

**WSR 13-13-009**  
**PROPOSED RULES**  
**SOUTHWEST CLEAN**  
**AIR AGENCY**

[Filed June 7, 2013, 4:58 p.m.]

June 6, 2013  
 Robert D. Elliott  
 Executive Director

Original Notice.

Preproposal statement of inquiry was filed as WSR 11-12-048.

Title of Rule and Other Identifying Information: SWCAA 493-100 Consumer Products, SWCAA 493-200 Spray Paints, SWCAA 493-300 Architectural Coatings, SWCAA 493-400 Motor Vehicle Refinishing, and SWCAA 493-500 Area Source Common Provisions.

Hearing Location(s): Office of Southwest Clean Air Agency (SWCAA), 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, on October 3, 2013, at 3:00 p.m.

Date of Intended Adoption: October 3, 2013.

Submit Written Comments to: Wess Safford, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, e-mail wess@swcleanair.org, fax (360) 574-0925, by September 20, 2013.

Assistance for Persons with Disabilities: Contact Tina Hallock by September 20, 2013, TTY (360) 574-3058.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rule changes is to replace existing local rules with similar federal regulations for selected consumer products and spray coatings. The federal regulations will be adopted by reference with provisions to allow for local implementation of the adopted regulations.

Reasons Supporting Proposal: The existing local regulations are outdated. The rule changes will make SWCAA's program consistent with currently applicable federal requirements.

Statutory Authority for Adoption: RCW 70.94.141.

Statute Being Implemented: RCW 70.94.141.

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

Name of Proponent: SWCAA, governmental.

Name of Agency Personnel Responsible for Drafting: Wess Safford, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 986682 [98682], (360) 574-3058; Implementation: Paul Mairose, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 986682 [98682], (360) 574-3058; and Enforcement: Robert Elliott, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 986682 [98682], (360) 574-3058.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Changes proposed by SWCAA are consistent with federal or state rules already in effect. This agency is not subject to the small business economic impact provisions of chapter 19.85 RCW. A fiscal analysis has been performed to establish the basis for any proposed fee increases. Copies of this analysis are available from SWCAA.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 70.94.141(1), section 201, chapter 403, Laws of 1995, this requirement does not apply to this rule adoption. SWCAA is not voluntarily invoking section 201, chapter 403, Laws of 1995 for this action.

AMENDATORY SECTION (Amending WSR 96-10-026, filed 4/25/96, effective 5/26/96)

**((SWAPCA)) SWCAA 493-100 CONSUMER PRODUCTS**

~~((Reserved for adoption by reference of the U.S. Environmental Protection Agency's (EPA) equivalent rule. The EPA proposed rule was published in the federal register on Tuesday, April 2, 1996; Federal Register Vol. 61, No. 64, page 14531; 40 CFR 59, [AD-FRL-5451-7].))~~

**(1) Adoption by reference.** The National Volatile Organic Compound Emission Standards for Consumer Products contained in 40 CFR 59, Subpart C and appendices as in effect on July 1, 2011 are hereby adopted by reference. The term "administrator" as defined in 40 CFR 59.202 shall include the Executive Director of SWCAA. Exceptions to this adoption by reference are listed in subsection (2).

**(2) Exceptions.** The following sections of 40 CFR 59, Subpart C are not adopted by reference:

**(a) 40 CFR 59.204 Innovative product provisions; and**

**(b) 40 CFR 59.206 Variances.**

**(3) Variances.**

**(a) Any regulated entity who cannot comply with the requirements of this section because of extraordinary circumstances beyond reasonable control may apply in writing to the Executive Director for a variance. The variance application shall include the following information:**

**(i) The specific grounds upon which the variance is sought;**

**(ii) The proposed date(s) by which compliance with the provisions of this subpart will be achieved. Such date(s) shall be no later than 5 years after the issuance of a variance; and**

**(iii) A compliance plan detailing the method(s) by which compliance will be achieved.**

**(b) Upon receipt of a variance application containing the information required in subsection (3)(a), the Executive Director will publish a notice of such application on SWCAA's website and, if requested by any party, will hold a public hearing to determine whether, under what conditions, and to what extent, a variance from the requirements of this subpart is necessary and will be granted. If requested, a hearing will be held no later than 75 days after receipt of a variance application. Notice of the time and place of the hearing will be sent to the applicant by certified mail not less than 30 days prior to the hearing. At least 30 days prior to the hearing, the variance application will be made available to the public for inspection. Information submitted to the Executive Director by a variance applicant may be claimed as confidential. The Executive Director may consider such confidential information in reaching a decision on a variance application. Interested members of the public will be allowed a reasonable opportunity to testify at the hearing.**

**(c) The Executive Director will grant a variance if the following criteria are met:**

(i) There are circumstances beyond the reasonable control of the applicant so that complying with the provisions of this subpart by the compliance date would not be technologically or economically feasible; and

(ii) The compliance plan proposed by the applicant can be implemented and will achieve compliance as expeditiously as possible.

(d) Any variance order will specify a final compliance date by which the requirements of this subpart will be achieved and increments of progress necessary to assure timely compliance.

(e) A variance shall cease to be effective upon failure of the regulated entity to comply with any term or condition of the variance.

(f) Upon the application of any party, the Executive Director may review, and for good cause, modify or revoke a variance after holding a public hearing in accordance with the procedures described in subsection (3)(b).

(4) **Variance Fee.** Each variance application must be accompanied by a fee of \$800.

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

AMENDATORY SECTION (Amending WSR 96-10-026, filed 4/25/96, effective 5/26/96)

~~((SWAPCA))~~ **SWCAA 493-200 ((SPRAY PAINTS))**  
**AEROSOL COATINGS**

(1) **Adoption by reference.** The National Volatile Organic Compound Emission Standards for Aerosol Coatings contained in 40 CFR Part 59, Subpart E as in effect on July 1, 2011 are hereby adopted by reference. The term "administrator" as defined in 40 CFR 59.503 shall include the Executive Director of SWCAA. Exceptions to this adoption by reference are listed in subsection (2).

(2) **Exceptions.** The following sections of 40 CFR 59, Subpart E are not adopted by reference:

(a) 40 CFR 59.509 *Can I get a variance?*.

(3) **Variances.**

(a) Any regulated entity that cannot comply with the requirements of this section because of circumstances beyond its reasonable control may apply temporary variance. The variance application must include the following information:

(i) The specific products for which the variance is sought;

(ii) The specific provisions of the subpart for which the variance is sought;

(iii) The specific grounds upon which the variance is sought;

(iv) The proposed date(s) by which the regulated entity will achieve compliance with the provisions of this subpart. This date must be no later than 3 years after the issuance of a variance; and

(v) A compliance plan detailing the method(s) by which the regulated entity will achieve compliance with the provisions of this subpart.

(b) Within 30 days of receipt of the original application and within 30 days of receipt of any supplementary information that is submitted, the Executive Director will send a regulated entity written notification of whether the application contains sufficient information to make a determination. If an application is incomplete, the Executive Director will specify the information needed to complete the application, and provide the opportunity for the regulated entity to submit written supplementary information or arguments to the Executive Director to enable further action on the application. The regulated entity must submit this information to the Executive Director within 30 days of being notified that its application is incomplete.

(c) Within 60 days of receipt of sufficient information to evaluate the application, the Executive Director will send a regulated entity written notification of approval or disapproval of a variance application. This 60-day period will begin after the regulated entity has been sent written notification that its application is complete.

(d) A variance will be issued if the following criteria are met to the satisfaction of the Executive Director:

(i) Complying with the provisions of this subpart would not be technologically or economically feasible; and

(ii) The compliance plan proposed by the applicant can reasonably be implemented and will achieve compliance as expeditiously as possible.

(e) A variance must specify dates by which the regulated entity will achieve increments of progress towards compliance, and will specify a final compliance date by which the regulated entity will achieve compliance with this subpart.

(f) A variance will cease to be effective upon failure of the party to whom the variance was issued to comply with any term or condition of the variance.

(4) **Variance Fee.** Each variance application must be accompanied by a fee of \$800.

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the Southwest Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

~~((SWAPCA 493-200-010 Applicability~~

~~(1) SWAPCA 493-200-010 through 493-200-060 apply to any manufacturer, distributor, retailer or commercial applicator of spray paint for sale or use in the Vancouver AQMA.))~~

~~((SWAPCA 493-200-020 Definitions))~~

~~((As used in SWAPCA 493-200:~~

~~(1) "Adhesive" means a product used to bond one surface to another.~~

~~(2) "Anti-Static Spray" means a product used to prevent or inhibit the accumulation of static electricity.~~

~~(3) "Art Fixative or Sealant" means a clear coating, including art varnish, workable art fixative, and ceramic coating, which is designed and labeled exclusively for application to paintings, pencil, chalk, or pastel drawings, ceramic art pieces, or other closely related art uses, to provide a final protective coating or to fix preliminary stages of art work while providing a workable surface for subsequent revisions.~~

(4) **"ASTM"** means the American Society for Testing and Materials.

(5) **"Auto Body Primer"** means an automotive primer or primer surface coating designed and labeled exclusively to be applied to a vehicle body substrate for the purpose of corrosion resistance and building a repair area which can be sanded to a smooth condition after drying.

(6) **"Automotive Bumper and Trim Product"** means a product, including adhesion promoters and chip sealants, designed and labeled exclusively to repair and refinish automotive bumpers and plastic trim parts.

(7) **"Automotive Underbody Coating"** means a flexible coating which contains asphalt or rubber and is labeled exclusively for use on the underbody of motor vehicles to resist rust, abrasion and vibration, and to deaden sound.

(8) **"Aviation Propeller Coating"** means a coating designed and labeled exclusively to provide abrasion resistance and corrosion protection for aircraft propellers.

(9) **"Aviation or Marine Primer"** means a coating designed and labeled exclusively to meet federal specification TT-P-1757.

(10) **"Belt Dressing"** means a product applied on auto fan belts, water pump belting, power transmission belting, industrial equipment belting, or farm machinery belting to prevent slipping, and to extend belt life.

(11) **"Cleaner"** means a product designed and labeled primarily to remove soil or other contaminants from surfaces.

(12) **"Clear Coating"** means a coating which is colorless, containing resins but no pigments, except flattening agents, and is designed and labeled to form a transparent or translucent solid film.

(13) **"Coating Solids"** means the nonvolatile portion of a spray paint, consisting of the film forming ingredients, including pigments and resins.

(14) **"Complying Spray Paint"** means a spray paint which complies with the VOC content limits in SWAPCA 493-100-020.

(15) **"Consumer"** means any person who purchases or acquires any spray paint for personal, family, or household use. Persons acquiring a spray paint product for resale are not considered consumers of that product.

(16) **"Commercial Applicator"** means any person who purchases, acquires, applies, or contracts for the application of spray paint for commercial, industrial or institutional uses, or any person who applies spray paint in the course of an activity from which compensation is derived.

(17) **"Corrosion Resistant Brass, Bronze, or Copper Coating"** means a clear coating formulated and labeled exclusively to prevent tarnish and corrosion of uncoated brass, bronze or copper metal surfaces.

(18) **"Distributor"** means any person who sells or supplies spray paint for the purposes of resale or distribution in commerce. "Distributor" includes activities of a self-distributing retailer related to the distribution of products to individual retail outlets. "Distributor" does not include manufacturers except for a manufacturer who sells or supplies spray paint products directly to a retail outlet. "Distributor" does not include consumers.

(19) **"Dye"** means a product containing no resins which is used to color a surface or object without building a film.

(20) **"Electrical Coating"** means a coating designed and labeled to be used exclusively to coat electrical components such as electric motor windings to provide electrical insulation or corrosion protection.

(21) **"Enamel"** means a coating which cures by chemical cross-linking of its base resin and is not resoluble in its original solvent.

(22) **"Engine Paint"** means a coating designed and labeled exclusively as such, which is used exclusively to coat engines and their components.

(23) **"Environmental Protection Agency" or "EPA"** means the United States Environmental Protection Agency.

(24) **"Exact Match Finish, Automotive"** means a top-coat which meets all of the following criteria:

(a) The product is designed and labeled exclusively to exactly match the color of an original, factory-applied automotive coating during the touch-up of automobile finishes;

(b) The product is labeled with the original equipment manufacturer's name for which it was formulated; and

(c) The product is labeled with one of the following:

(1) The original equipment manufacturer's (OEM) color code;

(2) The color name; or

(3) Other designation identifying the specific OEM color to the purchaser.

(d) Notwithstanding subsections (a) through (c) of this section, automotive clear coatings designed and labeled exclusively for use over automotive exact match finishes to replicate the original factory applied finish shall be considered to be automotive exact match finishes.

(25) **"Exact Match Finish, Engine Paint"** means a coating which meets all of the following criteria:

(a) The product is designed and labeled exclusively to exactly match the color of an original, factory-applied engine paint;

(b) the product is labeled with the original equipment manufacturer's name for which it was formulated; and

(c) the product is labeled with one of the following:

(1) The OEM color code;

(2) The color name; or

(3) Other designation identifying the specific OEM color to the purchaser.

(26) **"Exact Match Finish, Industrial"** means a coating which meets all of the following criteria:

(a) The product is designed and labeled exclusively to exactly match the color of an original, factory-applied industrial coating during the touch-up of manufactured products;

(b) The product is labeled with the original equipment manufacturer's name for which it was formulated; and

(c) The product is labeled with one of the following:

(1) The OEM color code;

(2) The color name; or

(3) Other designation identifying the specific OEM color to the purchaser.

(27) **"Exempt compounds"** means compounds of carbon specifically excluded from the definition of VOC.

(28) **"Flat Paint Product"** means a coating which, when fully dry, registers specular gloss less than or equal to 15 on an 85° gloss meter, or less than or equal to 5 on a 60° gloss meter, or which is labeled as a flat coating.

(29) **"Flattening Agent"** means a compound added to a coating to reduce the gloss of the coating without adding color to the coating.

(30) **"Floral Spray"** means a coating designed and labeled exclusively for use on fresh flowers, dried flowers, or other items in a floral arrangement for the purpose of coloring, preserving or protecting their appearance.

(31) **"Fluorescent Coating"** means a coating labeled as such which converts absorbed incident light energy into emitted light of a different hue.

(32) **"Glass Coating"** means a coating designed and labeled exclusively to be applied to glass or other transparent material, to create a soft, translucent light effect, or to create a tinted or darkened color while retaining transparency.

(33) **"Ground/Traffic Marking Coating"** means a coating designed and labeled exclusively to be applied to dirt, gravel, grass, concrete, asphalt, warehouse floors, or parking lots. Such coatings must be in a container equipped with a valve and sprayhead designed to direct the spray downward when the can is held in an inverted position.

(34) **"High Temperature Coating"** means a coating, excluding engine paint, which is designed and labeled exclusively for use on substrates which will, in normal use, be subjected to temperatures in excess of 400 degrees Fahrenheit.

(35) **"Hobby/Model/Craft Coating"** means a coating which is designed and labeled exclusively for hobby applications and is sold in aerosol containers of 6 ounces in weight or less.

(36) **"Ink"** means a fluid or viscous substance used in the printing industry to produce letters, symbols or illustrations, but not to coat an entire surface.

(37) **"Lacquer"** means a thermoplastic film-forming finish dissolved in organic solvent, which dries primarily by solvent evaporation, and is resolvable in its original solvent.

(38) **"Layout Fluid" or "Toolmaker's Ink"** means a coating designed and labeled exclusively to be sprayed on metal, glass or plastic, to provide a glare-free surface on which to scribe designs, patterns or engineering guide lines prior to shaping the piece.

(39) **"Leather Preservative"** means a leather treatment material applied exclusively to clean, condition or preserve leather.

(40) **"Lubricant"** means a substance such as oil, petroleum distillates, grease, graphite, silicone, lithium, etc., that is applied to surfaces to reduce friction, heat, or wear when applied between surfaces.

(41) **"Manufacturer"** means the company, firm or establishment which is listed on the product container or package. If the product container or package lists two companies, firms or establishments, the manufacturer is the party which the product was "manufactured for" or "distributed by", as noted on the product container or package.

(42) **"Marine Spar Varnish"** means a coating designed and labeled to be exclusively used as a protective sealant for marine wood products.

(43) **"Maskant"** means a coating applied directly to a component to protect surfaces during chemical milling, anodizing, aging, bonding, plating, etching, or other chemical operations.

(44) **"Metallic Coating"** means a topcoat which contains at least 0.5 percent by weight elemental metallic pigment in the formulation, including propellant, and is labeled as "metallic", or with the name of a specific metallic finish such as "gold", "silver", or "bronze".

(45) **"Mold Release"** means a coating applied to molds to prevent products from sticking to mold surfaces.

