefits must meet cost sharing requirements including deductible and out-of-pocket maximums as required by the ACA. All pediatric dental benefits are subject to premium tax.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-5740 Definitions. "PPACA" or "ACA" means the federal Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), collectively known as the Affordable Care Act, and any rules, regulations, or guidance issued, thereunder.

"Stand-alone dental plan" means coverage for a set of benefits limited to oral care including, but not necessarily limited to, the pediatric oral services listed in WAC ((284-43-879(3))) 284-43-5700(3) or 284-43-5702(3).

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-5760 Pediatric dental benefits design—Methods of satisfying requirements. (1) An issuer of a health benefit plan may satisfy the requirement of WAC ((284-170-800)) 284-43-5720 in any one of the following ways.

(a) A health benefit plan includes pediatric dental benefits as an embedded benefit; or

(b) A separate health benefit plan is offered without pediatric dental benefits, if and only if, the issuer receives reasonable assurance that the applicant has obtained or will obtain pediatric dental benefits through a stand-alone dental plan certified as a qualified dental plan. This reasonable assurance must be received by the issuer within sixty days.

(i) "Reasonable assurance" means receipt of proof of coverage from the stand-alone dental plan and a signed attestation of coverage from the applicant. In cases where the enrollment process is for a health plan and a dental plan that are being jointly purchased (bundled), verification by the dental carrier of enrollment in the dental plan and transmission of the enrollment confirmation to the health carrier will be considered reasonable assurance.

(ii) The health benefit plan issuer has the responsibility to obtain any required documents establishing reasonable assurance at the initial application and every renewal.

(iii) The stand-alone dental plan issuer has the responsibility for providing the proof of coverage upon request of the health benefit plan issuer or applicant. If a health benefit plan issuer requests proof of coverage for an applicant, the stand-alone dental issuer must provide proof of coverage or inform the health benefit plan issuer that no coverage exists. The stand-alone dental issuer must respond within thirty days of a request for proof of coverage.

(iv) The health benefit plan issuer may issue coverage prior to receiving reasonable assurance. If the health benefit plan issuer receives the reasonable assurance within sixty days of the effective date of the health benefit plan, the enrollee's stand-alone dental coverage will be considered to satisfy the requirement of WAC ((284-43-879)) 284-43-5700 or 284-43-5702, as appropriate. If the health benefit plan issuer does not receive reasonable assurance within the sixty days provided in (iii) of this subsection, the health benefit plan issuer must discontinue the health benefit plan for that applicant unless and until the health benefit plan issuer receives reasonable assurance that the applicant has obtained pediatric dental benefits as required under the ACA.

(2) Nothing in this section precludes issuing ACA compliant pediatric dental benefits as part of a family dental plan sold as group or individual coverage.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-5780 Pediatric vision services. A health benefit plan must include "pediatric vision services" in its essential health benefits package. The base-benchmark plan covers pediatric services for the categories set forth in WAC ((284-43-878)) 284-43-5640 (1) through (9), but does not

include pediatric vision services. Pediatric vision services are vision services delivered to enrollees under age nineteen.

(1) A health benefit plan must cover pediatric vision services as an embedded set of services.

(2) **Supplementation:** The state EHB-benchmark plan requirements for pediatric vision benefits must be offered at a substantially equal level and classified consistent with the designated supplemental base-benchmark plan for pediatric vision services, the Federal Employees Vision Plan with the largest enrollment and published by the U.S. Department of Health and Human Services at www.cciioo.cms.gov on July 2, 2012.

(a) The vision services included in the pediatric vision services category are:

(i) Routine vision screening; and

(ii) A comprehensive eye exam for children, including dilation as professionally indicated and with refraction every calendar year;

(iii) One pair of prescription lenses or contacts every calendar year, including polycarbonate lenses and scratch resistant coating. Lenses may include single vision, conventional lined bifocal or conventional lined trifocal, or lenticular lenses;

(iv) One pair of frames every calendar year. An issuer may establish networks or tiers of frames within their plan design as long as there is a base set of frames to choose from available without cost sharing;

(v) Contact lenses covered once every calendar year in lieu of the lenses and frame benefits. Issuers must apply this limitation based on the manner in which the lenses must be dispensed. If disposable lenses are prescribed, a sufficient number and amount for one calendar year's equivalent must be covered. The benefit includes the evaluation, fitting and follow-up care relating to contact lenses. If determined to be medically necessary, contact lenses must be covered in lieu of eyeglasses at a minimum for the treatment of the following conditions: Keratoconus, pathological myopia, aphakia, anisometropia, aniseikonia, aniridia, corneal disorders, post-traumatic disorders, and irregular astigmatism;

(vi) Low vision optical devices including low vision services, training and instruction to maximize remaining usable vision as follows:

(A) One comprehensive low vision evaluation every five years;

(B) High power spectacles, magnifiers and telescopes as medically necessary, with reasonable limitations permitted; and

(C) Follow-up care of four visits in any five year period, with prior approval.

(b) The pediatric vision supplemental base-benchmark specifically excludes, and issuer must not include in its actuarial value for the category:

(i) Visual therapy, which is otherwise covered under the medical/surgical benefits of the plan;

(ii) Two pairs of glasses may not be ordered in lieu of bifocals;

(iii) Medical treatment of eye disease or injury, which is otherwise covered under the medical/surgical benefits of the plan;

(iv) Nonprescription (Plano) lenses; and

(v) Prosthetic devices and services, which are otherwise covered under the rehabilitative and habilitative benefit category.

(3) This section expires on December 31, 2016.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-5800 Plan cost-sharing and benefit substitutions and limitations. (1) A health benefit plan must not apply cost-sharing requirements to Native Americans purchasing a health benefit plan through the exchange, whose incomes are at or below three hundred percent of federal poverty level.

(2) A small group health benefit plan that includes the essential health benefits package may not impose annual cost-sharing or deductibles that exceed the maximum annual amounts that apply to high deductible plans linked to health savings accounts, as set forth in the most recent version of IRS Publication 969, pursuant to Section 106 (c)(2) of the Internal Revenue Code of 1986, and Section 1302 (c)(2) of PPACA.

(3) An issuer may use reasonable medical management techniques to control costs, including promoting the use of appropriate, high value preventive services, providers and settings. An issuer's policies must permit waiver of an otherwise applicable copayment for a service that is tied to one setting but not the preferred high-value setting, if the enrollee's provider determines that it would be medically inappropriate to have the service provided in the lower-value setting. An issuer may still apply applicable in-network requirements.

(4) An issuer may not require cost-sharing for preventive services delivered by network providers, specifically related to those with an A or B rating in the most recent recommendations of the United States Preventive Services Task Force, women's preventive health care services recommended by the U.S. Health Resources and Services Administration (HRSA) and HRSA Bright Futures guideline designated pediatric services. An issuer must post on its web site a list of the specific preventive and wellness services mandated by PPACA that it covers.

(5) If an issuer establishes cost-sharing levels, structures or tiers for specific essential health benefit categories, the cost-sharing levels, structures or tiers must not be discriminatory. "Cost-sharing" has the same meaning as set forth in RCW 48.43.005 and WAC ((284-43-130)) 284-43-0160(8).

(a) An issuer must not apply cost-sharing or coverage limitations differently to enrollees with chronic disease or complex underlying medical conditions than to other enrollees, unless the difference provides the enrollee with access to care and treatment commensurate with the enrollee's specific medical needs, without imposing a surcharge or other additional cost to the enrollee beyond normal cost-sharing requirements under the plan.

(b) An issuer must not establish a different cost-sharing structure for a specific benefit or tier for a benefit than is applied to the plan in general if the sole type of enrollee who would access that benefit or benefit tier is one with a chronic illness or medical condition.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-5820 Representations regarding coverage. A health benefit plan issuer must not indicate or imply that a health benefit plan covers essential health benefits unless the plan, policy, or contract covers the essential health benefits in compliance with WAC ((~~284-43-849 through 284-43-882~~) 284-43-5400 through 284-43-5800). This requirement applies to any health benefit plan offered on or off the Washington health benefit exchange.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-5900 Effective date. The effective date of WAC ((~~284-43-130, 284-43-200, 284-43-251, 284-43-400, 284-43-410, 284-43-610, 284-43-615, 284-43-620, 284-43-630, and 284-43-820~~) 284-43-0160, 284-170-200, 284-170-360, 284-43-2000, 284-43-4020, 284-43-4040, 284-43-4060, and 284-43-5130) is July 1, 2001.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-7010 Definitions. Aggregate lifetime limit means a dollar limitation on the total amount of specified benefits that may be paid under a health plan (or health insurance coverage offered in connection with a plan) for any coverage unit.

Annual dollar limit means a dollar limitation on the total amount of specified benefits that may be paid in a twelve-month period under a health plan (or health insurance coverage offered in connection with a plan) for any coverage unit.

Approved treatment program means a discrete program of chemical dependency treatment provided by a treatment program certified by the department of social and health services as meeting standards adopted under chapter 70.96A RCW.

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

Classification of benefits means a group into which all medical/surgical benefits and mental health or substance use disorder benefits offered by a health plan must fall. For the purposes of this rule, the only classifications that may be used are: Inpatient, in-network; inpatient, out-of-network; outpatient, in-network; outpatient, out-of-network; emergency care; and prescription drugs.

Coverage unit means the way in which a health plan or issuer groups individuals for purposes of determining benefits, or premiums or contributions. For example, different coverage units include self-only, family, and employee-plus-spouse.

Cumulative financial requirements means financial requirements that determine whether or to what extent benefits are provided based on accumulated amounts and include deductibles and out-of-pocket maximums. Financial requirements do not include aggregate lifetime or annual dollar limits.

Cumulative quantitative treatment limitations means treatment limitations that determine whether or to what extent benefits are provided based on accumulated amounts, such as annual or lifetime day or visit limits.

Emergency condition, for the purpose of this subchapter, means a condition manifesting itself by acute symptoms of sufficient severity, including severe emotional or physical distress or a combination of severe emotional and physical distress, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical or mental health attention to result in a condition placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy.

Essential health benefits (EHBs). EHBs have the same definition as found in WAC ((~~284-43-865~~) 284-43-5600 or 284-43-5602, as appropriate). The definition of EHBs includes mental health and substance use disorder services, including behavioral health treatment. For EHBs, including mental health and substance use disorder benefits, federal and state law prohibit limitations or age, condition, lifetime and annual dollar amounts.

Financial requirements means cost sharing measures such as deductibles, copayments, coinsurance, and out-of-pocket maximums. Financial requirements do not include aggregate lifetime or annual dollar limits.

Health carrier or issuer has the same meaning as RCW 48.43.005(25).

Health plan has the same meaning as RCW 48.43.005(26).

Medical/surgical benefits means benefits with respect to items or services for medical conditions or surgical procedures, as defined under the terms of the plan or health insurance coverage and in accordance with applicable federal and state law, but does not include mental health or substance use disorder benefits. Any condition defined by the plan or coverage as being or as not being a medical/surgical condition must be defined to be consistent with generally recognized independent standards of current medical practice (for example, the most current version of the *International Classification of Diseases* (ICD) or state guidelines).

Medically necessary or medical necessity:

(a) With regard to chemical dependency and substance use disorder is defined by the most recent version of *The ASAM Criteria, Treatment Criteria for Addictive, Substance Related, and Co-Occurring Conditions* as published by the American Society of Addiction Medicine (ASAM).

(b) With regard to mental health services, pharmacy services, and any substance use disorder benefits not governed by ASAM, is a carrier determination as to whether a health service is a covered benefit because the service is consistent with generally recognized standards within a relevant health profession.

Mental health benefits means benefits with respect to items or services for mental health conditions, as defined under the terms of the plan or health insurance coverage and in accordance with applicable federal and state law. Any condition defined by the plan or coverage as being or as not being a mental health condition must be defined to be consistent with generally recognized independent standards of current

medical practice (for example, the most current version of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM), the most current version of the *International Classification of Diseases* (ICD), or state guidelines).

Nonquantitative treatment limitations (NQTL) means processes, strategies, or evidentiary standards, or other factors that are not expressed numerically, but otherwise limit the scope or duration of benefits for treatment. NQTLs include, but are not limited to:

(a) Medical management standards limiting or excluding benefits based on medical necessity or medical appropriateness, or based on whether the treatment is experimental or investigative;

(b) Formulary design for prescription drugs;

(c) For plans with multiple network tiers (such as preferred providers and participating providers), network tier design;

(d) Standards for provider admission to participate in a network, including reimbursement rates;

(e) Plan methods for determining usual, customary, and reasonable charges;

(f) Refusal to pay for higher-cost therapies until it can be shown that a lower-cost therapy is not effective (also known as fail-first policies or step therapy protocols);

(g) Exclusions based on failure to complete a course of treatment; and

(h) Restrictions based on geographic location, facility type, provider specialty, and other criteria that limit the scope or duration of benefits for services provided under the plan or coverage.

Predominant level: If a type of financial requirement or quantitative treatment limitation applies to substantially all medical surgical benefits in a classification, the predominant level is the level that applies to more than one-half of the medical/surgical benefits in that classification subject to the financial requirement or quantitative treatment limitation.

Quantitative parity analysis means a mathematical test by which plans and issuers determine what level of a financial requirement or quantitative treatment limitation, if any, is the most restrictive level that could be imposed on mental health or substance use disorder benefits within a classification.

Quantitative treatment limitations means types of objectively quantifiable treatment limitations such as frequency of treatments, number of visits, days of coverage, days in a waiting period or other similar limits on the scope or duration of treatment.

Substance use disorder includes illness characterized by a physiological or psychological dependency, or both, on a controlled substance regulated under chapter 69.50 RCW and/or alcoholic beverages. It is further characterized by a frequent or intense pattern of pathological use to the extent the user exhibits a loss of self-control over the amount and circumstances of use; develops symptoms of tolerance or physiological and/or psychological withdrawal if use of the controlled substance or alcoholic beverage is reduced or discontinued; and the user's health is substantially impaired or endangered or his or her social or economic function is substantially disrupted. Any disorder defined by the plan as being or as not being a substance use disorder must be

defined to be consistent with generally recognized independent standards of current medical practice (for example, the most current version of the DSM, the most current version of the ICD, or state guidelines).

Substance use disorder benefits means benefits with respect to items or services for substance use disorders, as defined under the terms of the plan or health insurance coverage and in accordance with applicable federal and state law. Substance use disorder benefits must include payment for reasonable charges for medically necessary treatment and supporting service rendered to an enrollee either within an approved treatment program or by a health care professional that meets the requirements of RCW 18.205.040(2), as part of the approved treatment plan.

Substantially all: A type of financial requirement or quantitative treatment limitation considered to apply to substantially all medical/surgical benefits in a classification of benefits if it applies to at least two-thirds of all medical/surgical benefits in that classification as determined by WAC ((284-43-993)) 284-43-7040 (2)(a).

Treatment limitations means limits on benefits based on the frequency of treatment, number of visits, days of coverage, days in a waiting period, or other similar limits on the scope or duration of treatment. Treatment limitations include both quantitative treatment limitations, which are expressed numerically (such as fifty outpatient visits per year), and non-quantitative treatment limitations, which otherwise limit the scope or duration of benefits for treatment under a plan or coverage. A permanent exclusion of all benefits for a particular condition or disorder, however, is not a treatment limitation for purposes of this section.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-7020 Classification of benefits. (1) A health plan providing mental health or substance use disorder benefits, must provide mental health or substance use disorder benefits in every classification in which medical/surgical benefits are provided.

(2) Parity requirements must be applied to the following six classifications of benefits: Inpatient, in-network; inpatient, out-of-network; outpatient, in-network; outpatient, out-of-network; emergency care; and prescription drugs. These are the only classifications of benefits that can be used.

(a) **Inpatient, in-network.** Benefits furnished on an inpatient basis and within a network of providers established or recognized under a plan or health insurance coverage.

(b) **Inpatient, out-of-network.** Benefits furnished on an inpatient basis and outside any network of providers established or recognized under a plan or health insurance coverage. This classification includes inpatient benefits under a plan (or health insurance coverage) that has no network of providers.

(c) **Outpatient, in-network.** Benefits furnished on an outpatient basis and within a network of providers established or recognized under a plan or health insurance coverage.

(d) **Outpatient, out-of-network.** Benefits furnished on an outpatient basis and outside any network of providers

established or recognized under a plan or health insurance coverage. This classification includes outpatient benefits under a plan (or health insurance coverage) that has no network of providers.

(e) **Emergency care.** Benefits for treatment of an emergency condition related to a mental health or substance use disorder. Such benefits must comply with the requirements for emergency medical services in RCW 48.43.093. Medically necessary detoxification must be covered as an emergency medical condition according to RCW 48.43.093, and may be provided in hospitals licensed under chapter 70.41 RCW. Medically necessary detoxification services must not require prenotification.

(f) **Prescription drugs.** Benefits for prescription drugs.

(3) In determining the classification in which a particular benefit belongs, a plan must apply the same standards to medical/surgical benefits as applied to mental health or substance use disorder benefits.

An issuer or health plan must assign covered intermediate mental health/substance use disorder benefits such as residential treatment, partial hospitalization, and intensive outpatient treatment, to the existing six classifications in the same way that they assign comparable intermediate medical/surgical benefits to these classifications. For example, if a health plan classifies medical care in skilled nursing facilities as inpatient benefits, then it must also treat covered mental health care in residential treatment facilities as inpatient benefits. If a health plan or issuer treats home health care as an outpatient benefit, then any covered intensive outpatient mental health or substance use disorder services and partial hospitalization must be considered outpatient benefits as well.

(4) A health plan or issuer may not apply any financial requirement or treatment limitation to mental health or substance use disorder benefits that is more restrictive than the predominant financial requirement or treatment limitation applied to medical/surgical benefits. This parity analysis must be done on a classification-by-classification basis.

(5) Medical/surgical benefits and mental health or substance use disorder benefits cannot be categorized as being offered outside of these six classifications and therefore not subject to the parity analysis.

(a) A health plan or issuer must treat the least restrictive level of the financial requirement or quantitative treatment limitation that applies to at least two-thirds of medical/surgical benefits across all provider tiers in a classification as the predominant level that it may apply to mental health or substance use disorder benefits in the same classification.

(b) If a health plan or issuer classifies providers into tiers, and varies cost-sharing based on the different tiers, the criteria for classification must be applied to generalists and specialists providing mental health or substance use disorder services no more restrictively than such criteria are applied to medical/surgical benefit providers.

(6) **Permitted subclassifications:**

(a) A health plan or issuer is permitted to divide benefits furnished on an outpatient basis into two subclassifications:

- (i) Office visits; and
- (ii) All other outpatient items and services.

(b) A health plan or issuer may divide its benefits furnished on an in-network basis into subclassifications that reflect network tiers, if the tiering is based on reasonable factors and without regard to whether a provider is a mental health or substance use disorder provider or a medical/surgical provider.

(c) After network tiers are established, the health plan or issuer may not impose any financial requirement or treatment limitation on mental health or substance use disorder benefits in any tier that is more restrictive than the predominant financial requirement or treatment limitation that applies to substantially all medical/surgical benefits in that tier.

(d) If a health plan applies different levels of financial requirements to different tiers of prescription drug benefits based on reasonable factors and without regard to whether a drug is generally prescribed with respect to medical/surgical benefits or with respect to mental health/substance use disorder benefits, the health plan satisfies the parity requirements with respect to prescription drug benefits. Reasonable factors include: Cost, efficacy, generic versus brand name, and mail order versus pharmacy pick-up.

(e) A parity analysis applying the financial requirement and treatment rules found in WAC (~~(284-43-993 and 284-43-994)~~) 284-43-7040 and 284-43-7060 must be performed within each subclassification.

(7) **Prohibited subclassifications:** All subclassifications other than the permitted subclassification listed in subsection (6) of this section are specifically prohibited. For example, a plan is prohibited from basing a subclassification on generalists and specialists.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-7100 Required disclosures. (1) Health plans and issuers must provide reasonable access to and copies of all documents, records, and other information relevant to an individual's claim. Health plans and issuers must provide disclosures consistent with WAC (~~(284-43-620, 284-43-515, 284-43-525, and 284-43-410)~~) 284-43-4040, 284-43-3070, 284-43-3110, and 284-43-2000, within a reasonable time.

(2) Health plans and issuers must provide the criteria, processes, strategies, evidentiary standards and other factors used to make medical necessity determinations of mental health or substance use disorder benefits. These must be made available free of charge by the health plan issuer to any current or potential participant, beneficiary, or contracting provider upon request, within a reasonable time in compliance with WAC (~~(284-43-410)~~) 284-43-2000, and in a manner that provides reasonable access to the requestor. This requirement includes information on the processes, strategies, evidentiary standards, and other factors used to apply an NQTL with respect to medical/surgical and mental health or substance use disorder benefits under the health plan.

(3) The reason for any adverse benefit decision for mental health or substance use disorder benefits must be provided with the notification of the adverse benefit decision.

(4) Compliance with these disclosure requirements is not determinative of compliance with any other provisions of applicable federal or state law.

(5) If a health plan is subject to ERISA, it must provide the reason for the claim denial in a form and manner consistent with the requirements of 29 C.F.R. 2560.503-1.

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-7120 Compliance and reporting of quantitative parity analysis. (1) Health plans and issuers must file a justification demonstrating the analysis of each plan's financial requirements and quantitative treatment limitations as required under WAC ((284-43-993)) 284-43-7040.

(2) Filing of this justification is subject to the requirements of chapters 284-44A, 284-46A, and 284-58 WAC and may be rejected and closed if it does not comply.

AMENDATORY SECTION (Amending WSR 99-24-075, filed 11/29/99, effective 12/30/99)

WAC 284-44-043 Experimental and investigational prescriptions, treatments, procedures, or services—Definition required—Standard for definition—Written notice of denial required—Appeal process required. (1) Every health care service contract which excludes or limits, or reserves the right to exclude or limit, benefits for any treatment, procedure, facility, equipment, drug, drug usage, medical device, or supply (hereinafter individually and collectively referred to as services) for one or more medical condition or illness because such services are deemed to be experimental or investigational must include within the contract and any certificate of coverage issued thereunder, a definition of experimental or investigational.

(2) The definition of experimental or investigational services must include an identification of the authority or authorities which will make a determination of which services will be considered to be experimental or investigational. If the health care service contractor specifies that it, or an affiliated entity, is the authority making the determination, the criteria it will utilize to determine whether a service is experimental or investigational must be set forth in the contract and any certificate of coverage issued thereunder. As an example, and not by way of limitation, the requirement to set forth criteria in the contract and any certificate of coverage issued thereunder may be satisfied by using one or more of the following statements, or other similar statements:

(a) "In determining whether services are experimental or investigational, the plan will consider whether the services are in general use in the medical community in the state of Washington, whether the services are under continued scientific testing and research, whether the services show a demonstrable benefit for a particular illness or disease, and whether they are proven to be safe and efficacious."

(b) "In determining whether services are experimental or investigational, the plan will consider whether the services result in greater benefits for a particular illness or disease than other generally available services, and do not pose a significant risk to health or safety of the patient."

The supporting documentation upon which the criteria are established must be made available for inspection upon written request in all instances and may not be withheld as proprietary.

(3) Every health care service contractor that denies a request for benefits or that refuses to approve a request to preauthorize services, whether made in writing or through other claim presentation or preauthorization procedures set out in the contract and any certificate of coverage thereunder, because of an experimental or investigational exclusion or limitation, must do so in writing within twenty working days of receipt of a fully documented request. The health care service contractor may extend the review period beyond twenty days only with the informed written consent of the covered individual. The denial letter must identify by name and job title the individual making the decision and fully disclose:

(a) The basis for the denial of benefits or refusal to preauthorize services;

(b) The procedure through which the decision to deny benefits or to refuse to preauthorize services may be appealed;

(c) What information the appellant is required to submit with the appeal; and

(d) The specific time period within which the company will reconsider its decision.

(4)(a) Every health care service contractor must establish a reasonable procedure under which denials of benefits or refusals to preauthorize services because of an experimental or investigational exclusion or limitation may be appealed. The appeals procedure may be considered reasonable if it provides that:

(i) A final determination must be made and provided to the appellant in writing within twenty working days of receipt of the fully documented appeal. The health care service contractor may extend the review period beyond twenty days only with the informed written consent of the covered individual;

(ii) The appeal must be reviewed by a person or persons qualified by reasons of training, experience and medical expertise to evaluate it; and

(iii) The appeal must be reviewed by a person or persons other than the person or persons making the initial decision to deny benefits or to refuse to preauthorize services.