(46) **"Multi Component Kit"** means a spray paint system which requires the application of more than one component, (e.g. foundation coat and top coat), where both components are sold together in one package.

(47) **"Noncomplying spray paint"** means a spray paint which does not comply with the VOC content limits in SWAPCA 493-200-030.

(48) **"Non Flat Paint Product"** means a coating which, when fully dry, registers a specular gloss greater than 15 on an 85° gloss meter or greater than 5 on a 60° gloss meter.

(49) **"Photograph Coating"** means a coating designed and labeled exclusively to be applied to finished photographs to allow corrective retouching, protection of the image, changes in gloss level, or to cover fingerprints.

(50) **"Pleasure Craft"** means privately owned boats used for noncommercial purposes.

(51) **"Pleasure Craft Finish Primer/Surface/Undercoat"** means any coating designed and labeled exclusively to be applied before the application of a pleasure craft topcoat for the purpose of corrosion resistance and adhesion of a topcoat, and which promotes a uniform surface by filling in surface imperfections.

(52) **"Pleasure Craft Topcoat"** means a coating designed and labeled exclusively to be applied to a pleasure craft as a final coat above the water line and above and below the water line when stored out of water. This category does not include clear coatings.

(53) **"Primer"** means a coating labeled as such, which is designed to be applied to a surface to promote a bond between that surface and subsequent coats.

(54) **"Propellant"** means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or other material from a container.

(55) **"Retailer"** means any person who sells, supplies, or offers spray paint for sale directly to consumers or commercial applicators.

(56) **"Retail Outlet"** means any establishment where spray paints are sold, supplied, or offered for sale directly to consumers or commercial applicators.

(57) **"Rust Converter"** means a product which is designed and labeled exclusively to convert rust to an inert material, and which has a minimum acid content of 0.5 percent by weight, and which has a maximum coating solids content of 0.5 percent by weight.

(58) **"Shellac Sealer"** means a clear or pigmented coating formulated solely with the resinous secretion of the lac beetle (*Laccifer lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

(59) **"Slip Resistant Coating"** means a coating designed and labeled exclusively as such which is formulated with synthetic grit, and used as a safety coating.

(60) **"Spatter Coating/Multicolor Coating"** means a coating labeled exclusively as such in which spots, globules,

or spatters of contrasting colors appear on or within the surface of a contrasting or similar background.

(61) **"Spray Paint"** means a pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.

(62) **"Spray Paint Category"** means the applicable category which best describes a spray paint listed in SWAPCA 493-200-030.

(63) **"Stain"** means a coating labeled as such which is designed and labeled to change the color of a surface without concealing the surface from view.

(64) **"SWAPCA"** means the Southwest Air Pollution Control Authority.

(65) **"Topcoat"** means a coating applied over any coating, for the purpose of appearance, identification, or protection.

(66) **"Vancouver Air Quality Maintenance Area" or "Vancouver AQMA"** is the Vancouver portion of the Portland-Vancouver Interstate Nonattainment Area for Ozone as defined in the Washington State Implementation Plan. The Vancouver AQMA includes the southern portion of Clark County, Washington.

(67) **"Vinyl/Fabric/Polycarbonate Coating"** means a coating designed and labeled exclusively to coat vinyl, fabric, or polycarbonate substrates.

(68) **"Volatile Organic Compound" or "VOC"** means those compounds of carbon defined in SWAPCA 400-030(89). For purposes of determining compliance with VOC content limits, VOC shall be measured by an applicable method identified in SWAPCA 493-200-060.

(69) **"VOC Content"** means the ratio of the weight of VOC to the total weight of the product contents expressed as follows:

$$\text{VOC Content} = \frac{W_{\text{VOC}}}{W_{\text{TOTAL}}} \times 100$$

Where:

$W_{\text{VOC}}$  = the weight of volatile organic compounds; and

$W_{\text{TOTAL}}$  = the total weight of the product's contents.

(70) **"Webbing/Veiling Coating"** means a spray product designed and labeled exclusively to produce a stranded or spider-webbed decorative effect.

(71) **"Weld Through Primer"** means a coating designed and labeled exclusively to provide a bridging or conducting effect to provide corrosion protection following welding.

(72) **"Wood Stain"** means a coating which is formulated to change the color of a wood surface without concealing the surface from view.

(73) **"Wood Touch-Up/Repair/Restoration Coatings"** means coatings designed and labeled exclusively to provide an exact color or sheen match on finished wood products.))

**((SWAPCA 493-200-030 Spray Paint Standards and Exemptions))**

((1) General Requirements. Where required by SWAPCA 493-200-040, spray paint shall not exceed the VOC content limits in Table C, as modified by the special conditions and exemptions in SWAPCA 493-200-030(2) and SWAPCA 493-200-030(3).

**Table C**  
**SPRAY PAINT VOC CONTENT LIMITS**

<u>Spray Paint Category</u>	<u>VOC Content Percent by weight</u>
<b>General Coatings</b>	
Clear Coating	67.0
Flat Paint Products	60.0
Fluorescent Coatings	75.0
Lacquer Coating Products	80.0
Metallie Coating	80.0
Non-Flat Paint Products	65.0
Primer	60.0
<b>Specialty Coatings</b>	
Art Fixative or Sealant	95.0
Auto Body Primer	80.0
Automotive Bumper and Trim Products	95.0
Aviation or Marine Primer	80.0
Aviation Propeller Coating	84.0
Corrosion Resistant Brass, Bronze, or Copper Coatings	92.0
Exact Match Finish	
Engine Enamel	80.0
Automotive Industrial	88.0
Industrial	88.0
Floral Spray	95.0
Glass Coating	95.0
Ground Traffic Marking Coating	66.0
High Temperature Coating	80.0*
Hobby/Model/Craft Coating	
Enamel	80.0
Lacquer	88.0
Clear or Metallie	95.0
Marine Spar Varnish	85.0
Photograph Coating	95.0
Pleasure Craft Finish Primer	75.0
Surface or Undercoater	

Pleasure-Craft Topcoat	80.0
Shellac Sealer	
Clear	88.0
Pigmented	75.0
Slip-Resistant Coating	80.0
Spatter/Multicolor Coating	80.0
Vinyl/Fabric/Polycarbonate Coating	95.0
Webbing/Veil Coating	90.0
Weld-Through Primer	75.0
Wood Stains	95.0
Wood Touch-Up, Repair, or Restoration Coatings	95.0

\*The VOC limit for High Temperature Coatings shall be 88.0% until July 1, 1999, after which the 80.0% limit shall apply.

(2) **Special Conditions.** The following conditions shall apply to spray paint subject to VOC content limits under SWAPCA 493-200-030(1):

(a) The total weight of VOC contained in a multi-component kit shall not exceed the total weight of VOC that would be allowed in the multi-component kit had each component product met the applicable VOC standards.

(1) Except as provided in SWAPCA 493-200-030 (2)(b)(B) if anywhere on the principal display panel of any spray paint or in any promotion of the product, any representation is made that the product may be used as, or is suitable for use as a spray paint for which a lower VOC standard is specified in SWAPCA 493-200-030(1), then the lower VOC standard shall apply.

(2) If a spray paint is subject to both a general coating limit and a specialty coating limit under SWAPCA 493-200-030(1), and the product meets all the criteria of the applicable specialty coating category as specified in SWAPCA 493-200-020, then the specialty coating limit shall apply instead of the general coating limit.

(3) **Exemption.** SWAPCA 493-200-030(1) shall not apply to aerosol lubricants, mold releases, automotive underbody coating, electrical coatings, cleaners, belt dressings, anti-static sprays, layout fluids and removers, adhesives, maskants, rust converters, dyes, inks, leather preservatives, or spray paint assembled by adding bulk paint to aerosol containers of propellant and solvent used for minor finish repairs during the original manufacture of products.)

**((SWAPCA 493-200-040 Requirements for Manufacture, Sale and Use of Spray Paint\*))**

((1) **Manufacturers.** Except as provided in SWAPCA 493-200-040(6), any person who manufactures spray paint after July 1, 1996 which is sold, offered for sale, supplied or distributed, directly or indirectly, to a retail outlet in the Vancouver AQMA shall:

(a) Manufacture complying spray paint for spray paint marketed in the Vancouver AQMA;

(b) Clearly display the following information on each product container such that it is readily observable upon hand-held inspection without removing or disassembling any portion of the product container or packaging:

(1) The maximum VOC content of the spray paint, expressed as a percentage by weight;

(2) The spray paint category as defined in SWAPCA 493-200-020, or an abbreviation of the spray paint category; and

(3) The date on which the product was manufactured, or a code indicating such date; and

(c) Notify direct purchasers of products manufactured for sale within the Vancouver AQMA upon determining that any noncomplying spray paint has been supplied in violation of this rule.

(2) **Distributors.** Except as provided in SWAPCA 493-200-040(6), any distributor of spray paint manufactured after July 1, 1996 which is sold, offered for sale, supplied or distributed to a retail outlet within the Vancouver AQMA shall:

(a) Distribute to the Vancouver AQMA only spray paints are labeled as required under subsection SWAPCA 493-200-040 (1)(b);

(b) Distribute to the Vancouver AQMA only spray paints labeled with VOC contents that meet the VOC limits specified in SWAPCA 493-200-030; and

(c) Notify direct purchasers of products distributed for sale within the Vancouver AQMA upon determining that any noncomplying spray paint has been supplied in violation of this rule.

**(3) Retailers.**

(a) Except as provided in SWAPCA 493-200-040(6), no retailer shall knowingly sell within the Vancouver AQMA any noncomplying spray paint manufactured after July 1, 1996.

(b) Upon notification by SWAPCA, a manufacturer, or a distributor that any noncomplying spray paint has been supplied, a retailer shall remove noncomplying spray paint from consumer-accessible areas of retail outlets within the Vancouver AQMA.

(4) **Commercial Applicators.** Except as provided in SWAPCA 493-200-040(6), no commercial applicator shall, within the Vancouver AQMA, knowingly use or contract for the use of any noncomplying spray paint manufactured after July 1, 1996.

(5) **Label Alteration.** No person shall remove, alter, conceal or deface the information required in SWAPCA 493-200-040 (1)(b) prior to final sale of the product.

(6) **Exception.** For spray paint which has been granted a compliance extension under SWAPCA 493-500-020, SWAPCA 493-200-040 applies to spray paint manufactured after the date specified in the compliance extension.)

**((SWAPCA 493-200-050 Recordkeeping and Reporting Requirements))**

((1) **Recordkeeping.** Manufacturers subject to SWAPCA 493-200-040 shall maintain the following records for at least 2 years after a product is sold, offered for sale, supplied or distributed by the manufacturer, directly or indirectly, to a retail outlet in the Vancouver AQMA:

(a) VOC content records of spray paint based methods provided in SWAPCA 493-200-060;

(b) An explanation of any code indicating the date of manufacture of any spray paint; and

(c) Information used to substantiate an application for a compliance extension SWAPCA 493-500-020;

(2) **Reporting.** Following request and within a reasonable period of time, records specified in SWAPCA 493-200-050(1) shall be made available to SWAPCA.

(3) **Exemption from disclosure.** If a person claims that any Records or Information, as defined in RCW 70.94.205 "Confidentiality of records and information", is confidential or otherwise exempt from disclosure, in whole or in part, the person shall comply with the procedures specified in SWAPCA 493-500-030.)

**((SWAPCA 493-200-060 Inspection and Testing Requirements))**

((1) The owner or operator of a facility subject to SWAPCA 493-200-010 through 493-200-060 shall, at any reasonable time, make the facility available for inspection by SWAPCA.

(2) Upon request of SWAPCA, any person subject to SWAPCA 493-200-010 through 493-200-060 shall furnish samples of spray paint products selected by SWAPCA from available stock for testing by SWAPCA to determine compliance with SWAPCA 493-200-030.

(3) Except as provided in SWAPCA 493-200-060(5), testing to determine compliance with SWAPCA 493-200-030 shall be performed using:

(a) VOC Content. The VOC content shall be determined by:

(1) The procedures set forth in Bay Area Air Quality Management District Manual of Procedures, Volume III, Laboratory Procedures, Method 35, "Determination of Volatile Organic Compounds (VOC) in Solvent Based Aerosol Paints," as amended January 19, 1994, and, for water-containing spray paints, by ASTM D5325-92, "Standard Test Method for Determination of Weight Percent Volatile Content of Water-Borne Aerosol Paints", November 15, 1992; or

(2) Calculation of VOC content from records of amounts of constituents used to manufacture the product and the chemical compositions of the individual product constituents.

(b) Exempt Compounds. If a method specified in subsection (a) of this section to measure VOC also measures exempt compounds, the exempt compounds may be excluded from the VOC content if the amount of such compounds is accurately quantified. SWAPCA may require a manufacturer to provide methods and results demonstrating, to the satisfaction of SWAPCA, the amount of exempt compounds in the spray paint or the spray paint's emissions.

(4) Except as provided in Section (5) of this rule, testing to establish the spray paint category as defined in SWAPCA 493-200-020 shall be performed using:

(a) Metal Content. The metal content of metallic aerosol coating products shall be determined by South Coast Air Quality Management District Test Method 311 (SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual), June 1, 1991, after removal of the propellant follow-

ing the procedure in ASTM Method 5325-92, "Standard Test Method for Determination of Weight Percent Volatile Content of Water-Borne Aerosol Paints", November 15, 1992.

(b) Specular Gloss. Specular gloss of flat and non-flat coatings shall be determined by ASTM Method D523-89, March 31, 1989.

(e) Acid Content. The acid content of rust converters shall be determined by ASTM Method D-1613-85, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates used in Paint, Varnish, Lacquer, and Related Products", May 31, 1985, after removal of the propellant following the procedure in ASTM Method D-5325-92, "Standard Test Method for Determination of Weight Percent Volatile Content of Water-Borne Aerosol Paints", November 15, 1992.

(5) Alternative test methods which are shown to accurately determine the VOC content, exempt compounds, metal content, specular gloss, or acid content in a spray paint may also be used if approved in writing by EPA and SWAPCA.)

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

AMENDATORY SECTION (Amending WSR 96-10-026, filed 4/25/96, effective 5/26/96)

**((SWAPCA)) SWCAA 493-300 ARCHITECTURAL COATINGS**

(1) Adoption by reference. The National Volatile Organic Compound Emission Standards for Architectural Coatings contained in 40 CFR Part 59, Subpart D and appendices as in effect on July 1, 2011 are hereby adopted by reference. The term "administrator" as defined in 40 CFR 59.401 shall include the Executive Director of SWCAA. Exceptions to this adoption by reference are listed in subsection (2).

(2) Exceptions. The following sections of 40 CFR 59, Subpart D are not adopted by reference:

(a) 40 CFR 59.403 Exceedance fees; and

(b) 40 CFR 59.404 Tonnage exemption.

(3) Exceedance fees.

(a) Except as provided in subsection (4), each manufacturer and importer of any architectural coating subject to the provisions of this subpart may exceed the applicable VOC content limit for the coating if the manufacturer or importer pays an annual exceedance fee. The exceedance fee must be calculated using the procedures in subsections (3)(b) and (3)(c) below.

(b) The exceedance fee paid by a manufacturer or importer, which is equal to the sum of the applicable exceedance fees for all coatings, must be calculated using equation 1 as follows:

$$\text{Annual Exceedance Fee} = \sum_{c=1}^n \text{Coating Fee}_c \quad (1)$$

Where:

Coating Fee<sub>c</sub> = The annual exceedance fee for each coating (c), for which a fee applies, in dollars.

n = number of coatings to which a fee applies.

(c) The exceedance fee to be paid for each coating must be determined using equation 2 as follows:

Coating Fee<sub>c</sub> = Fee Rate × Excess VOC × Volume Manufactured/Imported (2)

Where:

Fee Rate = The rate of \$0.0028 per gram of excess VOC.

Excess VOC = The VOC content of the coating, or adjusted VOC content of a recycled coating (if applicable), in grams of VOC per liter of coating, minus the applicable VOC content limit from table 1 of this subpart (that is, VOC content of the coating minus VOC content limit).

Volume Manufactured/Imported = The volume of the coating manufactured or imported per year, in liters, including the volume of any water and exempt compounds and excluding the volume of any colorant added to tint bases. Any volume for which a tonnage exemption is claimed under subsection (4) below is also excluded.

(d) The exceedance fee shall be submitted to SWCAA by March 1 following the calendar year in which the coatings are manufactured or imported.

**(4) Tonnage exemption.**

(a) Each manufacturer and importer of any architectural coating subject to the provisions of this section may designate a limited quantity of coatings to be exempt from applicable VOC content limits and the exceedance fee provisions of subsection (3) above, provided all of the following requirements are met:

(i) The total amount of VOC contained in all the coatings selected for exemption must be equal to or less than 2.0 tons per year. The amount of VOC contained in each coating shall be calculated using the procedure in subsection (4)(b). Compliance with the tonnage exemption will be determined based on the amount of VOC, as expressed in metric units;

(ii) The container labeling requirements of 40 CFR 59.405;

(iii) The recordkeeping requirements of 40 CFR 59.407(c); and

(iv) The reporting requirements of 40 CFR 59.408 (b) and (e).

(b) Each manufacturer and importer choosing to use the exemption described in subsection (4)(a) must use equations

3 and 4 to calculate the total amount of VOC for each time period the exemption is elected. The VOC amount shall be determined without colorant that is added after the tint base is manufactured or imported.

$$\text{Total VOC} = \sum_{c=1}^n \text{VOC}_c \quad (3)$$

Where:

Total VOC = Total megagrams of VOC contained in all coatings being claimed under the exemption.

VOC<sub>c</sub> = Megagrams of VOC, for each coating (c) claimed under the exemption, as computed by equation 4.

n = Number of coatings for which exemption is claimed.

VOC<sub>c</sub> = (Volume Manufactured/Imported) x (VOC Amount) / (1×10<sup>6</sup>) (4)

Where:

Volume Manufactured/Imported = Volume of the coating manufactured or imported, in liters, including the volume of any water and exempt compounds and excluding the volume of any colorant added to tint bases, for the time period the exemption is claimed.

VOC Amount = Grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds.

~~((SWAPCA 493-300-010 Applicability~~

~~(1) SWAPCA 493-300 applies to any manufacturer, distributor, retailer, or commercial applicator of architectural coatings for sale or use in the Vancouver AQMA.))~~

~~((SWAPCA 493-300-020 Definitions))~~

~~((As used in SWAPCA 493-300:~~

~~(1) "AAMA" means the American Architectural Manufacturers Association.~~

~~(2) "Alkali Resistant Primers" means high performance primers formulated to resist reaction with alkaline materials including, but not limited to, lime, cement, and soap.~~

~~(3) "Antenna Coatings" means coatings formulated and recommended for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.~~

(4) **"Anti-Fouling Coatings"** means high performance coatings formulated and recommended for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms, including, but not limited to, coatings registered with the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC § 136, *et seq.*) and nontoxic foul-release coatings.

(5) **"Anti-Graffiti Coatings"** means clear or opaque high performance coatings specifically labeled as anti-graffiti coatings and both formulated and recommended for application to graffiti-prone surfaces to deter adhesion of graffiti and to facilitate graffiti removal.

(6) **"Appurtenance"** means an accessory to a stationary structure, whether installed or detached at the proximate site of installation, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating, air conditioning, or other fixed mechanical equipment or large stationary tools; lamp posts; partitions; piping systems; rain gutters and downspouts; stairways, fixed ladders, catwalks and fire escapes; and window screens.

(7) **"Architectural Coatings"** means coatings formulated and recommended for field application to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs.

(8) **"ASTM"** means the American Society for Testing and Materials.

(9) **"Below-Ground Wood Preservatives"** means coatings formulated and recommended to protect below-ground wood from decay or insect attack which are registered with the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC § 136, *et seq.*).

(10) **"Bituminous Coatings and Mastics"** means coatings and mastics formulated and recommended for roofing, pavement sealing, or waterproofing that incorporate bitumens as a principal component. Bitumens are black or brownish materials which are soluble in carbon disulfide, which consist mainly of hydrocarbons, and which are obtained from natural deposits or as residues from the distillation of crude petroleum or low grades of coal. Bitumens include asphalt, tar, pitch and asphaltite.

(11) **"Bond Breakers"** means coatings formulated and recommended for application to concrete to prevent the formation of a bond to a subsequently placed concrete layer.

(12) **"Chalkboard Resurfacers"** means coatings formulated and recommended for application to chalkboards to restore a suitable surface for writing with chalk.

(13) **"Clear Coating"** means a coating that when dry allows light to pass so the substrate may be distinctly seen.

(14) **"Clear & Semitransparent Stains"** means transparent or translucent coatings formulated and recommended for application to wood-based substrates to impart a desired color without completely concealing the surface or its natural texture or grain pattern.

(15) **"Clear & Semitransparent Wood Preservatives"** means coatings formulated and recommended to protect exposed wood from decay or insect attack, registered with the EPA under the Federal Insecticide, Fungicide, and Rodenti-

cide Act (7 USC § 136, *et seq.*), that may change the color of the substrate but do not completely conceal the substrate.

(16) **"Clear Waterproofing Sealers & Treatments"** means coatings which are formulated and recommended for application to porous substrates for the primary purpose of preventing the penetration of water and which do not alter the surface appearance or texture.

(17) **"Coating Category"** means the applicable category which best describes the coating as listed in this rule.

(18) **"Colorant"** means a concentrated pigment dispersion of water, solvent, or binder that is added to an architectural coating or tint base after the coating or tint base has been shipped from its place of manufacture.

(19) **"Commercial Applicator"** means any person who purchases, hires, acquires, applies or contracts for the application of architectural coatings for commercial, industrial or institutional uses, or any person who applies architectural coatings for compensation.

(20) **"Complying Architectural Coating"** means a coating which complies with the VOC content limits of SWAPCA 493-300-030.

(21) **"Concrete Curing Compounds"** means coatings formulated and recommended for application to recently cast concrete to retard the evaporation of water.

(22) **"Concrete Protective Coatings"** means high build coatings formulated and recommended for application in a single coat over concrete, plaster, or other cementitious surface. These coatings are formulated to be primerless, one-coat systems which can be applied over form release compounds or uncured concrete. These coatings prevent spalling of concrete in freezing temperatures by providing long term protection from water and chloride ion intrusion.

(23) **"Distributor"** means any person who sells or supplies architectural coating for the purposes of resale or distribution in commerce. "Distributor" includes activities of a self-distributing retailer related to the distribution of products to individual retail outlets. "Distributor" does not include manufacturers except for a manufacturer who sells or supplies products directly to a retail outlet. "Distributor" does not include consumers.

(24) **"Dry Fog Coatings"** means coatings formulated and recommended only for circumstances in which overspray droplets are desired to dry before contacting incidental surfaces in the vicinity of a surface coating activity.

(25) **"Environmental Protection Agency", or "EPA"** means the United States Environmental Protection Agency.

(26) **"Exempt compounds"** means compounds of carbon excluded from the definition of VOC.

(27) **"Exterior Coatings"** means coatings formulated and recommended for use in conditions exposed to the weather.

(28) **"Extreme High Durability Coatings"** means air dry fluoropolymer based coatings formulated and recommended for the protection of architectural subsections and which meet the weathering requirements of AAMA 605.2-1985 Section 7.9.

(29) **"Fire Retardant/Resistive Coatings"** means clear or opaque coatings formulated and recommended to retard ignition and flame spread, or to delay melting or structural weakening due to high heat, and which are fire-tested and

rated by a certified laboratory for use in bringing buildings or construction materials into compliance with building code requirements applicable to the place of use.

(30) **"Flat Coatings"** means coatings which register gloss less than 15 on an 85 degree meter and less than 5 on a 60 degree meter according to ASTM Method D523, Standard Test Method for Specular Gloss.

(31) **"Floor Coatings"** means coatings formulated and recommended for application to flooring, including, but not limited to, decks, porches, and steps, and which have a high degree of abrasion resistance.

(32) **"Flow Coatings"** means coating materials formulated and recommended to maintain the protective coating systems present on utility transformers.

(33) **"Form Release Compounds"** means coatings formulated and recommended for application to concrete forms to prevent formation of a bond between the form and concrete east within.

(34) **"Graphic Arts Coatings" or "Sign Paints"** means coatings formulated and recommended for hand application either on-site or in-shop by artists using brush or roller techniques to indoor or outdoor signs (excluding structural components) and murals, including lettering enamels, poster colors, and copy blockers.

(35) **"Heat Reactive Coatings"** means high performance phenolic based coatings requiring a minimum temperature of 191° Celsius (C) [375° Fahrenheit (F)] to 204° C (400° F) to obtain complete polymerization or cure. These coatings are formulated and recommended for commercial and industrial use to protect substrates from degradation and maintain product purity in which one or more of the following extreme conditions exist:

(a) Continuous or repeated immersion exposure to 90 to 98% sulfuric acid or oleum;

(b) Continuous or repeated immersion exposure to strong organic solvents;

(c) Continuous or repeated immersion exposure to petroleum processing at high temperatures and pressures; or,

(d) Continuous or repeated immersion exposure to food or pharmaceutical products which may or may not require high temperature sterilization.

(36) **"High Temperature Coatings"** means high performance coatings formulated and recommended for application to substrates exposed continuously or intermittently to temperatures above 201° C (394° F).

(37) **"Impacted Immersion Coatings"** means high performance maintenance coatings formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water. These coatings are specifically resistant to high energy impact damage caused by floating ice or debris.

(38) **"Industrial Maintenance Coatings"** means high performance architectural coatings including primers, sealers, undercoaters, intermediate coats, and topcoats formulated and recommended for application to substrates exposed to one or more of the following extreme environmental conditions:

(a) Immersion in water, wastewater or chemical solutions (aqueous and nonaqueous solutions), or chronic exposure of interior surfaces to moisture condensation;

(b) Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, chemical mixtures or solutions;

(c) Repeated exposure to temperatures above 120° C (248° F);

(d) Frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial solvents, cleansers, or scouring agents; or

(e) Exterior exposure of metal structures and structural components.

(39) **"Interior Coatings"** means coatings formulated and recommended for use in conditions not exposed to natural weathering.

(40) **"Interior Clear Wood Sealers"** means low viscosity coatings formulated and recommended for sealing and preparing porous wood by penetrating the wood and creating a uniform and smooth substrate for a finish coat of paint or varnish.

(41) **"Lacquers"** means clear or opaque wood finishes, including lacquer sanding sealers, formulated with cellulose or synthetic resins to cure by evaporation without chemical reaction, and to provide a solid, protective film.

(42) **"Lacquer Stains"** means interior semitransparent stains formulated and recommended specifically for use in conjunction with clear lacquer finishes and lacquer sanding sealers.

(43) **"Manufacturer"** means the company, firm or establishment which is listed on the coating container. If the container lists two companies, firms or establishments, the manufacturer is the party which the coating was "manufactured for" or "distributed by", as noted on the product.

(44) **"Magnesite Cement Coatings"** means coatings formulated and recommended for application to magnesite cement decking to protect against water erosion.

(45) **"Mastic Texture Coatings"** means coatings formulated and recommended for concealing holes, minor cracks, or surface irregularities, and which are applied in a single coat of at least 10 mils (0.010 inches) dry film thickness.

(46) **"Metallic Pigmented Coatings"** means non-bituminous coatings containing at least 0.4 pounds of metallic pigment per gallon (0.048 kilograms per liter) of coating, including but not limited to zinc pigment.

(47) **"Multi-Color Coatings"** means coatings that exhibit more than one color when applied and which are packaged in a single container.

(48) **"Noncomplying Architectural Coating"** means a coating which does not comply with the VOC content limits of SWAPCA 493-300-030.

(49) **"Nonferrous Metal Lacquers & Surface Protectants"** means clear coatings formulated and recommended for application to ornamental architectural surfaces of bronze, stainless steel, copper, brass or anodized aluminum to prevent oxidation, corrosion, or surface degradation.

(50) **"Non Flat Coatings"** means coatings that register a gloss of 15 or greater on an 85 degree gloss meter, or 5 or greater on a 60 degree gloss meter.

(51) **"Not Otherwise Specified" or "N.O.S."** means not otherwise specified as a coating category.

(52) **"Nuclear Power Plant Coatings"** means any protective coating formulated and recommended to seal porous

surfaces such as steel or concrete that otherwise would be subject to intrusion by radioactive materials. These coatings must be resistant to service-life cumulative radiation exposure as determined by ASTM D4082-83, relatively easy to decontaminate as determined by ASTM D4256-83, and resistant to various chemicals to which the coatings are likely to be exposed as determined by ASTM D3912-80. General protective requirements are outlined by the Department of Energy, formerly U.S. Atomic Energy Commission, Regulatory Guide 1.54).

(53) **"Opaque Coating"** means a coating producing a dry film that does not allow light to pass, so the substrate is concealed from view.

(54) **"Opaque Stains"** means coatings labeled as stains that are recommended to hide a surface but not conceal its texture.

(55) **"Opaque Waterproofing Sealers & Treatments"** means coatings with pigments that are formulated and recommended for application to porous substrates for the primary purpose of preventing the penetration of water and which alter the surface appearance and texture.

(56) **"Opaque Wood Preservatives"** means coatings formulated and recommended to protect wood from decay or insect attack, and that are not classified as clear, semitransparent, or below-ground wood preservatives, and are registered with the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136 et seq.).

(57) **"Other Surfaces"** means paved parking areas (both publicly and privately owned), airport runways, airport taxiways, driveways, sidewalks, bikepaths and curbs.

(58) **"Post-Consumer Coating"** means a leftover architectural coating collected as a waste product from previous users that is employed as a raw material in the manufacture of a recycled coating product for reentry to the marketplace.

(59) **"Pre-treatment Wash Primers"** means primers which contain a minimum of 0.5 percent acid by weight, and that are applied directly to bare metal surfaces in thin films to provide corrosion resistance, and to promote adhesion of subsequent topcoats.

(60) **"Primers"** means coatings formulated and recommended for application directly to substrates to provide a firm bond between the substrate and subsequent coats.

(61) **"Public Streets & Highways"** means publicly owned surfaces used primarily for vehicular traffic such as streets, roads, and highways.

(62) **"Quick-Dry Enamels"** means non-flat coatings that:

(a) Are capable of being applied directly from the container under normal conditions, with ambient temperatures between 19° Celsius (C) [60° Fahrenheit (F)] and 27° C (80° F); and

(b) When tested in accordance with ASTM Method D1640, Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature, are set to touch in two hours or less, are tack free in four hours or less, and dry hard in eight hours or less by the mechanical method.

(63) **"Quick-Dry Primers, Sealers, and Undercoaters"** means primers, sealers and undercoaters which are dry to touch in one-half hour, and can be recoated in two hours,

when tested in accordance with ASTM D1640, Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature.

(64) **"Recycled Coating Product"** means an architectural coating that contains post-consumer coating.

(65) **"Repair and Maintenance Thermoplastic Coatings"** means industrial maintenance coatings with a primary resin of vinyl or chlorinated rubber which are formulated and recommended solely for the repair of existing coatings that also have a primary resin of vinyl or chlorinated rubber without the full removal of the existing coating system.

(66) **"Retailer"** means any person who sells, supplies, or offers architectural coatings for sale directly to consumers or commercial applicators.

(67) **"Retail Outlet"** means any establishment where architectural coatings are sold, supplied, or offered for sale directly to consumers or commercial applicators.

(68) **"Roof Coatings"** means non-bituminous and non-thermoplastic rubber coatings formulated and recommended for application to exterior roofs for the primary purpose of preventing penetration of the substrate by water, or reflecting heat and reflecting ultraviolet radiation.

(69) **"Rust Preventive Coatings"** means coatings formulated and recommended for use in preventing the corrosion of ferrous metal surfaces.

(70) **"Sanding Sealers"** means clear wood coatings formulated and recommended for application to bare wood to seal the wood and to provide a coating that can be sanded to create a smooth surface.

(71) **"Sealers"** means coatings formulated and recommended for application to substrates for one or more of the following purposes: to prevent subsequent coatings from being absorbed by the substrate; to prevent harm to subsequent coatings from materials in the substrate; to block stains, odors, or efflorescence; to seal water, smoke or fire damage; or to condition chalky surfaces.

(72) **"Shellacs"** means a clear or pigmented coating formulated with natural resins soluble in alcohol (including but not limited to, the resinous secretions of the lac beetle, *Lacifer, lacca*). Shellacs dry by evaporation without chemical reaction and provide a quick-drying, solid protective film that may be used for blocking stains.

(73) **"Solicit"** means to require for use or to specify, by written or oral contract.

(74) **"SWAPCA"** means the Southwest Air Pollution Control Authority.

(75) **"Swimming Pool Coatings"** means coatings formulated and recommended to coat the interior of swimming pools and to resist swimming pool chemicals.

(76) **"Thermoplastic Rubber Coatings & Mastics"** means coatings and mastics formulated and recommended for application to roofing and other structural surfaces which incorporate no less than 40% thermoplastic rubbers by weight of the total resin solids and may also contain other ingredients, including, but not limited to, fillers, pigments, and modifying resins.