(b) When the initial decision to deny benefits or to refuse to preauthorize services is upheld upon appeal, the written notice shall set forth:

(i) The basis for the denial of benefits or refusal to preauthorize services; and

(ii) The name and professional qualifications of the person or persons reviewing the appeal.

(c) Disclosure of the existence of an appeal procedure shall be made by the health care service contractor in each contract and any certificate of coverage issued thereunder which contains an experimental or investigational exclusion or limitation.

(5) Whenever a covered person appeals the health care service contractor's decision and delay would jeopardize the covered person's life or health, the health care service contractor must follow the appeal procedures and time frames in WAC ((284-43-620)) 284-43-4040(2).

AMENDATORY SECTION (Amending WSR 10-01-118, filed 12/17/09, effective 1/17/10)

WAC 284-44A-010 Definitions that apply to this chapter. The definitions in this section apply throughout this chapter.

(1) "Complete filing" means a package of information containing forms, supporting information, documents and exhibits submitted to the commissioner electronically using the system for electronic rate and form filing (SERFF).

(2) "Date filed" means the date a complete filing has been received and accepted by the commissioner.

(3) "Filer" means:

(a) A person, organization or other entity that files forms or rates with the commissioner for an HCSC; or

(b) A person employed by the HCSC to file under this chapter.

(4) "Form" means a:

(a) "Contract" as defined in WAC ((~~284-43-910~~) 284-43-6020); and includes:

(i) Applications;

(ii) Certificates of coverage;

(iii) Disclosure forms;

(iv) Enrollment forms;

(v) Policy forms, including riders;

(vi) Termination notice forms;

(vii) Short form filing summary, as outlined in the SERFF filing instructions; and

(viii) All other forms that are part of the contract.

(b) "Contract form" as defined in WAC ((~~284-43-910~~) 284-43-6020);

(c) Network enrollment forms described in WAC ((~~284-43-220(2)~~) 284-170-280(3));

(d) Participating provider agreements as required by RCW 48.44.070; and

(e) Medicare supplement forms required to be filed under chapter 48.66 RCW.

(5) "Health care service contractor" or "HCSC" means the same as in RCW 48.44.010.

(6) "NAIC" means the National Association of Insurance Commissioners.

(7) "Objection letter" means correspondence created in SERFF and sent by the commissioner to the filer that:

(a) Requests clarification, documentation or other information;

(b) Explains errors or omissions in the filing; or

(c) Disapproves a form under RCW 48.44.020 or 48.44.-070.

(8) "Rate" or "rates" means all classification manuals, rate manuals, rating schedules, class rates, and rating rules that must be filed under RCW 48.44.040 or 48.66.035.

(9) "Rate schedule" means the same as in WAC ((~~284-43-910~~) 284-43-6020).

(10) "SERFF" means the system for electronic rate and form filing. SERFF is a proprietary NAIC computer-based application that allows insurers and other entities to create and submit rate, rule and form filings electronically to the commissioner.

(11) "Type of insurance" or "TOI" means a specific type of health care coverage listed in the *Uniform Life, Accident*

and Health, Annuity and Credit Coding Matrix published by the NAIC and available at www.naic.org.

AMENDATORY SECTION (Amending WSR 99-24-075, filed 11/29/99, effective 12/30/99)

WAC 284-46-507 Experimental and investigational prescriptions, treatments, procedures, or services—Definition required—Standard for definition—Written notice of denial required—Appeal process required. (1) Every health maintenance agreement which excludes or limits, or reserves the right to exclude or limit, benefits for any treatment, procedure, facility, equipment, drug, drug usage, medical device, or supply (hereinafter individually and collectively referred to as services) for one or more medical condition or illness because such services are deemed to be experimental or investigational must include within the agreement and any certificate of coverage issued thereunder, a definition of experimental or investigational.

(2) The definition of experimental or investigational services must include an identification of the authority or authorities which will make a determination of which services will be considered to be experimental or investigational. If the health maintenance organization specifies that it, or an affiliated entity, is the authority making the determination, the criteria it will utilize to determine whether a service is experimental or investigational must be set forth in the agreement and any certificate of coverage issued thereunder. As an example, and not by way of limitation, the requirement to set forth criteria in the agreement or any certificate of coverage thereunder may be satisfied by using one or more of the following statements, or other similar statements:

(a) "In determining whether services are experimental or investigational, the plan will consider whether the services are in general use in the medical community in the state of Washington, whether the services are under continued scientific testing and research, whether the services show a demonstrable benefit for a particular illness or disease, and whether they are proven to be safe and efficacious."

(b) "In determining whether services are experimental or investigational, the plan will consider whether the services result in greater benefits for a particular illness or disease than other generally available services, and do not pose a significant risk to health or safety of the patient."

The supporting documentation upon which the criteria are established must be made available for inspection upon written request in all instances and may not be withheld as proprietary.

(3) Every health maintenance organization that denies a request for benefits or that refuses to approve a request to preauthorize services, whether made in writing or through other claim presentation or preauthorization procedures set out in the agreement and any certificate of coverage thereunder, because of an experimental or investigational exclusion or limitation, must do so in writing within twenty working days of receipt of a fully documented request. The health maintenance organization may extend the review period beyond twenty days only with the informed written consent of the covered individual. The denial letter must identify by name

and job title the individual making the decision and fully disclose:

(a) The basis for the denial of benefits or refusal to preauthorize services;

(b) The procedure through which the decision to deny benefits or to refuse to preauthorize services may be appealed;

(c) What information the appellant is required to submit with the appeal; and

(d) The specific time period within which the company will reconsider its decision.

(4)(a) Every health maintenance organization must establish a reasonable procedure under which denials of benefits or refusals to preauthorize services because of an experimental or investigational exclusion or limitation may be appealed. The appeals procedure may be considered reasonable if it provides that:

(i) A final determination must be made and provided to the appellant in writing within twenty working days of receipt of the fully documented appeal. The health maintenance organization may extend the review period beyond twenty days only with the informed written consent of the covered individual;

(ii) The appeal must be reviewed by a person or persons qualified by reasons of training, experience and medical expertise to evaluate it; and

(iii) The appeal must be reviewed by a person or persons other than the person or persons making the initial decision to deny benefits or to refuse to preauthorize services.

(b) When the initial decision to deny benefits or to refuse to preauthorize services is upheld upon appeal, the written notice shall set forth:

(i) The basis for the denial of benefits or refusal to preauthorize services; and

(ii) The name and professional qualifications of the person or persons reviewing the appeal.

(c) Disclosure of the existence of an appeal procedure shall be made by the health maintenance organization in each agreement and any certificate of coverage issued thereunder which contains an experimental or investigational exclusion or limitations.

(5) Whenever a covered person appeals the decision of the health maintenance organization and delay would jeopardize the covered person's life or health, the health maintenance organization must follow the appeal procedures and time frames in WAC ((~~284-43-620~~) 284-43-4040(2).

AMENDATORY SECTION (Amending WSR 10-01-118, filed 12/17/09, effective 1/17/10)

WAC 284-46A-010 Definitions that apply to this chapter. The definitions in this section apply throughout this chapter.

(1) "Complete filing" means a package of information containing forms, supporting information, documents and exhibits submitted to the commissioner electronically using the system for electronic rate and form filing (SERFF).

(2) "Date filed" means the date a complete filing has been received and accepted by the commissioner.

(3) "Filer" means:

(a) A person, organization or other entity that files forms or rates with the commissioner for an HMO; or

(b) A person employed by the HMO to file under this chapter.

(4) "Form" means a:

(a) "Contract" as defined in WAC ((~~284-43-910~~) 284-43-6020); and includes:

(i) Applications;

(ii) Certificates of coverage;

(iii) Disclosure forms;

(iv) Enrollment forms;

(v) Policy forms, including riders;

(vi) Termination notice forms;

(vii) Short form filing summary, as outlined in the SERFF filing instructions; and

(viii) All other forms that are part of the contract.

(b) "Contract form" as defined in WAC ((~~284-43-910~~) 284-43-6020);

(c) Network enrollment forms described in WAC ((~~284-43-220(2)~~) 284-170-280(3));

(d) Prepayment agreements described in RCW 48.46-060;

(e) Participating provider agreements as required by RCW 48.46.243; and

(f) Medicare supplement forms required to be filed under chapter 48.66 RCW.

(5) "Health maintenance organization" or "HMO" means the same as in RCW 48.46.020.

(6) "NAIC" means the National Association of Insurance Commissioners.

(7) "Objection letter" means correspondence created in SERFF and sent by the commissioner to the filer that:

(a) Requests clarification, documentation or other information;

(b) Explains errors or omissions in the filing; or

(c) Disapproves a form under RCW 48.46.060 or 48.46-243.

(8) "Rate" or "rates" means all classification manuals, rate manuals, rating schedules, class rates, and rating rules that must be filed under RCW 48.46.060 or 48.66.035.

(9) "Rate schedule" means the same as in WAC ((~~284-43-910~~) 284-43-6020).

(10) "SERFF" means the system for electronic rate and form filing. SERFF is a proprietary NAIC computer-based application that allows insurers and other entities to create and submit rate, rule and form filings electronically to the commissioner.

(11) "Type of insurance" or "TOI" means a specific type of health care coverage listed in the *Uniform Life, Accident and Health, Annuity and Credit Coding Matrix* published by the NAIC and available at www.naic.org.

AMENDATORY SECTION (Amending WSR 99-24-075, filed 11/29/99, effective 12/30/99)

WAC 284-50-377 Experimental and investigational prescriptions, treatments, procedures, or service—Definition required—Standard for definition—Written notice of denial required—Appeal process required. (1) Every individual disability insurance policy which excludes

or limits, or reserves the right to exclude or limit, benefits for any treatment, procedure, facility, equipment, drug, drug usage, medical device, or supply (hereinafter individually and collectively referred to as services) for one or more medical condition or illness because such services are deemed to be experimental or investigational must include within the policy a definition of experimental or investigational.

(2) The definition of experimental or investigational services must include an identification of the authority or authorities which will make a determination of which services will be considered to be experimental or investigational. If the individual disability insurer specifies that it, or an affiliated entity, is the authority making the determination, the criteria it will utilize to determine whether a service is experimental or investigational must be set forth in the policy. As an example, and not by way of limitation, the requirement to set forth criteria in the policy may be satisfied by using one or more of the following statements, or other similar statements:

(a) "In determining whether services are experimental or investigational, we will consider whether the services are in general use in the medical community in the state of Washington, whether the services are under continued scientific testing and research, whether the services show a demonstrable benefit for a particular illness or disease, and whether they are proven to be safe and efficacious."

(b) "In determining whether services are experimental or investigational, we will consider whether the services result in greater benefits for a particular illness or disease than other generally available services, and do not pose a significant risk to health or safety of the patient."

The supporting documentation upon which the criteria are established must be made available for inspection upon written request in all instances and may not be withheld as proprietary.

(3) Every individual disability insurer that denies a request for benefits or that refuses to approve a request to preauthorize services, whether made in writing or through other claim presentation or preauthorization procedures set out in the policy, because of an experimental or investigational exclusion or limitation, must do so in writing within twenty working days of receipt of a fully documented request. The individual disability insurer may extend the review period beyond twenty days only with the informed written consent of the covered individual. The denial letter must identify by name and job title the individual making the decision and fully disclose:

(a) The basis for the denial of benefits or refusal to preauthorize services;

(b) The procedure through which the decision to deny benefits or to refuse to preauthorize services may be appealed;

(c) What information the appellant is required to submit with the appeal; and

(d) The specific time period within which the company will reconsider its decision.

(4)(a) Every individual disability insurer must establish a reasonable procedure under which denials of benefits or refusals to preauthorize services because of an experimental or investigational exclusion or limitation may be appealed.

The appeals procedure may be considered reasonable if it provides that:

(i) A final determination must be made and provided to the appellant in writing within twenty working days of receipt of the fully documented appeal. The individual disability insurer may extend the review period beyond twenty days only with the informed written consent of the covered individual;

(ii) The appeal must be reviewed by a person or persons qualified by reasons of training, experience and medical expertise to evaluate it; and

(iii) The appeal must be reviewed by a person or persons other than the person or persons making the initial decision to deny benefits or to refuse to preauthorize services.

(b) When the initial decision to deny benefits or to refuse to preauthorize services is upheld upon appeal, the written notice shall set forth:

(i) The basis for the denial of benefits or refusal to preauthorize services; and

(ii) The name and professional qualifications of the person or persons reviewing the appeal.

(c) Disclosure of the existence of an appeal procedure shall be made by the individual disability insurer in each policy which contains an experimental or investigational exclusion or limitation.

(5) Whenever a covered person appeals the insurer's decision and delay would jeopardize the covered person's life or health, the insurer must follow the appeal procedures and time frames in WAC ((284-43-620)) 284-43-4040(2).

AMENDATORY SECTION (Amending WSR 09-16-073, filed 7/30/09, effective 9/1/09)

WAC 284-51-215 Time limit. (1) Each issuer must establish time limits for payment of a claim and may not unreasonably delay payment through the application of a coordination of benefits provision. Time limits established by a primary plan must be no less favorable than those contained in WAC ((284-43-321)) 284-170-431. Primary plans must pay ninety-five percent of clean claims subject to this chapter within thirty calendar days of receipt or of determining they are the primary plan, and must pay all clean claims subject to this chapter within sixty calendar days of receipt or of determining they are the primary plan. Any time limit established by a secondary plan that is in excess of thirty days from receipt of a claim, with the primary plan's explanation of benefit information or other primary payment details needed to process the claim, will be considered unreasonable. The deadlines established in this subsection may be extended for the length of time a primary or secondary plan must wait for information needed from the provider (e.g., medical records) or from the enrollee (e.g., motor vehicle accident information), in order to adjudicate the claim.

(2) The specific time limits for coordination of benefits processing include:

(a) When an issuer has been notified that more than one plan covers an enrollee who has submitted a claim, the issuer shall resolve with the other plan in not more than thirty calendar days which plan is primary. This deadline may be extended in situations involving court orders for dependent

coverage, if the court order contains information needed to determine which plan is primary and has not been provided to the issuer. If agreement cannot be reached, both plans shall pay as set forth in WAC 284-51-205 (4)(f).

(b) Once the primary plan and secondary plan have been established, if the secondary plan receives a claim without the primary plan's explanation of benefit information or other primary payment details needed to process the claim, including at least the paid amount and the allowed amount, the secondary plan will notify the submitting provider and/or enrollee as soon as possible and within thirty calendar days of receipt of the claim, that the secondary claim is incomplete without such primary plan information. The secondary plan will promptly process the claim after it has been resubmitted with the explanation of benefit information from the primary payer.

(c) If a primary plan has not adjudicated a claim within sixty calendar days of receipt of the claim and all supporting documentation, and if the primary plan is not waiting for information from the provider (e.g., medical records) or from the enrollee (e.g., motor vehicle accident information), needed to adjudicate the claim, the provider or enrollee may submit the claim and notice of the primary plan's failure to pay to the secondary plan which shall pay the provider's claim as primary within thirty calendar days.

(3) When payment is necessarily delayed for reasons other than the application of a coordination of benefits provision, investigation of other plan coverage must be conducted concurrently to avoid delay in the ultimate payment of benefits. Any issuer that is required by the time limit in subsection (2) of this section to make payment as the primary plan may exercise its rights under its "right of recovery" provision for recovery of any excess payments. After payment information is received from the primary plan, the secondary plan may recover any excess amount paid under its "right of recovery" provision.

(4) The provisions in this section do not apply when medicare is the primary payer; in such cases federal medicare law governs.

AMENDATORY SECTION (Amending WSR 99-24-075, filed 11/29/99, effective 12/30/99)

WAC 284-96-015 Experimental and investigational prescriptions, treatments, procedures, or services—Definition required—Standard for definition—Written notice of denial required—Appeal process required. (1) Every group disability insurance policy which excludes or limits, or reserves the right to exclude or limit, benefits for any treatment, procedure, facility, equipment, drug, drug usage, medical device, or supply (hereinafter individually and collectively referred to as services) for one or more medical condition or illness because such services are deemed to be experimental or investigational must include within the policy and any certificate of coverage issued thereunder, a definition of experimental or investigational.

(2) The definition of experimental or investigational services must include an identification of the authority or authorities which will make a determination of which services will be considered to be experimental or investiga-

tional. If the group disability insurer specifies that it, or an affiliated entity, is the authority making the determination, the criteria it will utilize to determine whether a service is experimental or investigational must be set forth in the policy and any certificate of coverage issued thereunder. As an example, and not by way of limitation, the requirement to set forth criteria in the policy and any certificate of coverage issued thereunder may be satisfied by using one or more of the following statements, or other similar statements:

(a) "In determining whether services are experimental or investigational, we will consider whether the services are in general use in the medical community in the state of Washington, whether the services are under continued scientific testing and research, whether the services show a demonstrable benefit for a particular illness or disease, and whether they are proven to be safe and efficacious."

(b) "In determining whether services are experimental or investigational, we will consider whether the services result in greater benefits for a particular illness or disease than other generally available services, and do not pose a significant risk to health or safety of the patient."

The supporting documentation upon which the criteria are established must be made available for inspection upon written request in all instances and may not be withheld as proprietary.

(3) Every group disability insurer that denies a request for benefits or that refuses to approve a request to preauthorize services, whether made in writing or through other claim presentation or preauthorization procedures set out in the policy and any certificate of coverage thereunder, because of an experimental or investigational exclusion or limitation, must do so in writing within twenty working days of receipt of a fully documented request. The group disability insurer may extend the review period beyond twenty days only with the informed written consent of the covered individual. The denial letter must identify by name and job title the individual making the decision and fully disclose:

(a) The basis for the denial of benefits or refusal to preauthorize services;

(b) The procedure through which the decision to deny benefits or to refuse to preauthorize services may be appealed;

(c) What information the appellant is required to submit with the appeal; and

(d) The specific time period within which the company will reconsider its decision.

(4)(a) Every group disability insurer must establish a reasonable procedure under which denials of benefits or refusals to preauthorize services because of an experimental or investigational exclusion or limitation may be appealed. The appeals procedure may be considered reasonable if it provides that:

(i) A final determination must be made and provided to the appellant in writing within twenty working days of receipt of the fully documented appeal. The group disability insurer may extend the review period beyond twenty days only with the informed written consent of the covered individual;

(ii) The appeal must be reviewed by a person or persons qualified by reasons of training, experience and medical expertise to evaluate it; and

(iii) The appeal must be reviewed by a person or persons other than the person or persons making the initial decision to deny benefits or to refuse to preauthorize services.

(b) When the initial decision to deny benefits or to refuse to preauthorize services is upheld upon appeal, the written notice shall set forth:

(i) The basis for the denial of benefits or refusal to preauthorize services; and

(ii) The name and professional qualifications of the person or persons reviewing the appeal.

(c) Disclosure of the existence of an appeal procedure shall be made by the group disability insurer in each policy and any certificate of coverage issued thereunder which contains an experimental or investigational exclusion or limitation.

(5) Whenever a covered person appeals the insurer's decision and delay would jeopardize the covered person's life or health, the group disability insurer must follow the appeal procedures and time frames in WAC ((~~284-43-620~~) 284-43-4040(2).

AMENDATORY SECTION (Amending WSR 16-07-144, filed 3/23/16, effective 4/23/16)

WAC 284-170-200 Network access—General standards. (1) An issuer must maintain each provider network for each health plan in a manner that is sufficient in numbers and types of providers and facilities to assure that, to the extent feasible based on the number and type of providers and facilities in the service area, all health plan services provided to enrollees will be accessible in a timely manner appropriate for the enrollee's condition. An issuer must demonstrate that for each health plan's defined service area, a comprehensive range of primary, specialty, institutional, and ancillary services are readily available without unreasonable delay to all enrollees and that emergency services are accessible twenty-four hours per day, seven days per week without unreasonable delay.

(2) Each enrollee must have adequate choice among health care providers, including those providers which must be included in the network under WAC ((~~284-43-205~~) 284-170-270, and for qualified health plans and qualified stand-alone dental plans, under WAC ((~~284-43-222~~) 284-170-310.

(3) An issuer's service area must not be created in a manner designed to discriminate or that results in discrimination against persons because of age, gender, gender identity, sexual orientation, disability, national origin, sex, family structure, ethnicity, race, health condition, employment status, or socioeconomic status.

(4) An issuer must establish sufficiency and adequacy of choice of providers based on the number and type of providers and facilities necessary within the service area for the plan to meet the access requirements set forth in this subchapter. Where an issuer establishes medical necessity or other prior authorization procedures, the issuer must ensure sufficient qualified staff is available to provide timely prior authoriza-

tion decisions on an appropriate basis, without delays detrimental to the health of enrollees.

(5) In any case where the issuer has an absence of or an insufficient number or type of participating providers or facilities to provide a particular covered health care service, the issuer must ensure through referral by the primary care provider or otherwise that the enrollee obtains the covered service from a provider or facility within reasonable proximity of the enrollee at no greater cost to the enrollee than if the service were obtained from network providers and facilities. An issuer must satisfy this obligation even if an alternate access delivery request has been submitted and is pending commissioner approval.

An issuer may use facilities in neighboring service areas to satisfy a network access standard if one of the following types of facilities is not in the service area, or if the issuer can provide substantial evidence of good faith efforts on its part to contract with the facilities in the service area. Such evidence of good faith efforts to contract will include documentation about the efforts to contract but not the substantive contract terms offered by either the issuer or the facility. This applies to the following types of facilities:

(a) Tertiary hospitals;

(b) Pediatric community hospitals;

(c) Specialty or limited hospitals, such as burn units, rehabilitative hospitals, orthopedic hospitals, and cancer care hospitals;

(d) Neonatal intensive care units; and

(e) Facilities providing transplant services, including those that provide solid organ, bone marrow, and stem cell transplants.

(6) An issuer must establish and maintain adequate arrangements to ensure reasonable proximity of network providers and facilities to the business or personal residence of enrollees, and located so as to not result in unreasonable barriers to accessibility. Issuers must make reasonable efforts to include providers and facilities in networks in a manner that limits the amount of travel required to obtain covered benefits.

(7) A single case provider reimbursement agreement must be used only to address unique situations that typically occur out-of-network and out of service area, where an enrollee requires services that extend beyond stabilization or one time urgent care. Single case provider reimbursement agreements must not be used to fill holes or gaps in the network and do not support a determination of network access.

(8) An issuer must disclose to enrollees that limitations or restrictions on access to participating providers and facilities may arise from the health service referral and authorization practices of the issuer. A description of the health plan's referral and authorization practices, including information about how to contact customer service for guidance, must be set forth as an introduction or preamble to the provider directory for a health plan. In the alternative, the description of referral and authorization practices may be included in the summary of benefits and explanation of coverage for the health plan.

(9) To provide adequate choice to enrollees who are American Indians/Alaska Natives, each health issuer must maintain arrangements that ensure that American Indi-

ans/Alaska Natives who are enrollees have access to covered medical and behavioral health services provided by Indian health care providers.

Issuers must ensure that such enrollees may obtain covered medical and behavioral health services from the Indian health care provider at no greater cost to the enrollee than if the service were obtained from network providers and facilities, even if the Indian health care provider is not a contracted provider. Issuers are not responsible for credentialing providers and facilities that are part of the Indian health system. Nothing in this subsection prohibits an issuer from limiting coverage to those health services that meet issuer standards for medical necessity, care management, and claims administration or from limiting payment to that amount payable if the health service were obtained from a network provider or facility.

(10) An issuer must have a demonstrable method and contracting strategy to ensure that contracting hospitals in a plan's service area have the capacity to serve the entire enrollee population based on normal utilization.

(11) At a minimum, an issuer's provider network must adequately provide for mental health and substance use disorder treatment, including behavioral health therapy.

(a) Adequate networks include crisis intervention and stabilization, psychiatric inpatient hospital services, including voluntary psychiatric inpatient services, and services from mental health providers. There must be mental health providers of sufficient number and type to provide diagnosis and medically necessary treatment of conditions covered by the plan through providers acting within their scope of license and scope of competence established by education, training, and experience to diagnose and treat conditions found in the most recent version of the *Diagnostic and Statistical Manual of Mental Disorders* or other recognized diagnostic manual or standard.

(b) An issuer must establish a reasonable standard for the number and geographic distribution of mental health providers who can treat serious mental illness of an adult and serious emotional disturbances of a child, taking into account the various types of mental health practitioners acting within the scope of their licensure.

The issuer must measure the adequacy of the mental health network against this standard at least twice a year, and submit an action plan with the commissioner if the standard is not met.

(c) Emergency mental health services, including crisis intervention and crisis stabilization services, must be included in an issuer's provider network.

(d) An issuer must include a sufficient number and type of mental health and substance use disorder treatment providers and facilities within a service area based on normal utilization patterns.