(77) **"Tint Base"** means an architectural coating to which colorants are added after the coating has been shipped from its place of manufacture.

(78) **"Topcoat"** means a coating applied over any coating, for the purpose of appearance, identification, or protection.

(79) **"Traffic Marking Paints"** means coatings formulated and recommended to be used for marking or striping streets, highways and other traffic surfaces including, but not limited to, curbs, berms, driveways, parking lots and airport runways.

(80) **"Undercoaters"** means coatings formulated and recommended to provide a smooth surface for subsequent coats.

(81) **"Vancouver Air Quality Maintenance Area" or "Vancouver AQMA"** is the Washington portion of the Portland-Vancouver Interstate Nonattainment Area for Ozone as defined in the Washington State Implementation Plan. (The Vancouver AQMA includes the southern portion of Clark County, Washington.)

(82) **"Varnishes"** means clear or semitransparent coatings which are not lacquers or shellacs, and which are formulated to provide a durable, solid protective film. Varnishes may contain small amounts of pigment to color a surface, or to control the final sheen or gloss of the finish.

(83) **"Volatile Organic Compound" or "VOC"** means compounds of carbon defined in SWAPCA 400-030(86). For purposes of determining compliance with VOC content limits, VOC shall be measured by an applicable method identified in SWAPCA 493-300-060.

(84) **"VOC Content"** means the weight of VOCs contained in a volume of architectural coating. For products listed in SWAPCA 493-300-030(1) Table D, VOC content shall be determined on a "VOC Per Liter - Less Water Basis" or "VOC Per Gallon - Less Water Basis".

(85) **"VOC Per Liter or Gallon - Less Water Basis"** means the weight of VOCs per combined volume of VOC and coating solids at the maximum thinning level recommended by the manufacturer, less water, less exempt compounds, and before the addition of colorants added to tint bases, and shall be calculated as follows:

$$\text{VOC Content} = \frac{W_{\text{VOC}}}{V_M - V_{\text{H}_2\text{O}} - V_{\text{EC}}}$$

Where:  $W_{\text{VOC}}$  = weight of VOCs not consumed during curing, in grams or in pounds.

$V_M$  = volume of material prior to curing, in liters or in gallons.

$V_{\text{H}_2\text{O}}$  = volume of water not consumed during curing, in liters or in gallons.

$V_{\text{EC}}$  = volume of exempt compounds not consumed during curing, in liters or in gallons:))

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**((SWAPCA 493-300-030 Standards))**

((1) Where required by SWAPCA 493-300-040, architectural coatings shall not exceed the VOC content limits

listed in Table D on a "VOC Per Liter or Gallon - Less Water Basis" as modified by the special conditions and exemptions in SWAPCA 493-300-030(2) and SWAPCA 493-300-030(3).

**Table D**

**ARCHITECTURAL COATING VOC CONTENT LIMITS  
VOC PER LITER OR GALLON - LESS WATER BASIS**

Coating Category	VOC	
	(g/l)	(lb/gal)
Alkali-Resistant Primers	550	4.58
Antenna Coatings	500	4.16
Anti-Fouling Coatings	450	3.75
Anti-Graffiti Coating	600	5.00
Bituminous Coatings and Mastics	500	4.16
Bond Breakers	600	5.00
Chalkboard Resurfacers	450	3.75
Concrete Curing Compounds	350	2.91
Concrete Protective Coatings	400	3.33
Dry Fog Coatings	400	3.33
Extreme High Durability Coatings	800	6.66
Fire-Retardant/Resistive Coatings		
Clear	850	7.08
Opaque	450	3.75
Flat Coatings - N.O.S.		
Exterior	250	2.08
Interior	250	2.08
Floor Coatings	400	3.33
Flow Coatings	650	5.41
Form-Release Compounds	450	3.75
Graphic Arts Coatings or Sign-Paints	500	4.16
Heat-Reactive Coatings	420	3.5
High-Temperature Coatings	650	5.41
Impacted-Immersion Coatings	780	6.50
Industrial Maintenance Coatings	450	3.75
Lacquers	680	5.66
Lacquer Stains	780	6.50
Magnesite Cement Coatings	600	5.00
Mastic Texture Coatings	300	2.50
Metallic Pigmented Coatings	500	4.16
Multi-Color Coatings	580	4.83
Nonferrous Metal Lacquers & Surface-Protectants	870	7.25
Non-Flat Coatings - N.O.S.:		
Exterior	380	3.16

Interior	380	3.16
Nuclear Power Plant Coatings	450	3.75
Pretreatment Wash Primers	780	6.50
Primers and Undercoaters—N.O.S.	350	2.91
Quick-Dry Coatings		
Enamels	450	3.75
Primers, Sealers and Undercoaters	450	3.75
Repair and Maintenance Thermoplastic Coatings	650	5.41
Roof Coatings	250	2.08
Rust Preventive Coatings	400	3.33
Sanding Sealers—(other than lacquer)	550	4.58
Sealers—(including interior clear wood sealers)	400	3.33
Shellacs:		
Clear	650	5.41
Opaque	550	4.58
Stains & Wood Preservatives:		
Below Ground Wood Preservatives	550	4.58
Clear & Semitransparent	550	4.58
Opaque	350	2.91
Swimming Pool Coatings	850	7.08
Thermoplastic Rubber Coatings & Mastics	550	4.58
Traffic Marking Paints		
Public Streets & Highways	150*	1.25
Other Surfaces	250	2.08
Varnishes	450	3.75
Waterproofing Sealers & Treatments:		
Clear	600	5.00
Opaque	400	3.33

\*Prior to Jan. 1, 1997, a VOC content limit of 250 grams per liter (2.08 lbs/gallon) applies to Traffic Marking Paints for Public Streets & Highways.

(2) Special Conditions. The following conditions shall apply to architectural coatings subject to VOC content limits under SWAPCA 493-300-030(1):

(a) Notwithstanding the definition of coating category in SWAPCA 493-300-020, if anywhere on the coating container, or in any promotion of an architectural coating, any representation is made that the coating may be used as, or is suitable for use as a coating for which a lower VOC limit is specified in SWAPCA 493-300-030(1), then the lower VOC limit shall apply. This requirement shall not apply to:

(1) High-Temperature Coatings, which may be represented as metallic pigmented coatings for use consistent with the High Temperature Coating definition;

(2) Lacquer, which may be recommended for use as sanding sealers in conjunction with clear lacquer topcoats;

(3) Metallic Pigmented Coatings, which may be recommended for use as primers, sealers, undercoaters, roof coatings, or industrial maintenance coatings;

(4) Shellacs;

(5) Fire Retardant/Resistive Coatings;

(6) Sanding sealers which may be represented as quick dry sealers; and;

(7) Varnish, which may be recommended for use as a floor coating.

(b) VOC Content of Recycled Coating Products.

(1) For coatings manufactured domestically containing post-consumer coating, compliance with the VOC limits of Table D of this rule shall be determined by the adjusted VOC content at the maximum thinning recommended by the manufacturer using the following equation:

$$VOC_{ADJUSTED} = VOC_{ACTUAL} \times [1 - (Recycled\%/100)]$$

Where:

$VOC_{ADJUSTED}$  = The adjusted VOC content of a recycled coating product expressed as grams VOC per liter or pounds per gallon, less water.

$VOC_{ACTUAL}$  = The VOC content of the recycled coating product as determined by procedures specified in SWAPCA 493-300-060(3) with the exception that VOCs in colorants of post-consumer coatings shall not be excluded from the VOC determination.

Recycled % = The volume percent of the recycled coating product that is post-consumer coating as determined by SWAPCA 493-300-030(2)(b)(B).

(2) The percent recycled shall be determined using the following equation:

$$Recycled\% = \frac{VOL_{POST-CONS} \times 100}{(VOL_{POST-CONS} + VOL_{VIRGIN})}$$

Where:

$VOL_{POST-CONS}$  = The volume of post-consumer coating per gallon used in the production of a recycled coating product.

$VOL_{VIRGIN}$  = The volume of virgin coating materials used in the production of a recycled coating product.

~~(3) Exemptions. SWAPCA 493-300-030(1) shall not apply to:~~

- ~~(a) Colorants added to tint bases by a retailer or commercial applicator.~~
- ~~(b) Coatings that are sold in containers with a volume of not more than one quart (32 fluid ounce or 0.95 liter) or in non-refillable aerosol containers.)~~

~~((SWAPCA 493-300-040 Requirements for Manufacture, Sale and Use of Architectural Coating))~~

~~((1) **Manufacturers.** Except as provided in SWAPCA 493-300-040(6), any person who manufactures architectural coatings after July 1, 1996 which are sold, offered for sale, supplied or distributed, directly or indirectly, to a retail outlet in the Vancouver AQMA shall:~~

~~(a) Manufacture complying architectural coatings for architectural coatings marketed in the Vancouver AQMA;~~

~~(b) Clearly display the following information on each product container such that it is readily observable upon hand-held inspection without removing or disassembling any portion of the product container or packaging:~~

~~(1) The date on which the product was manufactured, or a code indicating such date;~~

~~(2) The maximum VOC content of the coating, at the maximum thinning recommended by the manufacturer, expressed as grams of VOC per liter or pounds VOC per gallon of coating, less water and exempt compounds, or distinguishing markings that identify the product's VOC content as described above, through reference to printed information that accompanies the product through distribution and is displayed at the point of sale;~~

~~(3) A statement of the manufacturer's maximum recommended thinning with diluents other than water, and, if thinning of the coating prior to use under normal environmental and application conditions is not necessary, a statement indicating the product is not to be thinned under normal circumstances; and~~

~~(4) For containers of recycled coating products, the phrase "CONTAINS NOT LESS THAN \_\_\_\_ PERCENT POST-CONSUMER COATING" where the percent, by volume, of the recycled coating is inserted before the word "percent".~~

~~(c) Notify direct purchasers of products manufactured for sale within the Vancouver AQMA upon determining that any noncomplying architectural coatings have been supplied in violation of SWAPCA 493-300-040.~~

~~(2) **Distributors.** Except as provided in SWAPCA 493-300-040(6), any distributor of architectural coating manufactured after July 1, 1996 which is sold, offered for sale, supplied or distributed to a retail outlet within the Vancouver AQMA shall:~~

~~(a) Ensure that architectural coatings are labeled as required under subsection (1)(b) of SWAPCA 493-300-040;~~

~~(b) Ensure that the VOC content indicated under SWAPCA 493-300-040 (1)(b)(B) does not exceed the VOC standard specified in SWAPCA 493-300-030; and~~

~~(c) Notify direct purchasers of products distributed for sale within the Vancouver AQMA upon determining that any noncomplying architectural coatings have been supplied in violation of SWAPCA 493-300-040.~~

~~(3) **Retailers.**~~

~~(a) Except as provided in SWAPCA 493-300-040(6), no retailer shall knowingly sell within the Vancouver AQMA any noncomplying architectural coating manufactured after July 1, 1996.~~

~~(b) Upon notification by SWAPCA, a manufacturer, or a distributor that any noncomplying architectural coating has been supplied, a retailer shall remove noncomplying architectural coatings from consumer-accessible areas of retail outlets within the Vancouver AQMA.~~

~~(4) **Commercial Applicators.** Except as provided in SWAPCA 493-300-040(6):~~

~~(a) No commercial applicator shall, within the Vancouver AQMA, knowingly use or contract for the use of any noncomplying architectural coating manufactured after July 1, 1996;~~

~~(b) No commercial applicator shall, within the Vancouver AQMA, knowingly use any noncomplying architectural coating manufactured after July 1, 1996 in a manner inconsistent with the coating category for which the product is formulated and recommended;~~

~~(c) All VOC-containing materials shall be stored in closed containers when not being accessed, filled, emptied, maintained, repaired or otherwise used.~~

~~(d) It is recommended that architectural coatings be applied under the conditions and with the application techniques recommended by the coating's manufacturer.~~

~~(5) **Label Alteration.** No person shall remove, alter, conceal or deface the information required in SWAPCA 493-300-040 (1)(b) prior to final sale of the product.~~

~~(6) **Exceptions.**~~

~~(a) Traffic marking paints seasonal requirements.~~

~~(1) Traffic marking paints which exceed the VOC content limits of SWAPCA 493-300-030(1) may be manufactured, distributed to retail outlets, offered for sale to commercial applicators, and sold to commercial applicators within the Vancouver AQMA if purchasers are provided with written information indicating that the product shall not be applied within the Vancouver AQMA during the period June 1 through August 31, and the labeling requirements of SWAPCA 493-300-040 (1)(b)(A) and (B) are maintained.~~

~~(2) Traffic marking paints which exceed the VOC limits of SWAPCA 493-300-030(1) may be purchased by commercial applicators for use within the Vancouver AQMA provided they shall not be applied during the period June 1 through August 31.~~

~~(b) For architectural coatings which have been granted a compliance extension under SWAPCA 493-500-020, this rule applies to coatings manufactured after the date specified in the compliance extension.))~~

~~((SWAPCA 493-300-050 Recordkeeping and Reporting Requirements))~~

~~((1) **Recordkeeping.** Manufacturers subject to SWAPCA 493-300-040 shall maintain the following records for at least 2 years after an architectural coating is sold, offered for sale, supplied or distributed by the manufacturer, directly or indirectly, to a retail outlet in the Vancouver AQMA:~~

(a) VOC content records of architectural coatings based on methods provided in SWAPCA 493-300-060;

(b) An explanation of any code indicating the date of manufacture of any architectural coating; and

(c) Information used to substantiate an application for a compliance extension under SWAPCA 493-500-020.

(2) **Reporting.** Following request and within a reasonable period of time, records specified in SWAPCA 493-300-050(1) shall be made available to SWAPCA.

(3) **Exemption from disclosure.** If a person claims that any Records of Information, as defined in RCW 70.94.205 "Confidentiality of records and information", is confidential or otherwise exempt from disclosure, in whole or in part, the person shall comply with the procedures specified in SWAPCA 493-500-030.))

**((SWAPCA 493-300-060 Inspection and Testing Requirements))**

((1) The owner or operator of a facility subject to SWAPCA 493-300-010 through 493-300-060 shall, at any reasonable time, make the facility available for inspection by SWAPCA.

(2) Upon request of SWAPCA, any person subject to SWAPCA 493-300-010 through 493-300-060 shall furnish samples of architectural coatings selected by SWAPCA from available stock for testing by SWAPCA to determine compliance with SWAPCA 493-300-030.

(3) Except as provided in SWAPCA 493-300-060(4), testing to determine compliance with SWAPCA 493-300-030 shall be performed using:

(a) VOC Content. The VOC content of an architectural coating shall be determined by:

(1) Procedures set forth in EPA Test Method 24 (40 CFR 60, Appendix A, July 1, 1994); or

(2) Calculation of VOC content from records of amounts of constituents used to manufacture the product and the chemical compositions of the individual product constituents.

(b) Exempt Compounds. If the method specified in SWAPCA 493-300-060 (3)(a)(A) also measures compounds excluded from the definition of VOCs, those compounds may be excluded from the VOC content if the amount of such compounds can be accurately quantified. SWAPCA may require a manufacturer to provide conclusive evidence (such as production records, formulation data and test results) demonstrating, to the satisfaction of SWAPCA, the amount of exempt compounds in the architectural coating or the coating's emissions.

(c) Specular gloss of flat and non-flat coatings shall be determined by ASTM Method D523-89, March 31, 1989.

(4) Alternative test methods which are shown to accurately determine the VOC content of architectural coatings may also be used if approved in writing by EPA and SWAPCA.))

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

AMENDATORY SECTION (Amending WSR 96-10-026, filed 4/25/96, effective 5/26/96)

**((SWAPCA)) SWCAA 493-400 ((MOTOR VEHICLE REFINISHING)) AUTOMOBILE REFINISH COATINGS**

(1) Adoption by reference. The National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings contained in 40 CFR Part 59, Subpart B as in effect on July 1, 2011 are hereby adopted by reference. The term "administrator" as defined in 40 CFR 59.101 shall include the Executive Director of SWCAA. Exceptions to this adoption by reference are listed in subsection (2) below.

(2) Exceptions. The following sections of 40 CFR 59, Subpart B are not adopted by reference:

(a) 40 CFR 59.106 Variance.

(3) Variances.

(a) Any regulated entity that cannot comply with the requirements of this section because of circumstances beyond its reasonable control may apply in writing to the Executive Director for a temporary variance. The variance application must include the following information:

(i) The specific grounds upon which the variance is sought;

(ii) The proposed date(s) by which the regulated entity will achieve compliance with the provisions of this subpart. This date must be no later than 5 years after the issuance of a variance; and

(iii) A compliance plan detailing the method(s) by which the regulated entity will achieve compliance with the provisions of this subpart.