(e) An issuer must ensure that an enrollee can identify information about mental health services and substance use disorder treatment including benefits, providers, coverage, and other relevant information by calling a customer service representative during normal business hours.

(12) The provider network must include preventive and wellness services, including chronic disease management and smoking cessation services as defined in RCW 48.43.005(37)

and WAC ((~~284-43-878(9)~~) 284-43-5640(9) and 284-43-5642(9)). If these services are provided through a quit-line or help-line, the issuer must ensure that when follow-up services are medically necessary, the enrollee will have access to sufficient information to access those services within the service area. Contracts with quit-line or help-line services are subject to the same conditions and terms as other provider contracts under this section.

(13) For the essential health benefits category of ambulatory patient services, as defined in WAC ((~~284-43-878(1)~~) 284-43-5640(1) and 284-43-5642(1)), an issuer's network is adequate if:

(a) The issuer establishes a network that affords enrollee access to urgent appointments without prior authorization within forty-eight hours, or with prior authorization, within ninety-six hours of the referring provider's referral.

(b) For primary care providers the following must be demonstrated:

(i) The ratio of primary care providers to enrollees within the issuer's service area as a whole meets or exceeds the average ratio for Washington state for the prior plan year;

(ii) The network includes such numbers and distribution that eighty percent of enrollees within the service area are within thirty miles of a sufficient number of primary care providers in an urban area and within sixty miles of a sufficient number of primary care providers in a rural area from either their residence or work; and

(iii) Enrollees have access to an appointment, for other than preventive services, with a primary care provider within ten business days of requesting one.

(c) For specialists:

(i) The issuer documents the distribution of specialists in the network for the service area in relation to the population distribution within the service area; and

(ii) The issuer establishes that when an enrollee is referred to a specialist, the enrollee has access to an appointment with such a specialist within fifteen business days for nonurgent services.

(d) For preventive care services, and periodic follow-up care including, but not limited to, standing referrals to specialists for chronic conditions, periodic office visits to monitor and treat pregnancy, cardiac or mental health conditions, and laboratory and radiological or imaging monitoring for recurrence of disease, the issuer permits scheduling such services in advance, consistent with professionally recognized standards of practice as determined by the treating licensed health care provider acting within the scope of his or her practice.

(14) The network access requirements in this subchapter apply to stand-alone dental plans offered through the exchange or where a stand-alone dental plan is offered outside of the exchange for the purpose of providing the essential health benefit category of pediatric oral benefits. All such stand-alone dental plans must ensure that all covered services to enrollees will be accessible in a timely manner appropriate for the enrollee's conditions.

(a) An issuer of such stand-alone dental plans must demonstrate that, for the dental plan's defined service area, all services required under WAC ((~~284-43-879(3)~~) 284-43-

5700(3) and 284-43-5702(4), as appropriate, are available to all enrollees without unreasonable delay.

(b) Dental networks for pediatric oral services must be sufficient for the enrollee population in the service area based on expected utilization.

(15) Issuers must meet all requirements of this subsection for all provider networks. An alternate access delivery request under WAC ((~~284-43-204~~)) 284-170-210 may be proposed only if:

(a) There are sufficient numbers and types of providers or facilities in the service area to meet the standards under this subchapter but the issuer is unable to contract with sufficient providers or facilities to meet the network standards in this subchapter; or

(b) An issuer's provider network has been previously approved under this section, and a provider or facility type subsequently becomes unavailable within a health plan's service area; or

(c) A county has a population that is fifty thousand or fewer, and the county is the sole service area for the plan, and the issuer chooses to propose an alternative access delivery system for that county; or

(d) A qualified health plan issuer is unable to meet the standards for inclusion of essential community providers, as provided under WAC ((~~284-43-222~~)) 284-170-310(3).

(16) This section is effective for all plans, whether new or renewed, with effective dates on or after January 1, 2015.

AMENDATORY SECTION (Amending WSR 16-07-144, filed 3/23/16, effective 4/23/16)

WAC 284-170-210 Alternate access delivery request.

(1) Where an issuer's network meets one or more of the criteria in WAC ((~~284-43-200~~)) 284-170-200 (15)(a) through (d), the issuer may submit an alternate access delivery request for the commissioner's review and approval. The alternate access delivery request must be made using the Alternate Access Delivery Request Form C, as provided in WAC ((~~284-43-220~~)) 284-170-280 (3)(d).

(a) An alternate access delivery system must provide enrollees with access to medically necessary care on a reasonable basis without detriment to their health.

(b) The issuer must ensure that the enrollee obtains all covered services in the alternate access delivery system at no greater cost to the enrollee than if the service was obtained from network providers or facilities or must make other arrangements acceptable to the commissioner.

(i) Copayments and deductibles requirements must apply to alternate access delivery systems at the same level they are applied to in-network services.

(ii) The alternate access delivery system may result in issuer payment of billed charges to ensure network access.

(c) An issuer must demonstrate in its alternate access delivery request a reasonable basis for not meeting a standard as part of its filing for approval of an alternate access delivery system, and include an explanation of why the alternate access delivery system provides a sufficient number or type of the provider or facility to which the standard applies to enrollees.

(d) An issuer must demonstrate a plan and practice to assist enrollees to locate providers and facilities in neighboring service areas in a manner that assures both availability and accessibility. Enrollees must be able to obtain health care services from a provider or facility within the closest reasonable proximity of the enrollee in a timely manner appropriate for the enrollee's health needs.

Alternate access delivery systems include, but are not limited to, such provider network strategies as use of out-of-state and out of county or service area providers, and exceptions to network standards based on rural locations in the service area.

(2) The commissioner will not approve an alternate access delivery system unless the issuer provides substantial evidence of good faith efforts on its part to contract with providers or facilities, and can demonstrate that there is not an available provider or facility with which the issuer can contract to meet provider network standards under WAC ((~~284-43-200~~)) 284-170-200.

(a) Such evidence of good faith efforts to contract, where required, will be submitted as part of the issuer's Alternate Access Delivery Request Form C submission, as described in WAC ((~~284-43-220~~)) 284-170-280 (3)(d).

(b) Evidence of good faith efforts to contract will include documentation about the efforts to contract but not the substantive contract terms offered by either the issuer or the provider.

(3) The practice of entering into a single case provider reimbursement agreement with a provider or facility in relation to a specific enrollee's condition or treatment requirements is not an alternate access delivery system for purposes of establishing an adequate provider network. A single case provider reimbursement agreement must be used only to address unique situations that typically occur out of network and out of service area, where an enrollee requires services that extend beyond stabilization or one time urgent care. Single case provider reimbursement agreements must not be used to fill holes or gaps in a network for the whole population of enrollees under a plan, and do not support a determination of network access.

(4) This section is effective for all plans, whether new or renewed, with effective dates on or after January 1, 2015.

AMENDATORY SECTION (Amending WSR 16-07-144, filed 3/23/16, effective 4/23/16)

WAC 284-170-230 Maintenance of sufficient provider networks.

(1) An issuer must maintain and monitor its provider networks on an ongoing basis for compliance with the network access standards set forth in WAC ((~~284-43-200~~)) 284-170-200. This includes an issuer of a stand-alone dental plan offered through the exchange or a stand-alone dental plan offered outside the exchange for the purpose of providing the essential health benefit category of pediatric oral benefits, which must maintain and monitor its networks for compliance with WAC ((~~284-43-200~~)) 284-170-200(14). An issuer must report to the commissioner, within the time frames stated in this section, any changes affecting the ability of its network providers and facilities to furnish covered services to enrollees.

(2) An issuer must notify the OIC in writing within five business days of either receiving or issuing a written notice of potential contract termination that would affect the network's ability to meet the standards set forth in WAC ((~~284-43-200~~) 284-170-200). Notice of potential termination must include an issuer's preliminary determination of whether an alternate access delivery request must be filed and the documentation supporting that determination. The issuer's notice must be submitted electronically following the submission instructions on the commissioner's web site.

(a) If the issuer determines that an alternate access delivery request must be submitted to comply with WAC ((~~284-43-200~~) 284-170-200(15), the issuer has ten business days to submit the request and supporting documentation for the alternate access delivery request in accordance with WAC ((~~284-43-220~~) 284-170-280 (3)(d).

(b) If, after reviewing the issuer's preliminary determination that an alternate access delivery request is not necessary, the OIC determines that an alternate access delivery request is required to comply with WAC ((~~284-43-200~~) 284-170-200(15), the issuer has five business days to submit the request and supporting documentation for the alternate access delivery request in accordance with WAC ((~~284-43-220~~) 284-170-280 (3)(d).

(c) If the OIC determines that a network is out of compliance with WAC ((~~284-43-200~~) 284-170-200 and the issuer has failed to report this change to the OIC, the issuer must, within one business day of notification by the OIC, submit an alternate access delivery request in accordance with WAC ((~~284-43-200~~) 284-170-200(15) and supporting documentation for the alternate access delivery request in accordance with WAC ((~~284-43-220~~) 284-170-280 (3)(d).

(3) An issuer of a health plan must maintain and monitor, on an ongoing basis, the ability and clinical capacity of its network providers and facilities to furnish covered health plan services to enrollees. An issuer must notify the commissioner in writing within fifteen days of a change in its network as described below:

(a) A reduction, by termination or otherwise, of ten percent or more in the number of either specialty providers, mental health providers, or facilities participating in the network;

(i) The initial time frame for measuring this reduction is from the network's initial approval date until the January 1st following the initial approval date.

(ii) After the January 1st following the network's initial approval date, the time frame for measuring this reduction is from January 1st to the following January 1st.

(b) Termination or reduction of a specific type of specialty provider on the American Board of Medical Specialties list of specialty and subspecialty certificates, where there are fewer than two of the specialists in a service area;

(c) An increase or reduction of twenty-five percent or more in the number of enrollees in the service area since the annual approval date;

(d) A reduction of five percent or more in the number of primary care providers in the service area who are accepting new patients;

(e) The termination or expiration of a contract with a hospital or any associated hospital-based medical group within a service area;

(f) A fifteen percent reduction in the number of providers or facilities for a specific chronic condition or disease participating in the network where the chronic condition or disease affects more than five percent of the issuer's enrollees in the service area. For purposes of monitoring, chronic illnesses are those conditions identified (or recognized) by the Centers for Medicare and Medicaid Services within the most current version of the Centers for Medicare and Medicaid Chronic Conditions Data Warehouse (CCW) data base available on the CMS.gov web site; or

(g) Written notice to the commissioner must include the issuer's preliminary determination whether the identified changes in the network require an alternate access delivery request in accordance with WAC ((~~284-43-220~~) 284-170-280 (3)(d).

(i) If the issuer determines that an alternate access delivery request must be submitted, the issuer has ten business days to submit the request and supporting documentation for the alternate access delivery request in accordance with WAC ((~~284-43-220~~) 284-170-280 (3)(d).

(ii) If, after reviewing the issuer's preliminary determination that an alternate access delivery request is not required, the OIC determines that an alternate access delivery request is required, the issuer has five business days to submit the request and supporting documentation for the alternate access delivery request in accordance with WAC ((~~284-43-220~~) 284-170-280 (3)(d).

(iii) If the OIC determines that a network is out of compliance with these standards and the issuer has failed to report this change to the OIC, the issuer must, within one business day of notification by the OIC, submit an alternate access delivery request in accordance with WAC ((~~284-43-200~~) 284-170-200(15) and supporting documentation for the alternate access delivery request in accordance with WAC ((~~284-43-220~~) 284-170-280 (3)(d).

(4) An issuer of a stand-alone dental plan offered through the exchange or of a stand-alone dental plan offered outside the exchange for the purpose of providing the essential health benefit category of pediatric oral benefits must maintain and monitor, on an ongoing basis, the ability and clinical capacity of its network providers and facilities to furnish covered services to enrollees. An issuer must notify the commissioner in writing within fifteen days of the change in its network as described below:

(a) A reduction, by termination or otherwise, of ten percent or more in the number of specialty providers in the network since the initial approval date;

(b) An increase or reduction of twenty-five percent or more in the number of enrollees in the service area since the annual approval date;

(c) A reduction of five percent or more in the number of providers of preventive and general dentistry accepting new patients in the service area;

(d) Notice to the commissioner must include the issuer's preliminary determination whether an alternate access delivery request must be submitted with supporting documenta-

tion in accordance with WAC ((284-43-220)) 284-170-280 (3)(d).