(b) Upon receipt of a variance application containing the information required in subsection (3)(a), the Executive Director will publish a public notice of such application on the Agency website and, if requested by any party, will hold a public hearing to determine whether, under what conditions, and to what extent, a variance from the requirements of this subpart is necessary and will be granted. If requested, a hearing will be held no later than 75 days after receipt of a variance application. Notice of the time and place of the hearing will be sent to the applicant by certified mail not less than 30 days prior to the hearing. At least 30 days prior to the hearing, the variance application will be made available to the public for inspection. Information submitted to the Executive Director by a variance applicant may be claimed as confidential. The Executive Director may consider such confidential information in reaching a decision on a variance application. Interested members of the public will be allowed a reasonable opportunity to testify at the hearing.

(c) A variance will be issued if the following criteria are met to the satisfaction of the Executive Director:

(i) Compliance with the provisions of this section would not be technologically or economically feasible; and

(ii) The compliance plan proposed by the applicant can reasonably be implemented and will achieve compliance as expeditiously as possible.

(d) Each variance will specify dates by which the regulated entity will achieve increments of progress towards compliance, and will specify a final compliance date by which the regulated entity will achieve compliance with this subpart.

(e) A variance will cease to be effective upon failure of the party to whom the variance was issued to comply with any term or condition of the variance.

(f) Upon the application of any party, the Executive Director may review and, for good cause, modify or revoke a variance after holding a public hearing in accordance with the provisions of subsection (3)(b).

(4) **Variance Fee.** Each variance application must be accompanied by a fee of \$800.

~~((SWAPCA 493-400-010 Applicability))~~

~~((SWAPCA 493-400 applies to any person:~~

~~(1) Who sells, offers for sale, distributes or manufactures motor vehicle refinishing coatings for sale in Vancouver AQMA, or~~

~~(2) Who owns, leases, operates or controls a motor vehicle refinishing facility in the Vancouver AQMA.))~~

~~((SWAPCA 493-400-020 Definitions))~~

~~((As used in SWAPCA 493-400:~~

~~(1) "**Aerosol Spray**" coating means a pre-mixed coating supplied in pressurized containers of 16 ounces or less.~~

~~(2) "**Anti-glare/Safety Coating**" means a coating formulated to minimize light reflection to interior areas of a vehicle and which shows a reflectance of 25 or less on a 60 degree gloss meter.~~

~~(3) "**Basecoat**" means a pigmented topecoat which is the first topecoat applied as a part of a multistage topecoat system.~~

~~(4) "**Basecoat/Clearcoat Topecoat System**" means a topecoat system composed of a basecoat portion and a clearcoat portion. The VOC content of a basecoat/clearcoat topecoat system shall be calculated according to the following formula:~~

$$VOC_{be/ee} = \frac{VOC_{be} + 2VOC_{ee}}{3}$$

Where:  $VOC_{be/ee}$  = the composite VOC content, less water and less exempt compounds to be used for compliance determination under the basecoat/clearcoat topecoat system coating category.

$VOC_{be}$  = the VOC content of any given basecoat as prepared for use, less water and less exempt compounds.

$2VOC_{ee}$  = twice the VOC content of any given clearcoat as prepared for use, less water and less exempt compounds.

~~(5) "**Bright Metal Trim Repair Coating**" means a coating applied directly to chrome plated metal surfaces for the purposes of appearance.~~

~~(6) "**Clearcoat**" means a topecoat which contains no pigments or only transparent pigments and which is the final topecoat applied as a part of a multistage topecoat system.~~

~~(7) "**Elastomeric Materials**" means coatings which are specifically formulated and applied over coated or uncoated flexible plastic substrates for the purpose of adhesion.~~

~~(8) "**Exempt compounds**" means compounds of carbon excluded from the definition of VOC.~~

~~(9) "**Graphic Design Application**" means the application of logos, letters, numbers, or artistic representations such as murals, landscapes, and portraits.~~

~~(10) "**High Volume, Low Pressure Spray**", or "**HVLP**" means equipment used to apply coatings with a spray device which operates at a nozzle air pressure between 0.1 and 10 pounds per square inch gravity (psig).~~

~~(11) "**Impact Resistant Coating**" means any coating applied to a rocker panel for the purpose of chip resistance to road debris.~~

~~(12) "**Manufacturer**" means the company, firm or establishment which is listed on the coating container. If the container lists two companies, firms or establishments, the manufacturer is the party which the coating was "manufactured for" or "distributed by", as noted on the product.~~

~~(13) "**Midecoat**" means a semi-transparent topecoat which is the middle topecoat applied as part of a three-stage topecoat system.~~

~~(14) "**Motor Vehicle**" means a any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.~~

~~(15) "**Motor Vehicle Refinishing**" means the application of surface coating to on-road motor vehicles or non-road motor vehicles, or their existing parts and components, except Original Equipment Manufacturer (OEM) coatings applied at manufacturing plants.~~

~~(16) "**Motor Vehicle Refinishing Coating**" means any coating designed for, or represented by the manufacturer as being suitable for motor vehicle refinishing.~~

~~(17) "**Motor Vehicle Refinishing Facility**" means a location at which motor vehicle refinishing is performed.~~

~~(18) "**Multi-Color Coating**" means a coating which is packaged in a single container that exhibits more than one color when applied, and is used to protect surfaces of vehicle cargo areas.~~

~~(19) "**Multistage Topecoat System**" means any basecoat/clearcoat topecoat system or any three-stage topecoat system manufactured as a system, and used as specified by the manufacturer.~~

~~(20) "**Non-Road Motor Vehicle**" means any motor vehicle other than an on-road motor vehicle. "Non-Road Motor Vehicle" includes, but is not limited to, fixed load vehicles, farm tractors, farm trailers, all-terrain vehicles, and golf carts.~~

~~(21) "**On-Road Motor Vehicle**" means any motor vehicle which is required to be registered under RCW 46.16 or exempt from registration under RCW 46.04. "On-Road Motor Vehicle" includes, but is not limited to: passenger cars, trucks, vans, motorcycles, mopeds, motor homes, truck tractors, buses, tow vehicles, trailers other than farm trailers, and camper shells.~~

~~(22) "**Person**" means the federal government, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever.~~

~~(23) "**Portland-Vancouver Interstate AWMA**" is the interstate nonattainment area for ozone as defined in the Washington and Oregon State Implementation Plans. The Interstate area includes, Clackamas, Washington and Mult-~~

nomah counties in Oregon and southern portion of Clark County in Washington.

(24) **"Precoat Coating"** means a coating applied to bare metal primarily to deactivate the surface for corrosion resistance to a subsequent water base primer.

(25) **"Pretreatment Wash Primer"** means a coating which contains at least 0.5% acid, by weight, which is used to provide surface etching and is applied directly to bare metal surfaces to promote corrosion resistance and adhesion.

(26) **"Primer"** means a coating applied for purposes of corrosion resistance or adhesion of subsequent coatings.

(27) **"Primer Sealer"** means a coating applied prior to the application of a topecoat for the purpose of color uniformity, or to promote the ability of a underlying coating to resist penetration by the topecoat.

(28) **"Primer Surface"** means a coating applied for the purpose of corrosion resistance or adhesion, and which promotes a uniform surface by filling in surface imperfections.

(29) **"Public Highway"** means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

(30) **"Rocker Panel"** means the panel area of a motor vehicle which is no more than 10 inches from the bottom of a door, quarter panel, of fender.

(31) **"Rubberized Asphaltic Underbody Coating"** means a coating applied to the wheel wells, the inside of door panels or fenders, the underside of a trunk or hood, of the underside of the motor vehicle itself for the purpose of sound deadening or protection.

(32) **"Specialty Coating"** means any of the following coatings when used in accordance with each coating's specialized design purpose: adhesion promoters, uniform finish blenders, elastomeric materials, impact resistant coatings, anti-glare safety coatings, rubberized asphaltic underbody coatings, water hold-out coatings, weld-through coatings, bright metal trim repair coatings, and surface appearance additives.

(33) **"Spot Repairs"** means motor vehicle refinishing repairs in which the damaged area to be repaired is limited to only a portion of any given panel so that an entire panel need not be repaired.

(34) **"Stencil Coating"** means an ink or a pigmented coating which is rolled or brushed onto a template or a stamp in order to add identifying letters, symbols, or numbers to motor vehicles, mobile equipment, or their parts and components.

(35) **"Surface Appearance Additive"** means gloss control additives, fish-eye eliminators, retarders, and other additives designed to achieve the surface appearance of the original equipment specifications.

(36) **"SWAPCA"** means the Southwest Air Pollution Control Authority.

(37) **"Three Stage Coating System"** means a topecoat system composed of a basecoat portion, a midcoat portion, and a transparent clearcoat portion. For compliance purposes, the VOC content of a three stage coating system shall be calculated according to the following formula:

$$VOC_{3\text{-stage}} = \frac{VOC_{be} + VOC_{me} + 2VOC_{ee}}{4}$$

Where:  $VOC_{3\text{-stage}}$  = the composite VOC content, less water and less exempt compounds in the three stage coating system.

$VOC_{be}$  = the VOC content of any given basecoat as prepared for use, less water and less exempt compounds.

$VOC_{me}$  = the VOC content of any given midcoat as prepared for use, less water and less exempt compounds.

$2VOC_{ee}$  = twice the VOC content, as prepared for application, of any given clearcoat.

(38) **"Topcoat"** means a coating applied over any coating, for the purpose of appearance, identification, or protection.

(39) **"Touch-up Coating"** means a coating applied by brush or non-refillable aerosol can to cover minor surface damage and dispensed in containers of no more than 8 ounces.

(40) **"Uniform Finish Blender"** means a coating which is applied in spot repairs for the purpose of blending a paint overspray area of a repaired topecoat to match the appearance of an adjacent existing topecoat.

(41) **"Vancouver Air Quality Maintenance Area" or "Vancouver AQMA"** is the Washington portion of the Portland Vancouver Interstate Nonattainment Area for Ozone as defined in the Washington State Implementation Plan. The Vancouver AQMA includes the southern portion of Clark County, Washington.

(42) **"Vehicle"** means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means.

(43) **"Volatile Organic Compound" or "VOC"** means those compounds of carbon defined in SWAPCA 400-030(89). For purposes of determining compliance with VOC content limits, VOC shall be measured by an applicable method identified in SWAPCA 493-400-060.

(44) **"Water Hold Out Coating"** means a coating applied to the interior cavity areas of doors, quarter panels, and rocker panels for the purpose of corrosion resistance to prolonged water exposure.

(45) **"Weld Through Coating"** means a coating applied to metal immediately prior to welding to provide corrosion resistance.))

**((SWAPCA 493-400-030 Coating Standards and Exemptions))**

((1) Where required by SWAPCA 493-400-040 and 493-400-050, motor vehicle refinishing coatings shall not exceed the VOC content limitations in Table E when prepared in accordance with the manufacturer's instructions, except as provided in SWAPCA 493-400-030(2).

**Table E**  
**VOC Content Limits of Motor Vehicle Refinishing Coatings**

<u>Coating Type</u>	<u>VOC Content Limits* (lbs/gal)</u>
Pretreatment Wash Primer	6.5
Precoat	6.5
Primer	4.8
Primer Surface	4.8
Primer Sealer	4.6
Topcoat	5.0
Basecoat/Clearcoat Topcoat System	5.0
Three-Stage Coating System	5.2
Multi-Color Coating	5.7
Specialty Coating	7.0

VOC content is determined as prepared for use in accordance with manufacturer's instructions, and shall be calculated by the following equation:

$$\text{Pounds of VOC per gallon} = \frac{W_{\text{voc}}}{V_m - V_w - V_{\text{ee}}}$$

- Where:  $W_{\text{voc}}$  = Weight of VOC in pounds, or the weight of all volatile compounds less the weight of water, less the weight of exempt compounds;
- $V_m$  = Volume of material in gallons;
- $V_w$  = Volume of water in gallons;
- $V_{\text{ee}}$  = Volume of exempt compounds, in gallons.

[Note: \* VOC emission limits are expressed as pounds of VOC per gallon of coating excluding the volume of water and exempt compounds.]

(2) Exemptions. The VOC content limits in SWAPCA 493-400-030(1) shall not apply to:

- (a) Coatings supplied in aerosol spray cans;
- (b) Touch up coatings;
- (c) Stencil coatings;
- (d) Coatings used for graphic design applications.))

**((SWAPCA 493-400-040 Requirements for Manufacture and Sale of Coatings))**

((1) Manufacture. Any person who manufactures motor vehicle refinishing coatings for sale within Clark County, Washington after July 1, 1996 shall:

- (a) Provide written instructions for preparation of the product; and

(b) Designate in writing the VOC content of these products as prepared for use in accordance with the manufacturer's instructions.

(2) Shipment to the Vancouver AQMA. Except as provided in SWAPCA 493-400-040(4), no person shall knowingly sell, ship or provide a motor vehicle refinishing coating after July 1, 1996 for use within the Vancouver AQMA unless the VOC content of the product as designated by the manufacturer complies with the VOC content limits in SWAPCA 493-400-030 when prepared in accordance with the manufacturer's instructions.

(3) Sale within Clark County, Washington. Except as provided in SWAPCA 493-400-040(4), no person shall sell motor vehicle refinishing coatings after July 1, 1996 within Clark County, Washington unless the VOC content of the product as designated by the manufacturer complies with the VOC content limits in SWAPCA 493-400-030 when prepared in accordance with the manufacturer's instructions.

(4) Sale for use outside the Portland-Vancouver Interstate AQMA. Motor vehicle refinishing coatings which do not comply with the VOC limitations of SWAPCA 493-400-030 may be sold for shipment to the Vancouver AQMA, or sold within Clark County, Washington if:

(a) The product is to be used outside the boundary of the Portland-Vancouver Interstate AQMA; and

(b) The purchaser provides written certification to the seller in the manner described by SWAPCA 493-400-040(5) that the product is to be used outside of the Portland-Vancouver Interstate AQMA.

(5) Purchase Certifications. When required by SWAPCA 493-400-040(4), certifications of intended use shall at a minimum contain the following information:

- (a) Purchaser's name and address;
- (b) Date of Purchase;
- (c) Name of coating or coating system purchased;
- (d) Type of coating;
- (e) Quantity of coating purchased;
- (f) Address of location where the coating will be used;
- (g) A statement certifying that the coating will not be used within the Portland-Vancouver Interstate AQMA to the best of the purchaser's knowledge; and
- (h) Purchaser's signature.))

**((SWAPCA 493-400-050 Requirements for Motor Vehicle Refinishing in Vancouver AQMA))**

((Except as provided in SWAPCA 493-400-050(3), persons performing motor vehicle refinishing of on-road motor vehicles within the Vancouver AQMA shall:

- (1) After July 1, 1996:
  - (a) Use motor vehicle refinishing coatings which are identified by the manufacturer as complying with the VOC limits established in SWAPCA 493-400-030; and
  - (b) Prepare and apply the coatings in accordance with the manufacturer's instructions; and
- (2) After June 1, 1997:
  - (a) Clean any spray equipment, including paint lines, in a device which:
    - (1) Minimizes solvent evaporation during the cleaning, rinsing, and draining operations;

(2) Recirculates solvent during the cleaning operation so the solvent is reused; and

(3) Collects spent solvent to be available for proper disposal or recycling; and

(b) Apply motor vehicle refinishing coatings by one of the following methods:

(1) High Volume Low Pressure spray equipment, operated and maintained in accordance with the manufacturer's recommendations;

(2) Electrostatic application equipment, operated and maintained in accordance with the manufacturer's recommendations;

(3) Dip coat application;

(4) Flow coat application;

(5) Brush coat application;

(6) Roll coat application;

(7) Hand held aerosol cans; or

(8) Any other coating application method which can be demonstrated to effectively control VOC emissions, and which has been approved in writing by SWAPCA.

(3) This rule shall not apply to any person who performs motor vehicle refinishing without compensation, and who performs refinishing on two or fewer on-road motor vehicles, or portions thereof, in any calendar year.)