(i) If the issuer determines that an alternate access delivery request must be submitted, the issuer has ten business days to submit the request and supporting documentation in accordance with WAC ((284-43-220)) 284-170-280 (3)(d).

(ii) If after reviewing the issuer's preliminary determination that an alternate access delivery request is not required, the OIC determines that an alternate access delivery request is required, the issuer has five business days to submit the request and supporting documentation for the request in accordance with WAC ((284-43-220)) 284-170-280 (3)(d).

(iii) If the OIC determines that a network is not in compliance with these standards and the issuer has failed to report this change to the OIC, the issuer must, within one business day of notification by the OIC, submit an alternate access delivery request in accordance with WAC ((284-43-200)) 284-170-200(15) and supporting documentation for the request in accordance with WAC ((284-43-220)) 284-170-280 (3)(d).

(5) The following network access standards must be met on an ongoing basis:

(a) The actuarial projections of health care costs submitted as part of a premium rate filing must continue to be based on the actual network the issuer proposes for the health plan's service areas.

(b) A practice that is not currently accepting new patients may be included in a provider network for purposes of reporting network access, but must not be used to justify network access for anticipated enrollment growth.

(c) An issuer must have and maintain in its network a sufficient number and type of providers to whom direct access is required under RCW 48.43.515 (2) and (5) and 48.42.100 to accommodate all new and existing enrollees in the service areas.

(d) Issuers that use the following network models must maintain and monitor the continuity and coordination of care that enrollees receive: Networks that include medical home or medical management services in lieu of providing access to specialty or ancillary services through primary care provider referral, and networks where the issuer requires providers to whom an enrollee has direct access to notify the enrollee's primary care provider of treatment plans and services delivered. For these models, an issuer must perform continuity and coordination of care in a manner consistent with professionally recognized evidence-based standards of practice, across the health plan network. The baseline for such coordination is maintenance and monitoring as often as is necessary, but not less than once a year:

(i) The systems or processes for integration of health care services by medical and mental health providers;

(ii) The exchange of information between primary and specialty providers;

(iii) Appropriate diagnosis, treatment, and referral practices;

(iv) Access to treatment and follow-up for enrollees with coexisting conditions including, but not limited to, a mental health condition coexisting with a chronic health condition.

(6) This section is effective for all plans, whether new or renewed, with effective dates on or after January 1, 2016.

AMENDATORY SECTION (Amending WSR 16-07-144, filed 3/23/16, effective 4/23/16)

WAC 284-170-240 Use of subcontracted networks.

(1) The primary contractor with each provider and facility in an issuer's network must be specifically identified in network report filings with the commissioner. An issuer may use subcontracted networks as part of a provider network for a service area, subject to the following requirements:

(a) An issuer must not elect to use less than one hundred percent of the subcontracted network or networks in its service area.

(b) An issuer may use a combination of directly contracting with providers and use of a subcontracted network in the same service area.

(2) Upon request by the commissioner, an issuer must produce an executed copy of its agreement with a subcontracted network, and certify to the commissioner that there is reasonable assurance the providers listed as part of the subcontracted network are under enforceable contracts with the subcontractor. The contract with the subcontracted network's administrator must provide the issuer with the ability to require providers to conform to the requirements in chapter ((284-43)) 284-170 WAC, subchapter B.

(3) If an issuer permits a facility or provider to delegate functions, the issuer must require the facility or provider to:

(a) Include the requirements of this subchapter in its contracting documents with the subcontractor, including providing the commissioner with access to any pertinent information related to the contract during the contract term, for up to ten years from the final date of the contract period, and in certain instances, where required by federal or state law, periods in excess of ten years;

(b) Provide the issuer with the right to approve, suspend or terminate any such arrangement.

(4) This section is effective for all plans, whether new or renewed, with effective dates on or after January 1, 2015.

AMENDATORY SECTION (Amending WSR 16-07-144, filed 3/23/16, effective 4/23/16)

WAC 284-170-260 Provider directories. (1) Provider directories must be updated at least monthly, and must be offered to accommodate individuals with limited-English proficiency or disabilities. An issuer must post the current provider directory for each health plan online, and must make a printed copy of the current directory available to an enrollee upon request as required under RCW 48.43.510 (1)(g).

(2) For each health plan, the associated provider directory must include the following information for each provider:

(a) The specialty area or areas for which the provider is licensed to practice and included in the network;

(b) Any in-network institutional affiliation of the provider, such as hospitals where the provider has admitting privileges or provider groups with which a provider is a member;

(c) Whether the provider may be accessed without referral;

(d) Any languages, other than English, spoken by the provider.

(3) An issuer must include in its electronic posting of a health plan's provider directory a notation of any primary care, chiropractor, women's health care provider, or pediatrician whose practice is closed to new patients.

(4) If an issuer maintains more than one provider network, its posted provider directory or directories must make it reasonably clear to an enrollee which network applies to which health plan.

(5) Information about any available telemedicine services must be included and specifically described.

(6) Information about any available interpreter services, communication and language assistance services, and accessibility of the physical facility must be identified in the directory, and the mechanism by which an enrollee may access such services.

(7) An issuer must include information about the network status of emergency providers as required by WAC ((284-43-252)) 284-170-370.

(8) This section is effective for all plans, whether new or renewed, with effective dates on or after January 1, 2015.

AMENDATORY SECTION (Amending WSR 16-07-144, filed 3/23/16, effective 4/23/16)

WAC 284-170-270 Every category of health care providers. (1) Issuers must not exclude any category of providers licensed by the state of Washington who provide health care services or care within the scope of their practice for services covered as essential health benefits, as defined in WAC ((284-43-878)) 284-43-5640 and 284-43-5642 and RCW 48.43.715, for individual and small group plans; and as covered by the basic health plan, as defined in RCW 48.43.005(4), for plans other than individual and small group.

For individual and small group plans, the issuer must not exclude a category of provider who is licensed to provide services for a covered condition, and is acting within the scope of practice, unless such services would not meet the issuer's standards pursuant to RCW 48.43.045 (1)(a). For example, if the issuer covers outpatient treatment of lower back pain as part of the essential health benefits, any category of provider that provides cost-effective and clinically efficacious outpatient treatment for lower back pain within its scope of practice and otherwise abides by standards pursuant to RCW 48.43.045 (1)(a) must not be excluded from the network.

(2) RCW 48.43.045 (1)(a) permits issuers to require providers to abide by certain standards. These standards may not be used in a manner designed to exclude categories of providers unreasonably. For example, issuers must not decide that a particular category of provider can never render any cost-effective or clinically efficacious services and thereby exclude that category of provider completely from health plans on that basis.

(3) Health plans are not prohibited by this section from placing reasonable limits on individual services rendered by specific categories of providers based on relevant information or evidence of the type usually considered and relied upon in making determinations of cost-effectiveness or clinical efficacy. However, health plans must not contain unreasonable limits, and must not include limits on the type of pro-

vider permitted to render the covered service unless such limits comply with RCW 48.43.045 (1)(a).

(4) This section does not prohibit health plans from using restricted networks. Issuers offering plans with restricted networks may select the individual providers in any category of provider with whom they will contract or whom they will reimburse. An issuer is not required by RCW 48.43.045 or this section to accede to a request by any individual provider for inclusion in any network for any health plan.

(a) Health plan networks that use "gatekeepers" or "medical homes" for access to specialist providers may use them for access to specified categories of providers.

(b) For purposes of this section:

(i) "Gatekeeper" means requiring a referral from a primary care or direct access provider or practitioner to access specialty or in-patient services.

(ii) "Medical home" means a team based health care delivery model for patient centered primary care that provides comprehensive and continuous medical care to patients with the goal of obtaining maximized health outcomes as modified and updated by the Agency for Healthcare Research and Quality, the U.S. Department of Health and Human Services (HRSA), and other state and federal agencies.

(5) Issuers must not offer coverage for health services for certain categories of providers solely as a separately priced optional benefit.

(6) The insurance commissioner may grant reasonable temporary extensions of time for implementation of RCW 48.43.045 or this section, or any part thereof, for good cause shown.

AMENDATORY SECTION (Amending WSR 16-07-144, filed 3/23/16, effective 4/23/16)

WAC 284-170-280 Network reports—Format. (1) An issuer must submit its provider network materials to the commissioner for approval prior to or at the time it files a newly offered health plan.

(a) For individual and small groups, the submission must occur when the issuer submits its plan under WAC ((284-170-870)) 284-43-0200. For groups other than individual and small, the submission must occur when the issuer submits a new health plan and as required in this section.

(b) The commissioner may extend the time for filing for good cause shown.

(c) For plan year 2015 only, the commissioner will permit a safe harbor standard. An issuer who can not meet the submission requirements in (e) and (f) of this subsection will be determined to meet the requirements of those subsections even if the submissions are incomplete, provided that the issuer:

(i) Identifies specifically each map required under subsection (3)(e)(i) of this section, or Access Plan component required under subsection (3)(f) of this section, which has not been included in whole or part;

(ii) Explains the specific reason each map or component has not been included; and

(iii) Sets forth the issuer's plan to complete the submission, including the date(s) by which each incomplete map and component will be completed and submitted.

(2) Unless indicated otherwise, the issuer's reports must be submitted electronically and completed consistent with the posted submission instructions on the commissioner's web site, using the required formats.

(3) For plan years beginning January 1, 2015, an issuer must submit the following specific documents and data to the commissioner to document network access:

(a) **Provider Network Form A.** An issuer must submit a report of all participating providers by network.

(i) The Provider Network Form A must be submitted for each network being reviewed for network access. A network may be used by more than one plan.

(ii) An issuer must indicate whether a provider is an essential community provider as instructed in the commissioner's Provider Network Form A instructions.

(iii) An issuer must submit an updated, accurate Provider Network Form A on a monthly basis by the 5th of each month for each network and when a material change in the network occurs as described in subchapter B.

(iv) Filing of this data satisfies the reporting requirements of RCW 48.44.080 and the requirements of RCW 48.46.030 relating to filing of notices that describe changes in the provider network.

(b) **Provider directory certification.** An issuer must submit at the time of each Provider Network Form A submission a certification that the provider directory posted on the issuer's web site is specific to each plan, accurate as of the last date of the prior month. A certification signed by an officer of the issuer must confirm that the provider directory contains only providers and facilities with which the issuer has a signed contract that is in effect on the date of the certification.

(c) **Network Enrollment Form B.** The Network Enrollment Form B report provides the commissioner with an issuer's count of total covered lives for the prior year, during each month of the year, for each health plan by county.

(i) The report must be submitted for each network as a separate report. The report must contain all data items shown in and conform to the format of Network Enrollment Form B prescribed by and available from the commissioner.

(ii) An issuer must submit this report by March 31st of each year.

(d) **Alternate Access Delivery Request Form C.** For plan years that begin on or after January 1, 2015, alternate access delivery requests must be submitted when an issuer's network meets one or more of the criteria in WAC (~~(284-43-200)~~) 284-170-200 (15)(a) through (d). Alternate access delivery requests must be submitted to the commissioner using the Alternate Access Delivery Request Form C.

(i) The Alternate Access Delivery Request Form C submission must address the following areas, and may include other additional information as requested by the commissioner:

(A) A description of the specific issues the alternate access delivery system is intended to address, accompanied by supporting data describing how the alternate access delivery system ensures that enrollees have reasonable access to sufficient providers and facilities, by number and type, for covered services;

(B) A description and schedule of cost-sharing requirements for providers that fall under the alternate access delivery system;

(C) The issuer's proposed method of noting on its provider directory how an enrollee can access provider types under the alternate access delivery system;

(D) The issuer's marketing plan to accommodate the time period that the alternate access delivery system is in effect, and specifically describe how it impacts current and future enrollment and for what period of time;

(ii) Provider Network Form A and Network Enrollment Form B submissions are required in relation to an alternate access delivery system on the basis described in subsections (1) and (2) of this section.

(iii) If a network becomes unable to meet the network access standards after approval but prior to the health product's effective date, an alternate access delivery request must include a timeline to bring the network into full compliance with this subchapter.

(e) **Geographic Network Reports.**

(i) The geographic mapping criteria outlined below are minimum requirements and will be considered in conjunction with the standards set forth in WAC (~~(284-43-200 and 284-43-222)~~) 284-170-200 and 284-170-310. One map for each of the following provider types must be submitted:

(A) Hospital and emergency services. Map must identify provider locations, and demonstrate that each enrollee in the service area has access within thirty minutes in an urban area and sixty minutes in a rural area from either their residence or workplace to general hospital facilities including emergency services.

(B) Primary care providers. Map must demonstrate that eighty percent of the enrollees in the service area have access within thirty miles in an urban area and sixty miles in a rural area from either their residence or workplace to a primary care provider with an open practice. The provider type selected must have a license under Title 18 RCW that includes primary care services in the scope of license.

(C) Mental health and substance use disorder providers. For general mental health providers, such as licensed psychiatrists, psychologists, social workers, and mental health nurse practitioners, the map must demonstrate that eighty percent of the enrollees in the service area have access to a mental health provider within thirty miles in an urban area and sixty miles in a rural area from either their residence or workplace. For specialty mental health providers and substance use disorder providers, the map must demonstrate that eighty percent of the enrollees have access to the following types of service provider or facility: Evaluation and treatment, voluntary and involuntary inpatient mental health and substance use disorder treatment, outpatient mental health and substance use disorder treatment, and behavioral therapy. If one of the types of specialty providers is not available as required above, the issuer must propose an alternate access delivery system to meet this requirement.

(D) Pediatric services. For general pediatric services, the map must demonstrate that eighty percent of the covered children in the service area have access to a pediatrician or other provider whose license under Title 18 RCW includes pediatric services in the scope of license. This access must be

within thirty miles in an urban area and sixty miles in a rural area of their family or placement residence. For specialty pediatric services, the map must demonstrate that eighty percent of covered children in the service area have access to pediatric specialty care within sixty miles in an urban area and ninety miles in a rural area of their family or placement residence. The pediatric specialty types include, but are not limited to, nephrology, pulmonology, rheumatology, hematology-oncology, perinatal medicine, neurodevelopmental disabilities, cardiology, endocrinology, and gastroenterology.

(E) Specialty services. An issuer must provide one map for the service area for specialties found on the American Board of Medical Specialties list of approved medical specialty boards. The map must demonstrate that eighty percent of the enrollees in the service area have access to an adequate number of providers and facilities in each specialty. Subspecialties are subsumed on the map.

(F) Therapy services. An issuer must provide one map that demonstrates that eighty percent of the enrollees have access to the following types of providers within thirty miles in an urban area and sixty miles in a rural area of their residence or workplace: Chiropractor, rehabilitative service providers and habilitative service providers.

(G) Home health, hospice, vision, and dental providers. An issuer must provide one map that identifies each provider or facility to which an enrollee has access in the service area for home health care, hospice, vision, and pediatric oral coverage, including allied dental professionals, dental therapists, dentists, and orthodontists.

(H) Covered pharmacy dispensing services. An issuer must provide one map that demonstrates the geographic distribution of the pharmacy dispensing services within the service area. If a pharmacy benefit manager is used by the issuer, the issuer must establish that the specifically contracted pharmacy locations within the service area are available to enrollees through the pharmacy benefit manager.

(I) Essential community providers. An issuer must provide one map that demonstrates the geographic distribution of essential community providers, by type of provider or facility, within the service area. This requirement applies only to qualified health plans as certified in RCW 43.71.065.

(ii) Each report must include the provider data points on each map, title the map as to the provider type or facility type it represents, include the network identification number the map applies to, and the name of each county included on the report.

(iii) For plan years beginning January 1, 2015, and every year thereafter, an issuer must submit reports as required in subsection (1) of this section to the commissioner for review and approval, or when an alternate access delivery request is submitted.

(f) **Access Plan.** An issuer must establish an access plan specific to each product that describes the issuer's strategy, policies, and procedures necessary to establishing, maintaining, and administering an adequate network.

(i) At a minimum, the issuer's policies and procedures referenced in the access plan must address:

(A) Referral of enrollees out-of-network, including criteria for determining when an out-of-network referral is required or appropriate;

(B) Copayment and coinsurance determination standards for enrollees accessing care out-of-network;

(C) Standards of accessibility expressed in terms of objectives and minimum levels below which corrective action will be taken, including the proximity of specialists and hospitals to primary care sources, and a method and process for documentation confirming that access will not result in delay detrimental to health of enrollees;

(D) Monitoring policies and procedures for compliance, including tracking and documenting network capacity and availability;

(E) Standard hours of operation, and after-hours, for prior authorization, consumer and provider assistance, and claims adjudication;

(F) Triage and screening arrangements for prior authorization requests;

(G) Prior authorization processes that enrollees must follow, including the responsibilities and scope of use of nonlicensed staff to handle enrollee calls about prior authorization;

(H) Specific procedures and materials used to address the needs of enrollees with limited-English proficiency and literacy, with diverse cultural and ethnic backgrounds, and with physical and mental disabilities;

(I) Assessment of the health status of the population of enrollees or prospective enrollees, including incorporation of the findings of local public health community assessments, and standardized outcome measures, and use of the assessment data and findings to develop network or networks in the service area;

(J) Notification to enrollees regarding personal health information privacy rights and restrictions, termination of a provider from the network, and maintaining continuity of care for enrollees when there is a material change in the provider network, insolvency of the issuer, or other cessation of operations;

(K) Issuer's process for corrective action for providers related to the provider's licensure, prior authorization, referral and access compliance. The process must include remedies to address insufficient access to appointments or services.

(ii) An access plan applicable to each product must be submitted with every Geographic Network Report when the issuer seeks initial certification of the network, submits its annual rate filing to the commissioner for review and approval, or when an alternative access delivery request is required due to a material change in the network.

(iii) The current access plan, with all associated data sets, policies and procedures, must be made available to the commissioner upon request, and a summary of the access plan's associated procedures must be made available to the public upon request.

(4) For purposes of this section, "urban area" means:

(a) A county with a density of ninety persons per square mile; or

(b) An area within a twenty-five mile radius around an incorporated city with a population of more than thirty thousand.

AMENDATORY SECTION (Amending WSR 16-07-144, filed 3/23/16, effective 4/23/16)

WAC 284-170-300 Essential community providers for exchange plans—Definition. "Essential community provider" means providers listed on the Centers for Medicare and Medicaid Services Non-Exhaustive List of Essential Community Providers. This list includes providers and facilities that have demonstrated service to medicaid, low-income, and medically underserved populations in addition to those that meet the federal minimum standard, which includes:

- (1) Hospitals and providers who participate in the federal 340B Drug Pricing Program;
- (2) Disproportionate share hospitals, as designated annually;
- (3) Those eligible for Section 1927 Nominal Drug Pricing;
- (4) Those whose patient mix is at least thirty percent medicaid or medicaid expansion patients who have approved applications for the Electronic Medical Record Incentive Program;
- (5) State licensed community clinics or health centers or community clinics exempt from licensure;
- (6) Indian health care providers as defined in WAC ((~~284-43-130~~) 284-170-130(16));
- (7) Long-term care facilities in which the average residency rate is fifty percent or more eligible for medicaid during the preceding calendar year;
- (8) School-based health centers as referenced for funding in Sec. 4101 of Title IV of ACA;
- (9) Providers identified as essential community providers by the U.S. Department of Health and Human Services through subregulatory guidance or bulletins;
- (10) Facilities or providers who waive charges or charge for services on a sliding scale based on income and that do not restrict access or services because of a client's financial limitations;
- (11) Title X Family Planning Clinics and Title X look-alike Family Planning Clinics;
- (12) Rural based or free health centers as identified on the Rural Health Clinic and the Washington Free Clinic Association web sites; and
- (13) Federal qualified health centers (FQHC) or FQHC look-alikes.

AMENDATORY SECTION (Amending WSR 16-07-144, filed 3/23/16, effective 4/23/16)

WAC 284-170-310 Essential community providers for exchange plans—Network access. (1) An issuer must include essential community providers in its provider network for qualified health plans and qualified stand-alone dental plans in compliance with this section and as defined in WAC ((~~284-43-221~~) 284-170-300).

(2) An issuer must include a sufficient number and type of essential community providers in its provider network to provide reasonable access to the medically underserved or low-income in the service area, unless the issuer can provide substantial evidence of good faith efforts on its part to contract with the providers or facilities in the service area. Such

evidence of good faith efforts to contract will include documentation about the efforts to contract but not the substantive contract terms offered by either the issuer or the provider.

(3) The following minimum standards apply to establish adequate qualified health plan inclusion of essential community providers:

(a) Each issuer must demonstrate that at least thirty percent of available primary care providers, pediatricians, and hospitals that meet the definition of an essential community provider in each plan's service area participate in the provider network;

(b) The issuer's provider network must include access to one hundred percent of Indian health care providers in a service area, as defined in WAC ((~~284-43-130~~) 284-170-130(16), such that qualified enrollees obtain all covered services at no greater cost than if the service was obtained from network providers or facilities;

(c) Within a service area, fifty percent of rural health clinics located outside an area defined as urban by the 2010 Census must be included in the issuer's provider network;

(d) For essential community provider categories of which only one or two exist in the state, an issuer must demonstrate a good faith effort to contract with that provider or providers for inclusion in its network, which will include documentation about the efforts to contract but not the substantive contract terms offered by either the issuer or the provider;

(e) For qualified health plans that include pediatric oral services or qualified dental plans, thirty percent of essential community providers in the service area for pediatric oral services must be included in each issuer's provider network;

(f) Ninety percent of all federally qualified health centers and FQHC look-alike facilities in the service area must be included in each issuer's provider network;

(g) At least one essential community provider hospital per county in the service area must be included in each issuer's provider network;

(h) At least fifteen percent of all providers participating in the 340B program in the service area, balanced between hospital and nonhospital entities, must be included in the issuer's provider network;

(i) By 2016, at least seventy-five percent of all school-based health centers in the service area must be included in the issuer's network.

(4) An issuer must, at the request of a school-based health center or group of school-based health centers, offer to contract with such a center or centers to reimburse covered health care services delivered to enrollees under an issuer's health plan.

(a) If a contract is not entered into, the issuer must provide substantial evidence of good faith efforts on its part to contract with a school-based health center or group of school-based health centers. Such evidence of good faith efforts to contract will include documentation about the efforts to contract but not the substantive contract terms offered by either the issuer or the provider.

(b) "School-based health center" means a school-based location for the delivery of health services, often operated as a partnership of schools and community health organizations, which can include issuers, which provide on-site medical and

mental health services through a team of medical and mental health professionals to school-aged children and adolescents.

(5) An issuer must, at the request of an Indian health care provider, offer to contract with such a provider to reimburse covered health care services delivered to qualified enrollees under an issuer's health plan.

(a) Issuers are encouraged to use the current version of the Washington State Indian Health Care Provider Addendum, as posted on <http://www.aihc-wa.com>, to supplement the existing provider contracts when contracting with an Indian health care provider.

(b) If an Indian health care provider requests a contract and a contract is not entered into, the issuer must provide substantial evidence of good faith efforts on its part to contract with the Indian health care provider. Such evidence of good faith efforts to contract will include documentation about the efforts to contract but not the substantive contract terms offered by either the issuer or the provider.

(6) These requirements do not apply to integrated delivery systems pursuant to RCW 43.71.065.

AMENDATORY SECTION (Amending WSR 16-07-144, filed 3/23/16, effective 4/23/16)

WAC 284-170-330 Tiered provider networks. (1) "Tiered provider network" means a network that identifies and groups providers and facilities into specific groups to which different provider reimbursement, enrollee cost-sharing, or provider access requirements, or any combination thereof, apply as a means to manage cost, utilization, quality, or to otherwise incentivize enrollee or provider behavior.

(a) An issuer may use a term other than tiered network as long as the term is not misleading or susceptible to confusion with a specific licensee designation, such as accountable care organization.

(b) An issuer must not use tiered networks to limit access to certain categories of providers or facilities.

(2) When an issuer's contracts include the placement of providers or facilities in tiers, and the network design results in cost differentials for enrollees, the issuer must disclose to enrollees at the time of enrollment the cost difference and the basis for the issuer's placement of providers or facilities in one tier or another.

(3) The lowest cost-sharing tier of a tiered network must provide enrollees with adequate access and choice among health care providers and facilities for essential health benefits as set forth in WAC ((~~284-43-878, 284-43-879, and 284-43-880~~) 284-43-5640 and 284-43-5642, 284-43-5700 and 284-43-5702, and 284-43-5780 and 284-43-5782.

(4) Cost-sharing differentials between tiers must not be imposed on an enrollee if the sole provider or facility type or category required to deliver a covered service is not available to the enrollee in the lowest cost-sharing tier of the network.