**~~((SWAPCA 493-400-060 Recordkeeping and Reporting Requirements))~~**

~~((1) Recordkeeping.~~

~~(a) Manufacturers of motor vehicle refinishing coatings sold in Vancouver AQMA shall maintain records which demonstrate that the VOC content designated under SWAPCA 493-400-040(1) is true and accurate. These records shall be maintained for at least two (2) years after a manufacturer's sale of a product for use in Vancouver AQMA, and may include, but are not limited to, product formulation data and test results using test methods specified in SWAPCA 493-400-060.~~

~~(b) Persons who sell motor vehicle refinishing coatings within the Vancouver AQMA shall maintain records for at least 2 years which are sufficient to allow a determination of compliance with SWAPCA 493-400-040 (3) and (4). These records shall include, but are not limited to, purchase certifications and sales information specifying the coating identification, quantity sold, and date of sale.~~

~~(c) Persons who perform motor vehicle refinishing of on-road motor vehicles within the Vancouver AQMA shall maintain records for at least 2 years which are sufficient to allow determination of compliance with SWAPCA 493-400-050. These records shall include, but are not limited to, manufacturers' instructions for preparation of coatings used and purchase information specifying the coating identification, quantity purchased and date of purchase.~~

~~(2) Reporting. Following request and within a reasonable period of time, records specified in SWAPCA 493-400-060(1) shall be made available to SWAPCA.~~

~~(3) Exemption from disclosure. If a person claims that any Records or Information, as defined in RCW 70.94.205 "Confidentiality of records and information", is confidential or otherwise exempt from disclosure, in whole or in part, the~~

~~person shall comply with the procedures specified in SWAPCA 493-500-030.)~~

**~~((SWAPCA 493-400-070 Inspection and Testing Requirements))~~**

~~((1) The owner or operator of any facility subject to SWAPCA 493-400 shall, at any reasonable time, make the facility available for inspection by SWAPCA.~~

~~(2) Upon request of SWAPCA, any person subject to SWAPCA 493-400 shall furnish samples of motor vehicle refinishing coatings selected by SWAPCA from available stock for testing by SWAPCA to determine compliance with SWAPCA 493-400-030.~~

~~(3) Testing conducted under this rule shall be in accordance with EPA Method 24 or Method 25 as described in CFR Title 40 Part 60 (July 1, 1994), or by other methods approved by SWAPCA and EPA.)~~

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

**AMENDATORY SECTION** (Amending WSR 96-10-026, filed 4/25/96, effective 5/26/96)

**~~((SWAPCA)) SWCAA 493-500 - AREA SOURCE COMMON PROVISIONS~~**

**~~((SWAPCA)) SWCAA 493-500-010 Applicability~~**

~~((SWAPCA)) SWCAA 493-500 applies to all sections of ((SWAPCA)) SWCAA 493-100 through ((SWAPCA)) SWCAA 493-400.~~

**~~((SWAPCA)) SWCAA 493-500-020 Compliance Extensions~~**

~~Any manufacturer((, as defined in SWAPCA 493-100-020;)) who cannot comply with the requirements specified in ((SWAPCA)) SWCAA 493-100 to 493-400 by the applicable compliance date because of conditions specified in ((SWAPCA)) SWCAA 493-500-020(4) may apply in writing to ((SWAPCA)) SWCAA for a compliance extension of up to 3 years in renewable 1 year increments. Any compliance extension granted by the Oregon Department of Environmental Quality shall be deemed valid by ((SWAPCA)) SWCAA for the duration of the extension.~~

~~(1) A manufacturer shall apply in writing to ((SWAPCA)) SWCAA for any compliance extension under ((SWAPCA)) SWCAA 493-500-020. Information claimed by the applicant as confidential or otherwise exempt from disclosure shall be submitted in accordance with ((SWAPCA)) SWCAA 493-500-030. The application shall include:~~

~~(a) An explanation of the specific grounds addressing each subsection under ((SWAPCA)) SWCAA 493-500-020(4) on which the compliance extension is sought;~~

~~(b) The requested terms and conditions;~~

(c) The specific method(s) by which compliance with the requested terms and conditions will be achieved;

(d) Any interim measures which may be taken during the period of the compliance extension to limit the amount of emissions in excess of the rule limits; and

(e) If applicable, any compliance extension, alternate control requirement or variance order granted by another local, state or federal air pollution control agency.

(2) Within 30 days of receipt of the compliance extension application, ((SWAPCA)) SWCAA shall determine whether an application is complete.

(3) Within 90 days after an application has been deemed complete, ((SWAPCA)) SWCAA shall determine whether, under what conditions, and to what extent, a compliance extension shall be approved. The applicant and ((SWAPCA)) SWCAA may mutually agree to extend the period for making a determination, and additional supporting documentation may be submitted by the applicant before the determination is reached.

(4) In considering whether to approve a compliance extension, ((SWAPCA)) SWCAA shall consider the following:

(a) Conditions beyond the control of the applicant;

(b) Special circumstances which render strict compliance unreasonable, burdensome or impractical due to special physical conditions or cause;

(c) Strict compliance would result in substantial curtailment or closing down of a business, plant, or operation; or

(d) No other alternative facility or method of handling is yet available.

(5) Any compliance extension order shall specify terms and conditions, including a date by which final compliance shall be achieved. The final compliance date shall not exceed 3 years after the applicable compliance date. A compliance extension shall be granted in 1 year increments which may be renewed until the final compliance date upon a showing by the manufacturer that any increments of progress and other terms and conditions in the order have been met.

(6) ((SWAPCA)) SWCAA shall notify the applicant in writing of the determination under ((SWAPCA)) SWCAA 493-500-020(3) of this rule and the terms and conditions established under ((SWAPCA)) SWCAA 493-500-020(5).

(7) Notwithstanding ((SWAPCA)) SWCAA 493-500-020(4), if, prior to the applicable compliance date, a manufacturer(~~as defined in SWAPCA 493-100-020;~~) submits to ((SWAPCA)) SWCAA a variance order granted by the California Air Resources Board (CARB) which is valid as of February 20, 1995, the manufacturer shall be granted a 1 year extension from the applicable compliance date. Such compliance extensions may be revoked by ((SWAPCA)) SWCAA if ((SWAPCA)) SWCAA believes that the manufacturer is not in compliance with the terms and conditions of the CARB variance order.

(8) For any product for which a compliance extension has been approved pursuant to this rule, the manufacturer shall notify ((SWAPCA)) SWCAA in writing within 30 days if the manufacturer learns that information submitted to ((SWAPCA)) SWCAA under this rule has changed in a manner which could modify the basis of ((SWAPCA's)) SWCAA's approval.

(9) If ((SWAPCA)) SWCAA believes that a product for which a compliance extension has been granted no longer meets the criteria for a compliance extension specified in ((SWAPCA)) SWCAA 493-500, ((SWAPCA)) SWCAA may modify or revoke the extension as necessary to ensure that the product will meet these criteria. ((SWAPCA)) SWCAA shall notify the applicant in writing if a compliance extension is modified or revoked under this section.

#### **((SWAPCA)) SWCAA 493-500-030 Exemption from Disclosure to the Public**

(1) If a person claims that any records or information, as defined in RCW 70.94.205, is confidential or otherwise exempt from disclosure, in whole or in part, the person shall comply with the following procedures:

(a) The records or information shall be clearly marked with a request for exemption from disclosure. For a multi-page writing, each page shall be so marked.

(b) For records or information that contains both exempt and non-exempt material, the proposed exempt material shall be clearly distinguishable from the non-exempt material. If possible, the exempt material shall be arranged so that it is placed on separate pages from the non-exempt material.

(2) For records or information to be considered exempt from disclosure as a "trade secret," it shall meet all of the following criteria:

(a) The information shall not be patented;

(b) It shall be known only to a limited number of individuals within a commercial concern who have made efforts to maintain the secrecy of the information;

(c) It shall be information which derives actual or potential economic value from not being disclosed to other persons; and

(d) It shall give its users the chance to obtain a business advantage over competitors not having the information.

#### **~~((SWAPCA 493-500-040 Future Review))~~**

~~((Within a reasonable period of time following adoption by the United States Environmental Protection Agency of regulations intended to reduce VOC emissions from one or more products subject to SWAPCA 493-100 through SWAPCA 493-400, SWAPCA shall provide the following information to the SWAPCA Board of Directors:~~

~~(1) A comparison of the federal regulation with SWAPCA 493-100 through 493-400;~~

~~(2) An estimate of the change in emissions which would occur from repeal of provisions in SWAPCA 493-100 through 493-400 applicable to such product or products;~~

~~(3) An assessment of the effect of eliminating or modifying the provisions of SWAPCA 493-100 through 493-400 on the State Implementation Plan adopted for Redesignation/Ozone Maintenance Plan, including any need for substitute measures; and~~

~~(4) A recommendation regarding amendment to eliminate such provisions and, if applicable, a schedule for amendment.)~~

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

**WSR 13-15-009**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed July 8, 2013, 7:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 12-20-055.

Title of Rule and Other Identifying Information: Collection agencies, chapter 308-29 WAC, Collection agency board's practices for audits and investigations.

Hearing Location(s): Department of Licensing, 405 Black Lake Boulevard S.W., Room 2105, Olympia, WA 98502, on August 27, 2013, at 1:00 p.m.

Date of Intended Adoption: August 30, 2013.

Submit Written Comments to: Margaret Vogeli, P.O. Box 1098, Olympia, WA 98507-1098, e-mail collect@dol.wa.gov, fax (360) 570-7053, by August 23, 2013.

Assistance for Persons with Disabilities: Contact Margaret Vogeli by August 19, 2013, TTY (360) 664-0116, or (360) 664-1389.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose is to clarify and put into rule the collection agency board's current policies and procedures on conducting investigations and audits.

Reasons Supporting Proposal: These rules are designed to promote efficiency in conducting investigations and audits; to give licensees notice of what is required of them during an investigation or audit; and to explain licensees' responsibilities.

Statutory Authority for Adoption: RCW 19.16.410.

Statute Being Implemented: Chapters 19.16, 18.235 RCW.

Rule is necessary because of state court decision, 09-2-41204-9 SEA.

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Nancy Skewis, Olympia, Washington, (360) 664-1446; Implementation: David Browne, Olympia, Washington, (360) 664-6581; and Enforcement: Robert Fuller, Olympia, Washington, (360) 664-1572.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules impose no new costs for business.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to this proposed rule under the provisions of RCW 34.05.328 (5)(a)(i).

July 8, 2013  
Damon Monroe  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-11-132, filed 5/22/01, effective 6/22/01)

**WAC 308-29-025 What records must a licensee maintain at the licensed location? Required records:**

The collection agency must maintain the following records at the licensed location:

(1) **Bank trust records.**

(a) Duplicate receipt book or cash receipts journal recording all receipts showing date received and the customer who paid;

(b) Sequentially numbered checks with check register or cash disbursement journal or check stubs showing the purpose of the disbursement and the client account it is debited to;

(c) Bank deposit slips verifying the date deposited and reconciled with receipt book or cash receipts journal;

(d) Client's accounting ledger or client remittance report summarizing all moneys received and all moneys disbursed for each client collection account; and

(e) Reconciled bank statements and canceled checks for all trust bank accounts.

(2) **Other records.**

(a) Copies of all financial statements of licensee showing solvency;

(b) Annotations of significant events or conversations with debtors;

(c) Transactions folders containing all agreements, contracts, documents, statements and correspondence for each debtor and client (may be maintained electronically or on other retrievable medium); and

(d) Collection agreements authorizing the licensee to collect debts or a schedule listing all fees or charges to be charged to the debtor or client.

**Accuracy, accessibility and retention of records:**

All required records shall be accurately posted, kept up-to-date and kept at the address where the collection agent is licensed to do business. ~~((Such records shall be retained and available for inspection by the director or the director's authorized representative during normal business hours. The collection agent shall provide copies of required records upon demand by the director or the director's authorized representative.))~~

(3) **Licensee's responsibilities:**

(a) The licensee shall be responsible for the custody, safety and the accuracy of entries in all required records. The licensee retains this responsibility even though another person or persons assume the duties of preparation, custody or recording.

(b) The licensee shall obtain copies of the Collection Agency Act (chapter 19.16 RCW) and the rules implementing the act (chapter 308-29 WAC) and be knowledgeable of these laws and rules in their most recent version.

(c) The licensee must ensure accessibility of the licensed location and records to the director or the director's representative.

(4) **Administration of trust funds and client property:**

(a) A licensee who receives funds or moneys from any debtor, client or customer shall hold the funds or moneys in trust for the purposes of the agreement and shall not utilize

such funds or moneys for the benefit of the licensee or any person not entitled to such benefit.

(b) All funds or moneys received shall be deposited into a federally insured banking institution.

(c) The trust bank account will be in the licensee's name and identified as a trust account.

(d) Preauthorization of regular disbursements or deductions on an ongoing basis by financial institutions is not permitted for multient account.

(e) When a contract between the licensee and client expires, terminates, or is no longer in existence, the licensee shall give a closing statement to the client summarizing all receipts and payments since the last statement and shall return all instruments and client property to the client within thirty days after written demand from the client, or as specified in the client contract.

### BOARD PRACTICES FOR AUDITS AND INVESTIGATIONS

#### NEW SECTION

**WAC 308-29-150 Purpose.** (1) The board regulates the practice of collection agencies for the safety and well-being of the residents of this state.

(2) When used in this chapter "license" includes any license, certificate, permit or registration issued by the board under this chapter and chapter 19.16 RCW, and "licensee" or "registrant" refers to a possessor of, or an entity required to possess, any such license, certificate, permit, or registration.

(3) A license is a privilege granted by the state to those persons meeting licensing or registration requirements, maintaining required records, and complying with all laws governing the practices of collection agencies, including cooperation with any audit or investigation of the person's activities that are subject to licensing or registration requirements.

(4) The board utilizes three primary methods of enforcement of licensed activities:

- (a) Records reviews;
- (b) Audits; and
- (c) Investigations.

(5) These rules are designed to promote efficiency in conducting these activities; to give licensees notice of what is required of them; and to explain licensees' responsibilities to the board.

(6) When used in this chapter the term investigator includes any board employee who is authorized to perform the duties of an audit or investigation.

(7) The terms "investigation" or "audit" may be interchangeable unless the context clearly indicates otherwise.

#### NEW SECTION

**WAC 308-29-160 Review of complaints—Determination of merit.** (1) Complaints are reviewed to determine if the allegations in the complaint describe an apparent violation of the laws and rules the board administers. Staff may perform some fact-finding for the purposes of determining whether the complaint likely has merit. Even if the complaint is deemed to have merit, the board may decide not to investi-

gate it for reasons such as the gravity of the alleged violation or the resources and priorities of the board. On whether to pursue an audit or investigation or render a decision about the audit or investigation, the board's decision is considered final.

(2) The board may initiate complaints through its own discretion. Each complaint will be reviewed to determine if merit exists for an investigation.

(3) During the course of an investigation or audit, if evidence of additional violations outside the allegations of the complaint is found, the board may investigate and request records and detailed explanations from the licensee regarding those additional violations.

(4) A complaint will not be deemed to have merit unless it includes at least one apparent violation of the laws and rules administered by the board.

#### NEW SECTION

**WAC 308-29-170 Licensee statements and explanations.** (1) During the course of an investigation or audit, licensees may be required to provide written statements, explanations, or both.

(2) A request for a written statement or explanation can only be issued by an authorized representative of the board, such as an investigator, program staff, or other designee.

(3) Licensees must respond to requests for written statements, explanations, or both within the timelines specified by the board.

(4) Refusal to provide written statement, explanation, or both may result in disciplinary action under chapters 19.16 and 18.235 RCW or Title 308 WAC.

#### NEW SECTION

**WAC 308-29-180 Recordkeeping.** (1) When a statute requires that the licensee must maintain records and make them available to the board, the board may request such records within the retention period specified by statute or rule.

(2) Licensees have no privacy interest in the records they are required to maintain by statute or rule.

(3) Licensees must respond to requests for records described in subsection (1) of this section within the timelines specified by the board.

#### NEW SECTION

**WAC 308-29-190 Requests for records.** (1) All requests for records maintained by a licensee will be issued by an authorized representative of the board, such as investigator, auditor, program staff, or other designee.

(2) Requests for records, documents, or detailed explanations will be in person, by telephone, or in writing via United States mail, facsimile, or electronic mail.

(3) In the case of a request for records or documents, a licensee will not be considered in violation for failure to cooperate with the board unless the board has made a written request for records or documents that the licensee is required to maintain, and has described the records or documents with sufficient specificity to notify the licensee of what records or documents are being sought.

(4) A licensee must provide all records to the investigator or auditor upon lawful request by the board.

(5) Refusal to permit access to the records may result in disciplinary action under chapters 19.16 and 18.235 RCW or Title 308 WAC.

#### NEW SECTION

**WAC 308-29-200 Investigation and audit.** In all situations in which the board is authorized by law to conduct investigations or audits or otherwise review practices, the following rules will apply:

(1) Investigations or audits will be conducted at the business location of the licensee or other location determined by the board. A licensee's home address may be deemed the licensed business location when it is the address provided by the licensee to the board in the license application, renewal, or on a submitted change of address related to the license.

(2) An investigator may inspect a licensed business location and records without a warrant when the investigation or audit is approved or assigned by the board.

(3) An investigation or audit can be initiated at any time based upon the results of a previous investigation, audit, or a complaint.

(4) All investigations or audits shall be performed during posted or normal operating hours of the business, Monday through Friday, excluding state holidays. When no business hours are posted the board will assume normal business hours are between 8:00 a.m. and 5:00 p.m., Monday through Friday. The board is not required to give advance notice of an investigation or audit.

(5) An investigator or auditor and the licensee may mutually agree to conduct an investigation or audit outside the time, date, and location limitations.

(6) An investigator or auditor may enter any public portion of the premises of a licensee. Nonpublic portions of a licensed business location may not be entered if the business owner refuses consent. The public portion or area is considered to be any part of the business where the public are allowed to enter or occupy in order to access the services of the licensee.

(7) Refusal to permit the board lawful access to the business premises may result in disciplinary action under chapters 19.16 and 18.235 RCW or Title 308 WAC.

(8) Unless otherwise specified in statute, the board may not charge the licensee for the cost of routine investigations or audits.

(9) Investigation or audit costs may be charged to the licensee as authorized by RCW 18.235.110(2) when the board has investigated or audited pursuant to a complaint, violations have been found, and the board has issued an order imposing any of the sanctions described in chapter 19.16 RCW, RCW 18.235.110(1), or Title 308 WAC.

**WSR 13-15-011**  
**PROPOSED RULES**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed July 8, 2013, 9:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-11-107.

Title of Rule and Other Identifying Information: Amending WAC 181-79A-130 and 181-79A-131 to change procedures for collecting certification fees with the implementation of the new e-cert system.

Hearing Location(s): Red Lion at the Park, 303 West North River Drive, Spokane, WA 99201, on September 19, 2013, at 8:30.

Date of Intended Adoption: September 19, 2013.

Submit Written Comments to: David Brenna, Old Capitol Building, 600 Washington Street, Room 400, Olympia, WA 98504, e-mail david.brenna@k12.wa.us, fax (360) 586-4548, by September 12, 2013.

Assistance for Persons with Disabilities: Contact David Brenna by September 12, 2013, (360) 725-6238.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In 2014, the new electronic certification system will replace the processes for collection of certification fees, including those designated for professional educator standards board (PESB). The change in rule reflects the new collection and distribution system for these revenues.

Reasons Supporting Proposal: Strengthens requirements, stakeholder.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

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

Name of Proponent: PESB, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Brenna, P.O. Box 42736 [47236], Olympia, WA 98504, (360) 725-6238.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No fiscal impact.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

July 8, 2013

David Brenna

Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 08-12-055, filed 6/2/08, effective 7/3/08)

**WAC 181-79A-130 Fee for certification.** (1) In accordance with provisions of RCW 28A.410.060 and 28A.415.-010, the fee for certificates which are valid for more than one year, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be as follows:

(a) The first issue of the residency certificate, five dollars for each year of validity;

(b) The continuing certificate, seventy dollars;

(c) The reinstatement, additional endorsement on the teaching certificate, duplicate certificates, substitute certificates, and certificates issued for the purpose of showing a name change, fifteen dollars;

(d) The first peoples' language, culture, and oral tribal traditions teacher certificate, twenty-five dollars; and

(e) Any other certificate or credential or any renewal thereof, five dollars for each year of validity:

~~((f))~~ (i) Provided, That the fee for all career and technical education certificates shall be one dollar:

~~((g))~~ (ii) Provided, That a one-time late fee for a renewed initial or continuing certificate issued under the provisions of WAC 181-79A-123 (7), (8), or (9) for those whose initial certificate had already expired shall be one hundred dollars.

(2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be five dollars.

(3) Officials authorized to collect certification fees are educational service district superintendents, ~~((local school district superintendents,))~~ deans and directors of education at colleges and universities, or their designees. Sovereign tribal governments may collect certification fees for first peoples' language, culture, and oral tribal traditions certificates. The fee must accompany the application for a certificate and shall be transmitted by the receiving district, college or university, sovereign tribal government or program unit designee at least quarterly to the educational service district within which the application is filed for disposition in accordance with provisions of RCW 28A.410.060 or to the office of the superintendent of public instruction.

(4) Beginning September 1, 2013, the office of the superintendent of public instruction may collect certification fees.

(5) The fee shall not be refunded unless the application is withdrawn before it is finally considered (i.e., the issuance of a certificate or a written communication denying such issuance) by the superintendent of public instruction or his or her designee. Fees not refunded shall apply as credit toward certificate fees if such applicant reapplies within twenty-four months of the date of denial. Moneys accrued from certification fees ~~((within the boundaries of an educational service district))~~ shall be divided in the following manner:

(a) ~~((Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does not hold an institute, all such moneys shall be placed to the credit of the educational service district.~~

~~((b))~~ No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to statewide precertification professional preparation and evaluation.

~~((c))~~ (b) The remaining funds shall be used to support professional in-service training programs, program evaluation and/or provision of certification services by educational service districts.

~~((d))~~ Use of certification fees described in this section shall be reported annually to the professional educator standards board pursuant to WAC 181-79A-131(6):)

AMENDATORY SECTION (Amending WSR 08-12-055, filed 6/2/08, effective 7/3/08)

**WAC 181-79A-131 Use of fee for certification.** (1)

Certification fees will be used solely for precertification preparation, program evaluation, professional in-service training programs, and/or provision of certification services by educational service districts in accordance with this chapter.

(2) Precertification preparation:

(a) The primary utilization shall be to support collaborative efforts essential to program development, program evaluation, and assessment of candidates' entry and exit competency.

(b) Funds set aside for precertification shall not supplant funds already available to any participating agency.

(c) Until September 1, 2013, a single educational service district ~~((shall))~~ may be designated to administer the funds allocated for precertification programs. The designated educational service district shall be permitted to retain a percentage of the precertification fees at a rate to be negotiated by the superintendent of public instruction and the educational service district for costs related to administering these funds. After September 1, 2013, the office of the superintendent of public instruction may be designated to administer the funds allocated for precertification purposes per RCW 28A.410.-200(7).

(d) Each quarter, for any fees collected, every educational service district shall forward the moneys designated for precertification programs to the educational service district designated to administer such programs.

(3) Professional in-service training programs and teachers' institutes and/or workshops:

(a) ~~((Each educational service district, or cooperative thereof as specified in (d) of this subsection, shall establish an in-service committee composed of an educational service district representative; at least one district superintendent; one principal; one educational staff associate; one elementary, one junior high and one senior high teacher; one representative from the elementary or secondary level of private schools within the educational service district; and one representative selected by the chief administrative officer responsible for professional education from a college/university having a professional educator standards board approved teacher education program. Teacher representatives shall be selected by agreement among the presidents of the local education associations within the respective educational service district or cooperative thereof.~~

~~((b))~~ The educational service district representative shall serve as chairperson of the in-service committee and provide liaison with the superintendent of public instruction and the professional educator standards board.

~~((c))~~ The in-service committee will be responsible for coordinating in-service/staff development model programs within the educational service district and shall submit to the superintendent of public instruction and the professional educator standards board a plan for soliciting and selecting model programs which shall include procedures for conducting needs assessments, determining priorities and carrying out program evaluation.

~~((d))~~ Beginning with the state fiscal year 2015, the professional educator standards board shall biennially issue a request for proposal to eligible in-service education agencies per WAC 181-85-045 to submit applications for funds for the purpose of offering in-service continuing education provided per reporting requirements published by the board.

(b) Cooperative agreements may be made among educational service districts to provide quality in-service education programs.

~~((e))~~ (c) Funds designated for in-service programs shall not supplant funds already available for such programs.

(4) Provision of certification services:

(a) The primary utilization shall be to support costs associated with operating educational service district certification offices to provide direct service to educators related to certification.

(b) Funds set aside for the provision of certification services shall not supplant funds already available to any educational service district until such time as educational service districts are no longer receiving certificate fees.

(5) Allowable expenditures. Funds may be used to support costs related to training, such as the payment of professional contractual services, per diem, travel costs, materials, printing, or released time. Nonallowable costs are college/university tuition and fees.

~~((6) Annual reporting. No later than July 1, the superintendent of public instruction shall prepare and present to the professional educator standards board an annual report concerning the use of certification fees for the previous fiscal year. The report shall include proposed budgets and a description of activities, in accordance with this chapter, for the upcoming fiscal year. Budgets and activities must be approved by the professional educator standards board on an annual basis.))~~

## WSR 13-15-016

### PROPOSED RULES

## STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

[Filed July 8, 2013, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-11-031.

Title of Rule and Other Identifying Information: WAC 131-48-010 through and including WAC 131-48-140, governing the certificate of educational competence.

Hearing Location(s): Suncadia Lodge, 3600 Suncadia Trail, Cle Elum, WA 98922, on September 11, 2013, at 10:40 a.m.

Date of Intended Adoption: September 11, 2013.

Submit Written Comments to: Jon Kerr, 1300 Quince Street S.E., Olympia, WA 98504, e-mail [jkerr@sbctc.edu](mailto:jkerr@sbctc.edu), fax (360) 704-4415, by August 22, 2013.

Assistance for Persons with Disabilities: Contact Beth Gordon by August 22, 2013, TTY (360) 704-4355 or (360) 704-4400.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: RCW 28B.50.912 authorizes the state board for community and technical colleges to adopt rules governing the eligibility of persons sixteen years of age and older to take the general education[al] development (GED®) test subject to the rules adopted by the state board of education. SHB 1686 changed the term "general educational development" to "high school equivalency."

Reasons Supporting Proposal: The GED® testing service has joined with a for-profit test vendor and has trademarked the term GED®. This means we now have a trademarked vendor in our statutes. Removal of the term from our statutes will allow consideration of approved alternative high school equivalency tests that may in the future better meet the needs of the test takers in our state. The consideration of these tests would include a cost analysis for both the test takers and test centers in our state.

Statutory Authority for Adoption: RCW 28B.50.400.

Statute Being Implemented: RCW 28B.50.400.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Staff proposes to amend chapter 131-48 WAC to change the terminology and to remove GED® specific language. The change in language has no fiscal impact.

Name of Proponent: State board for community and technical colleges, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Jon Kerr, 1300 Quince Street S.E., Olympia, WA 98504, (360) 704-4326; and Enforcement: Lou Sager, 1300 Quince Street S.E., Olympia, WA 98504, (360) 704-4321.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes in statute do not impact small business or school district costs.

A cost-benefit analysis is not required under RCW 34.05.328. The changes in statute do not create or change any costs.

July 8, 2013

Beth Gordon

Executive Assistant

## Chapter 131-48 WAC

### HIGH SCHOOL EQUIVALENCY CERTIFICATE ~~((OF EDUCATIONAL COMPETENCE))~~

AMENDATORY SECTION (Amending WSR 98-15-008, filed 7/2/98, effective 8/2/98)

**WAC 131-48-010 Authority.** The authority for this chapter is RCW 28B.50.912 which authorizes the state board for community and technical colleges to adopt rules governing the eligibility of persons sixteen years of age or older to take the ~~((general educational development (GED)))~~ high school equivalency test subject to rules adopted by the state board of education.

AMENDATORY SECTION (Amending WSR 93-22-006, filed 10/21/93, effective 11/21/93)

**WAC 131-48-020 Purpose.** The purpose of this chapter is to set forth policies and procedures governing the administration of the ~~((GED))~~ high school equivalency test and the issuance of high school equivalency certificates ~~((of educational competence))~~ for persons who have not graduated from high school and are not enrolled in a regular or alternative high school program.

AMENDATORY SECTION (Amending WSR 93-22-006, filed 10/21/93, effective 11/21/93)

**WAC 131-48-030 High school equivalency certificate ~~((of educational competence))~~.** As used in this chapter, the term "high school equivalency certificate ~~((of educational competence))~~" means a certificate issued jointly by the state board for community and technical colleges and the superintendent of public instruction which indicates that the holder thereof has attained standard scores at or above the minimum proficiency level prescribed by the state board for community and technical colleges on the ~~((general educational development (GED)))~~ high school equivalency test, which is a measure of high school equivalency in the areas of writing skills, social studies, science, reading skills, and mathematics.

AMENDATORY SECTION (Amending WSR 98-15-008, filed 7/2/98, effective 8/2/98)

**WAC 131-48-040 ~~((General educational development)) High school equivalency test—Definition.~~** As used in this chapter, the term "~~((general educational development))~~ high school equivalency test" means the most recent ~~((general educational development))~~ high school equivalency test as determined by the authorizing agency.

AMENDATORY SECTION (Amending WSR 07-19-100, filed 9/18/07, effective 10/19/07)

**WAC 131-48-050 Minimum proficiency level—Definition.** Minimum proficiency level in Washington state is that set by ~~((GED Testing Service, part of the American Council on Education))~~ the state board for community and technical colleges.

AMENDATORY SECTION (Amending WSR 98-15-008, filed 7/2/98, effective 8/2/98)

**WAC 131-48-060 Official ~~((GED)) high school equivalency testing center—Definition.~~** As used in this chapter, the term "official ~~((GED))~~ high school equivalency testing center" means public or private agencies which have agreed to comply with the provisions of this chapter and with policies and regulations of the ~~((GED Testing Service))~~ test publisher, and which have been designated by the state board for community and technical colleges, administrator of the ~~((GED))~~ high school equivalency testing program to administer the ~~((general educational development))~~ high school equivalency test. Additional official ~~((GED))~~ high school equivalency testing centers and local ~~((GED))~~ examiners

shall be approved by the state administrator of the ~~((GED))~~ high school equivalency testing program at the state board for community and technical colleges when the following have been documented:

- (1) Need for a new testing site in a specific region or location;
- (2) Need for new or replacement examiner at a testing center;
- (3) Commitment of the governing board or, if none, the chief official of the proposed new testing center to meet all testing center requirements described ~~((in the GED Examiner's Manual published by GED Testing Service of the American Council on Education))~~ by the test publisher; and
- (4) Availability of testing center personnel who meet the qualifications specified ~~((in the GED Examiner's Manual published by the GED Testing Service))~~ by the test publisher as determined by the authorizing agency.

AMENDATORY SECTION (Amending WSR 93-22-006, filed 10/21/93, effective 11/21/93)

**WAC 131-48-080 Compliance with rules.** Testing centers shall comply with the requirements of the testing program, and administer ~~((GED))~~ high school equivalency tests only to those who have reached the age of nineteen unless an applicant who is sixteen, seventeen, or eighteen years of age has been adjudged by a school district official in accordance with rules of the state board of education to have a substantial and warranted reason for leaving the regular high school program.

AMENDATORY SECTION (Amending WSR 98-15-008, filed 7/2/98, effective 8/2/98)

**WAC 131-48-100 Eligibility to take the ~~((GED)) high school equivalency test.~~** The following individuals shall be eligible to take the ~~((general educational development))~~ high school equivalency test in official ~~((GED))~~ high school equivalency testing centers, provided that they are not enrolled in public, private, or home-based instruction of high school or a high school completion program at the time the test is administered:

- (1) Any person age nineteen or over who has not graduated from a public or private high school.
- (2) Any person between the ages of sixteen and nineteen who has not graduated from a public or private high school and who has been adjudged by a school district in accordance with rules of the state board of education to have a substantial and warranted reason for leaving the regular high school education program.
- (3) Any student age sixteen or over who has completed an education center individual student program in accordance with the provisions of chapter 392-185 WAC.
- (4) Any person between the ages of sixteen and nineteen who has not graduated from a public or private high school, and who has completed a program of home-based instruction in compliance with RCW 28A.225.010(4) as certified by the written and notarized statement of the parent(s) or legal guardian(s) who provided the home-based instruction.

(5) Any person who is an active member of the military, national guard, or reserves and has not received a high school diploma.

(6) Adjudicated youth under the director of prisons, jails, detention centers, parole and probation offices, and other corrections facilities while enrolled in school if so ordered by a court or officer of the court.

AMENDATORY SECTION (Amending WSR 93-22-006, filed 10/21/93, effective 11/21/93)

**WAC 131-48-110 Eligibility for award of high school equivalency certificate ~~((of educational competence))~~.** The high school equivalency certificate ~~((of educational competence))~~ shall be awarded jointly by the state board for community and technical colleges and the superintendent of public instruction to persons who achieve the minimum proficiency level on the ~~((general educational development))~~ high school equivalency test and who meet the following:

- (1) Are residents of Washington state; and
- (2) Are nineteen years of age or older on the date of issuance; or
- (3) Have been adjudged by a district as possessing a substantial and warranted reason for leaving the regular high school education program.
- (4) Have completed a program of home-based instruction in compliance with RCW 28A.225.010(4) and chapter 28A.220 RCW.
- (5) Are active members of the military, national guard, or reserves.
- (6) Are adjudicated youth under the director of prisons, jails, detention centers, parole and probation offices, and other corrections facilities and so ordered by a court or officer of the court.