(a) All enrollees must have reasonable access to providers and facilities at the lowest cost tier of cost-sharing.

(b) Variations in cost-sharing between tiers must be reasonable in relation to the premium rate charged.

(5) An issuer must include with the Provider Compensation Agreement the metrics and methodology used to assign participating providers and facilities to tiers. An issuer must

be able to demonstrate to the commissioner's satisfaction that its assignment of providers and facilities to tiers, when based on a rating system, is consistent with the issuer's placement methodology.

(a) When an issuer revises or amends a quality, cost-efficiency or tiering program related to its provider network, it must provide notice to affected providers and facilities of the proposed change sixty days before notifying the public of the program. The notice must explain the methodology and data, if any, used for particular providers and facilities and include information on provider appeal rights as stated in the provider agreement.

(b) An issuer must make its physician cost profile available to providers and facilities under a tiered network, including the written criteria by which the provider's performance is measured.

(6) An issuer's provider and facility ranking program, and the criteria used to assign providers and facilities to different tiers, must not be described in advertising or plan documents so as to deceive consumers as to issuer rating practices and their affect on available benefits. When a tiered network is used, an issuer must provide detailed information on its web site and if requested, make available in paper form information about the tiered network including, but not limited to:

(a) The providers and facilities participating in the tiered network;

(b) The selection criteria, if any, used to place the providers and facilities, but not including the results of applying those selection criteria to a particular provider or facility;

(c) The potential for providers and facilities to move from one tier to another at any time; and

(d) The tier in which each participating provider or facility is assigned.

(7) For any health plan in effect on a tiered network's reassignment date, an issuer must make a good faith effort to provide information to affected enrollees at least sixty days before the reassignment takes effect. This information includes, but is not limited to, the procedure the enrollee must follow to choose an alternate provider or facility to obtain treatment at the same cost-sharing level. The specific classes of enrollees to whom notice must be sent are:

(a) Patients of a reassigned primary care provider if their primary care provider is reassigned to a higher cost-sharing level;

(b) A patient in the second or third trimester of pregnancy if a care provider or facility in connection with her pregnancy is reassigned to a higher cost-sharing level;

(c) A terminally ill patient if a provider or facility in connection with the illness is reassigned to a higher cost-sharing level; and

(d) Patients under active treatment for cancer or hematologic disorders, if the provider or facility that is delivering the care is reassigned to a higher cost-sharing level.

AMENDATORY SECTION (Amending WSR 16-07-144, filed 3/23/16, effective 4/23/16)

WAC 284-170-340 Assessment of access. (1) The commissioner will assess whether an issuer's provider net-

work access meets the requirements of WAC ((~~284-43-200, 284-43-201, and 284-43-205~~)) 284-170-200, 284-170-210, and 284-170-270 such that all health plan services to enrollees will be accessible in a timely manner appropriate for the enrollee's condition. Factors considered by the commissioner will include the following:

- (a) The location of the participating providers and facilities;
- (b) The location of employers or enrollees in the health plan;
- (c) The range of services offered by providers and facilities for the health plan;
- (d) Health plan provisions that recognize and provide for extraordinary medical needs of enrollees that cannot be adequately treated by the network's participating providers and facilities;
- (e) The number of enrollees within each service area living in certain types of institutions or who have chronic, severe, or disabling medical conditions, as determined by the population the issuer is covering and the benefits provided;
- (f) The availability of specific types of providers who deliver medically necessary services to enrollees under the supervision of a provider licensed under Title 18 RCW;
- (g) The availability within the service area of facilities under Titles 70 and 71 RCW;
- (h) Accreditation as to network access by a national accreditation organization including, but not limited to, the National Committee for Quality Assurance (NCQA), the Joint Commission, Accreditation Association of Ambulatory Health Care (AAAH), or URAC.

(2) In determining whether an issuer has complied with the provisions of WAC ((~~284-43-200~~)) 284-170-200, the commissioner will give due consideration to the relative availability of health care providers or facilities in the service area under consideration and to the standards established by state agency health care purchasers. Relative availability includes the willingness of providers or facilities in the service area to contract with the issuer under reasonable terms and conditions.

(3) If the commissioner determines that an issuer's proposed or current network for a health plan is not adequate, the commissioner may, for good cause shown, permit the issuer to propose changes sufficient to make the network adequate within a sixty-day period of time. The proposal must include a mechanism to ensure that new enrollees have access to an open primary care provider within ten business days of enrolling in the plan while the proposed changes are being implemented. This requirement is in addition to such enforcement action as is otherwise permitted under Title 48 RCW.

AMENDATORY SECTION (Amending WSR 16-07-144, filed 3/23/16, effective 4/23/16)

WAC 284-170-480 Participating provider—Filing and approval. (1) An issuer must file for prior approval all participating provider agreements and facility agreements thirty calendar days prior to use. If a carrier negotiates a provider or facility contract or a compensation agreement that deviates from an approved agreement, then the issuer must file that negotiated contract or agreement with the commis-

sioner for approval thirty days before use. The commissioner must receive the filings electronically in accordance with chapters 284-44A, 284-46A, and 284-58 WAC.

(2)(a) An issuer may file a provider or facility contract template with the commissioner. A "contract template" is a sample contract and compensation agreement form that the issuer will use to contract with multiple providers or facilities. A contract template must be issued exactly as approved.

(i) When an issuer modifies the contract template, an issuer must refile the modified contract template for approval. All changes to the contract template must be indicated through strike outs for deletions and underlines for new material. The modified template must be issued to providers and facilities upon approval.

(ii) Alternatively, issuers may file the modified contract template for prospective contracting and a contract addendum or amendment that would be issued to currently contracted providers or facilities for prior approval. The filing must include any correspondence that will be sent to a provider or facility that explains the amendment or addendum. The correspondence must provide sufficient information to clearly inform the provider or facility what the changes to the contract will be. All changes to the contract template must be indicated through strike outs for deletions and underlines for new material.

(iii) Changes to a previously filed and approved provider compensation agreement modifying the compensation amount or terms related to compensation must be filed and are deemed approved upon filing if there are no other changes to the previously approved provider contract or compensation agreement.

(b)(i) All negotiated contracts and compensation agreements must be filed with the commissioner for approval thirty calendar days prior to use and include all contract documents between the parties.

(ii) If the only negotiated change is to the compensation amount or terms related to compensation, it must be filed and is deemed approved upon filing.

(3) If the commissioner takes no action within thirty calendar days after submission, the form is deemed approved except that the commissioner may extend the approval period an additional fifteen calendar days upon giving notice before the expiration of the initial thirty-day period. Approval may be subsequently withdrawn for cause.

(4) The issuer must maintain provider and facility contracts at its principal place of business in the state, or the issuer must have access to all contracts and provide copies to facilitate regulatory review upon twenty days prior written notice from the commissioner.

(5) Nothing in this section relieves the issuer of the responsibility detailed in WAC ((~~284-43-220~~)) 284-170-280 (3)(b) to ensure that all provider and facility contracts are current and signed if the provider or facility is listed in the network filed for approval with the commissioner.

(6) If an issuer enters into a reimbursement agreement that is tied to health outcomes, utilization of specific services, patient volume within a specific period of time, or other performance standards, the issuer must file the reimbursement agreement with the commissioner thirty days prior to the effective date of the agreement, and identify the number of

enrollees in the service area in which the reimbursement agreement applies. Such reimbursement agreements must not cause or be determined by the commissioner to result in discrimination against or rationing of medically necessary services for enrollees with a specific covered condition or disease. If the commissioner fails to notify the issuer that the agreement is disapproved within thirty days of receipt, the agreement is deemed approved. The commissioner may subsequently withdraw such approval for cause.

WSR 16-14-108
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 6, 2016, 9:46 a.m., effective August 6, 2016]

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

Purpose: These rule revisions provide "housekeeping" updates regarding which staff in public schools are eligible for the national board bonus.

Citation of Existing Rules Affected by this Order: Amending WAC 392-140-972.

Statutory Authority for Adoption: RCW 28A.150.290(1) and 28A.405.415.

Adopted under notice filed as WSR 16-11-107 on May 18, 2016.

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 0, Repealed 0.

Date Adopted: June 28, 2016.

Randy Dorn
State Superintendent
of Public Instruction

AMENDATORY SECTION (Amending WSR 14-04-002, filed 1/22/14, effective 2/22/14)

WAC 392-140-972 Salary bonus for teachers and other certificated instructional staff who hold current certification by the national board—Definitions. As used in this chapter, "teachers and other certificated instructional staff" that are eligible for the national board bonus includes staff assigned to one of the following duties as defined in the *S-275 Personnel Reporting Handbook*:

(1) Elementary homeroom teacher, duty root 31;

(2) Secondary teacher, duty root 32;
(3) Other teacher, duty root 33;
(4) Elementary specialist teacher, duty root 34;
(5) Other support personnel, duty root 40;
~~((5))~~ (6) Library media specialist, duty root 41;
~~((6))~~ (7) Counselor, duty root 42;
~~((7))~~ (8) Occupational therapist, duty root 43;
~~((8))~~ (9) Social worker, duty root 44;
~~((9))~~ (10) Speech-language pathologist or audiologist, duty root 45;
~~((10))~~ (11) Psychologist, duty root 46;
~~((11))~~ (12) Nurse, duty root 47;
~~((12))~~ (13) Physical therapist, duty root 48;
~~((13))~~ (14) Reading resource specialist, duty root 49;
~~((14))~~ (15) Long-term substitute teacher, duty root 52;
~~((15))~~ (16) Contractor teacher, duty root 63;
~~((16))~~ (17) Contractor educational staff associate, duty root 64; and excludes staff not assigned to the above duties. This excludes staff whose duties consist entirely of the following:
~~((17))~~ (18) Superintendent, duty root 11;
~~((18))~~ (19) Deputy/assistant superintendent, duty root 12;
~~((19))~~ (20) Other district administrator, duty root 13;
~~((20))~~ (21) Elementary principal, duty root 21;
~~((21))~~ (22) Elementary principal, duty root 22;
~~((22))~~ (23) Secondary principal, duty root 23;
~~((23))~~ (24) Secondary vice-principal, duty root 24;
~~((24))~~ (25) Other school administrator, duty root 25;
~~((25))~~ (26) Extracurricular, duty root 51;
~~((26))~~ (27) Certificated on leave, duty root 61; or
~~((27))~~ (28) Classified staff, duty roots 90 through 99.

WSR 16-14-109
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 6, 2016, 9:47 a.m., effective August 6, 2016]

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

Purpose: These rule revisions provide "housekeeping" updates regarding the definition of basic education certificated instructional staff and institutional education certificated instructional staff.

Citation of Existing Rules Affected by this Order: Amending WAC 392-121-210 and 392-121-217.

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

Adopted under notice filed as WSR 16-11-108 on May 18, 2016.

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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

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

Date Adopted: June 28, 2016.

Randy Dorn
State Superintendent
of Public Instruction

AMENDATORY SECTION (Amending WSR 15-18-078, filed 8/28/15, effective 9/28/15)

WAC 392-121-210 Definition—Basic education certificated instructional employee. As used in this chapter, "basic education certificated instructional employee" means a district or charter school certificated instructional employee or a contractor certificated instructional employee assigned in whole or in part to the following programs as defined in the accounting manual for public school districts in the state of Washington:

- (1) 01 Basic Education;
- (2) 02 Basic Education-Alternative Learning Experience;
- (3) 03 Basic Education-Dropout Reengagement;
- (4) 31 Vocational, Basic, State;
- ~~((4))~~ (5) 34 Middle School Career and Technical Education-State;
- ~~((5))~~ (6) 45 Skills Center, Basic, State; and
- ~~((6))~~ (7) 97 District-wide Support.

AMENDATORY SECTION (Amending WSR 11-21-065, filed 10/17/11, effective 11/17/11)

WAC 392-121-217 Definition—Institutional education certificated instructional employee—Full-time equivalent institutional education certificated instructional staff. As used in this chapter, "institutional education certificated instructional employee" and "full-time equivalent institution education certificated instructional staff" means a certificated instructional employee and full-time equivalent of certificated instructional employees assigned to the following school district programs:

- (1) 26 Special Education-Institutions-State;
 - (2) 56 State Institutions, Centers and Homes-Delinquent;
 - (3) 59 Institutions-Juveniles in Adult Jails;
- or educational service district programs:
- (4) 42 State Institutions;
 - (5) 43 State Institutions-Juveniles in Adult Jails.