AMENDATORY SECTION (Amending WSR 93-22-006, filed 10/21/93, effective 11/21/93)

**WAC 131-48-120 Identification necessary to take the ~~((GED))~~ high school equivalency test.** All persons taking the ~~((GED))~~ high school equivalency test must provide picture identification utilizing one of the following:

- (1) State-issued driver's license or a state-issued identification card with a photograph.
- (2) United States passport.
- (3) Certificate of United States citizenship.
- (4) Certificate of naturalization.
- (5) Unexpired foreign passport.
- (6) Alien registration card with photograph.
- (7) Armed forces identification card.
- (8) Other forms of comparable identification which the ~~((GED))~~ examiner judges to be credible including, but not limited to, one or more of the following:
  - (a) Other forms of picture identification;
  - (b) Birth certificates in combination with other sources that confirm identity; and
  - (c) Confirmation of identity by a law enforcement, social service, or penal agency.

AMENDATORY SECTION (Amending WSR 93-22-006, filed 10/21/93, effective 11/21/93)

**WAC 131-48-140 Effect of high school equivalency certificate ~~((of educational competence))~~.** The award by the state board for community and technical colleges and superintendent of public instruction of a high school equivalency certificate ~~((of educational competence))~~ shall not preclude such persons from returning to high school to obtain a regular high school diploma if changes in the person's personal situation allow completion of a regular high school education program. ~~((However, the GED certificate or test scores may not be used as a means of awarding academic credit (e.g., Carnegie units) or as part or all of the requirements for completing the regular high school diploma.))~~

Receipt of a high school equivalency certificate ~~((of educational competence))~~ also shall not preclude such persons from enrolling in an adult high school completion program at one of the state's community or technical colleges. ~~((However, the GED certificate or test scores may not be used as a means of awarding academic credit or as part or all of the requirements for completing the adult high school completion program and receiving the adult high school diploma.))~~

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- |                |   |
|----------------|---|
| WAC 131-48-070 | Restrictions on use of general educational development tests. |
| WAC 131-48-090 | Annual contracts.   |
| WAC 131-48-130 | Application form for certificate of educational competence.   |

#### **WSR 13-15-039**

#### **PROPOSED RULES**

#### **GAMBLING COMMISSION**

[Filed July 11, 2013, 1:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-04-064.

Title of Rule and Other Identifying Information: WAC 230-05-015 Two-part payment plan for license fees.

Hearing Location(s): Grand Mound Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, (360) 273-7718, on September 12 or 13, 2013, at 9:00 a.m. or 1:00 p.m. NOTE: Meeting dates and times are tentative. Visit our web site at [www.wsgc.wa.gov](http://www.wsgc.wa.gov) and select public meeting about ten days before the meeting to confirm meeting date/location/start time.

Date of Intended Adoption: September 12 or 13, 2013.

Submit Written Comments to: Susan Newer, P.O. Box 42400, Olympia, WA 98504-2400, e-mail [Susan.Newer@wsgc.wa.gov](mailto:Susan.Newer@wsgc.wa.gov), fax (360) 486-3625 by September 1, 2013.

Assistance for Persons with Disabilities: Contact Gail Grate by September 1, 2013, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed amendment adds language to clarify licensees that use the two-part payment plan must submit their second half payment, even if they stop operating. It also removes language that gross gambling receipts during the first half of the year cannot exceed fifty percent of the annual gross gambling receipts for licensees that use the two-part payment plan.

Statutory Authority for Adoption: RCW 9.46.070, 9.46.350, 19.16.500, 43.17.240.

Statute Being Implemented: Not applicable.

Name of Proponent: Washington state gambling commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Newer, Lacey, (360) 486-3466; Implementation: David Trujillo, Director, Lacey, (360) 486-3512; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025, and/or the proposed rule change does not impose additional costs on any businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

July 11, 2013  
Susan Newer  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 06-07-157, filed 3/22/06, effective 1/1/08)

**WAC 230-05-015 Two-part payment plan for license fees.** (1) If you are renewing an annual license or applying for an additional license, you may pay the license fee in two payments if:

(a) You elect to participate; and  
(b) The license fee is at least eight hundred dollars; and  
(c) You pay an administrative processing fee as set out in WAC 230-05-020 or 230-05-030, plus one-half of the annual license fee at the time of application or renewal.

(2) We issue licenses under the two-part payment plan with an expiration date of not more than one year and a second-half payment due date.

(a) If we receive your second-half payment on or before the due date, the license will remain in effect until the expiration date.

(b) If you ~~((fail to))~~ do not submit the second-half payment on or before the due date, the license expires and gambling activities must stop. You must pay us the second-half payment regardless if you stop operating the gambling activity, close your business, surrender your license, or your license is revoked. If you do not pay the second-half payment, we may take action against other licenses you hold or refer the debt to collections, or both.

~~((3) Your gross gambling receipts during the first half payment period must not exceed fifty percent of the authorized class limitation for annual gross gambling receipts. Licensees whose gross gambling receipts exceed fifty percent of the authorized level must apply for a license at the appropriate license class and pay the full upgrade fee, plus an administrative processing fee, as set out in WAC 230-05-020 and 230-05-030.))~~

**WSR 13-15-041**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**

[Filed July 11, 2013, 1:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 12-19-042.

Title of Rule and Other Identifying Information: New section WAC 230-03-061 Fingerprinting persons holding an interest in the building of a house-banked card room.

Hearing Location(s): Grand Mound Great WOld [Wolf] Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, (360) 273-7718, on September 12 or 13, 2013, at 9:00 a.m. or 1:00 p.m. NOTE: Meeting dates and times are tentative. Visit our web site at [www.wsgc.wa.gov](http://www.wsgc.wa.gov) and select public meeting about ten days before the meeting to confirm meeting date/location/start time.

Date of Intended Adoption: September 12 or 13, 2013.

Submit Written Comments to: Susan Newer, P.O. Box 42400, Olympia, WA 98504-2400, e-mail [Susan.Newer@wsgc.wa.gov](mailto:Susan.Newer@wsgc.wa.gov), fax (360) 486-3625, by September 1, 2013.

Assistance for Persons with Disabilities: Contact Gail Grate by September 1, 2013, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This new rule brings the WAC into compliance with RCW 9.46.070(7) by requiring persons holding an interest in a building used for a gambling activity to undergo background checks. The rule describes "an interest" in a building used for a gambling activity as: (1) At least fifty-one percent; or (2) less than fifty-one percent "interest in the building" and having actual or potential influence or control of the operation of a house-banked card room.

House-banked card rooms that currently hold a license would be excluded from this new requirement, unless there is a change in persons holding an interest in the building or the house-banked card room changes location.

Statutory Authority for Adoption: RCW 9.46.070(7).

Statute Being Implemented: Not applicable

Name of Proponent: Washington state gambling commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Newer, Lacey, (360) 486-3466; Implementation: David Trujillo, Director, Lacey, (360) 486-3512; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business eco-

conomic impact statement has not been prepared pursuant to RCW 19.85.025, and/or the proposed rule change does not impose additional costs on any businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

July 11, 2013  
Susan Newer  
Rules Coordinator

#### NEW SECTION

#### **WAC 230-03-061 Fingerprinting persons holding an interest in the building of a house-banked card room.** (1)

Persons holding an "interest" in the building of a house-banked card room must undergo a national criminal history background check, including fingerprinting.

(2) An "interest" means:

(a) Having fifty percent or more ownership in the building used for the house-banked card room; or

(b) Having less than fifty percent ownership in the building used for the house-banked card room and actual or potential influence over the gambling activity.

(3) This requirement only applies to house-banked card rooms licensed after January 1, 2014.

(4) For house-banked card rooms licensed before January 1, 2014, this requirement applies when there is a change in:

- (a) Persons holding an interest in the building; or
- (b) Location of the house-banked card room.

#### **WSR 13-15-068**

#### **PROPOSED RULES**

#### **DEPARTMENT OF TRANSPORTATION**

[Filed July 16, 2013, 7:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-11-010.

Title of Rule and Other Identifying Information: WAC 468-38-073 Measurement exclusive devices, increasing the exception weight authorized for auxiliary power units in commercial vehicles when calculating gross and axle weights.

Hearing Location(s): Transportation Building, Commission Board Room, 1D2, 310 Maple Park Avenue S.E., Olympia, WA 98504, on September 5, 2013, at 1:00 p.m.

Date of Intended Adoption: September 5, 2013.

Submit Written Comments to: James L. Wright, P.O. Box 47367, Olympia, WA 98504-7367, e-mail [wrightji@wsdot.wa.gov](mailto:wrightji@wsdot.wa.gov), fax (360) 704-6350, by September 4, 2013.

Assistance for Persons with Disabilities: Contact Grant Heap by September 4, 2013, TTY 711, or (360) 705-7760.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal amending WAC 468-38-073, revision of the rule is to comply with Federal MAP 21 - Moving Ahead for Progress in the

21st Century. A section of which authorizes increasing the weight exception to an auxiliary power unit for exhaust emission reduction. The current four hundred pounds will increase to five hundred fifty pounds and will comply with the federal limit.

Reasons Supporting Proposal: The proposed rule changes will increase the exemption for auxiliary power unit weight when calculation [calculating] gross weight or axle weights. The increase in the exception weight was authorized by the Federal MAP 21. Also to comply with federal direction to increase the weight limit exception.

Statutory Authority for Adoption: RCW 46.44.098.

Rule is necessary because of federal law, MAP 21.

Name of Proponent: Washington state department of transportation, traffic office, commercial vehicle services.

Name of Agency Personnel Responsible for Drafting: Jim Wright, 7345 Linderson Way S.W., Tumwater, WA, (360) 704-6345; Implementation: Anne Ford, 7345 Linderson Way S.W., Tumwater, WA, (360) 705-7341; and Enforcement: Captain Jason Berry, 210 11th Street, GA Building, Olympia, WA, (360) 753-0350.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The new rules would just increase the exception weight for auxiliary power units and would not change content of the rule.

A cost-benefit analysis is not required under RCW 34.05.328. There is no additional cost related to these proposals. The proposal increases the exception weight for auxiliary power units for commercial vehicles when calculating gross and axle weight limits.

July 16, 2013  
Kathryn W. Taylor  
Chief of Staff

AMENDATORY SECTION (Amending WSR 07-16-083, filed 7/30/07, effective 8/30/07)

**WAC 468-38-073 Measurement exclusive devices. (1) What are the criteria for being a measurement exclusive device?** Generally, measurement exclusive devices are vehicle appurtenances designed and used for reasons of safety, aerodynamics, or efficient vehicle operation. A measurement exclusive device must not carry property, create a space that property could occupy outside of legal or permitted dimensions, or exceed the specific dimensional limitations stated in this section.

**(2) What devices at the front of a single unit vehicle, or power unit in a vehicle combination, are excluded from length determinations?** The following devices have been identified as measurement exclusive when determining length from the front of a single unit vehicle or power unit in a vehicle combination:

(a) Resilient bumpers that do not extend more than six inches from the vehicle;

(b) A fixed step up to three inches deep at the front of an existing automobile transporter until April 29, 2005. It will be the responsibility of the operator of the unit to prove that the step existed prior to April 29, 2002. Such proof can be in the form of a work order for equipment modification, a receipt for purchase and installation of the piece, or any sim-

ilar type of documentation. After April 29, 2005, the step shall no longer be excluded from a vehicle's length.

(3) **What devices at the front of a semi-trailer or trailer are excluded from length determinations?** The following devices have been identified as measurement exclusive when determining length from the front of a semi-trailer or trailer:

- (a) A device at the front of a trailer chassis to secure containers and prevent movement in transit;
- (b) A front coupler device on a semi-trailer or trailer used in road and rail intermodal operations;
- (c) Aerodynamic devices, air deflector;
- (d) Air compressor;
- (e) Certificate holder (manifest box);
- (f) Door vent hardware;
- (g) Electrical connector;
- (h) Gladhand (air hose connectors joining tractor to trailer);
- (i) Handhold;
- (j) Hazardous materials placards and holders;
- (k) Heater;
- (l) Ladder;
- (m) Nonload carrying tie-down devices on automobile transporters;
- (n) Pickup plate lip (plate at front of trailer to guide fifth wheel under trailer);
- (o) Pump offline on tank trailer;
- (p) Refrigeration unit;
- (q) Removable bulkhead;
- (r) Removable stake;
- (s) Stabilizing jack (antinosedive device);
- (t) Stake pocket;
- (u) Step;
- (v) Tarp basket;
- (w) Tire carrier; and
- (x) Uppercoupler.

(4) **What devices at the rear of a single unit vehicle, semi-trailer or trailer are excluded from length determinations?** The following devices have been identified as measurement exclusive when determining length from the rear of a semi-trailer or trailer:

- (a) Aerodynamic devices that extend up to a maximum of five feet beyond the rear of the vehicle, provided such devices have neither the strength, rigidity nor mass to damage a vehicle, or injure a passenger in a vehicle, that strikes a vehicle so equipped from the rear, and provided also that they do not obscure tail lamps, turn signals, marker lamps, identification lamps, or any other required safety devices, such as hazardous materials placards or conspicuity markings (i.e., reflective tape);
- (b) Handhold;
- (c) Hazardous materials placards and holder;
- (d) Ladder;
- (e) Loading and unloading device not to exceed two feet;
- (f) Pintle hook;
- (g) Removable stake;
- (h) Splash and spray suppression device;
- (i) Stake pocket; and
- (j) Step.

(5) **What devices at the side of a vehicle are excluded from width determinations?** The following devices have been identified as measurement exclusive, not to exceed three inches from the side of the vehicle, when determining width of a vehicle:

- (a) Corner cap;
- (b) Handhold for cab entry/egress;
- (c) Hazardous materials placards and holder;
- (d) Lift pad for trailer on flatcar (piggyback) operation;
- (e) Load induced tire bulge;
- (f) Rain gutter;
- (g) Rear and side door hinge and protective hardware;
- (h) Rearview mirror;
- (i) Side marker lamp;
- (j) Splash and spray suppressant device, or component thereof;
- (k) Structural reinforcement for side doors or intermodal operation (limited to one inch from the side within the three-inch maximum extension);
- (l) Tarping system for open-top cargo area;
- (m) Turn signal lamp;
- (n) Movable device to enclose the cargo area of a flatbed semi-trailer or trailer, usually called "tarping system," where no component part of the system extends more than three inches from the sides or back of the vehicle when the vehicle is in operation. This exclusion applies to all component parts of a tarping system, including the transverse structure at the front of the vehicle to which the sliding walls and roof of the tarp mechanism are attached, provided the structure is not also intended or designed to comply with 49 C.F.R. 393.106, which requires a headerboard strong enough to prevent cargo from penetrating or crushing the cab; the transverse structure may be up to one hundred eight inches wide if properly centered so that neither side extends more than three inches beyond the structural edge of the vehicle. Also excluded from measurement are side rails running the length of the vehicle and rear doors, provided the only function of the latter, like that of the transverse structure at the front of the vehicle, is to seal the cargo area and anchor the sliding walls and roof. On the other hand, a headerboard designed to comply with 49 C.F.R. 393.106 is load bearing and thus limited to one hundred two inches in width. The "wings" designed to close the gap between such a headerboard and the movable walls and roof of a tarping system are width exclusive, provided they are add-on pieces designed to bear only the load of the tarping system itself and are not integral parts of the load-bearing headerboard structure;
- (o) Tie-down assembly on platform trailer;
- (p) Wall variation from true flat; and
- (q) Weevil pins and sockets on a platform or low-bed trailer (pins and sockets located on both sides of a trailer used to guide winch cables when loading skid mounted equipment).

(6) **Are there weight measurement exclusive devices?** Yes. Any vehicle equipped with idle reduction technology, designed to promote reduced fuel usage and emissions from engine idling, may have up to four hundred pounds in total gross, axle, tandem or bridge formula weight exempt (excluded) from the weight measurement. To be eligible for

the weight exemption, the vehicle operator must be able to prove:

(a) By written certification the weight of the idle reduction technology; and

(b) By demonstration or certification, that the idle reduction technology is fully functional at all times.

The weight exemption cannot exceed (~~four~~) five hundred fifty pounds or the certified weight of the unit, whichever is less.

(7) **Can exclusion allowances be combined to create a larger allowance (i.e., adding a five-foot aerodynamic device to a two-foot loading/unloading device for a total exclusion of seven feet)?** No. Each exclusion allowance is specific to a device and may not be combined with the exclusion allowance for another device.

(8) **Can a device receive exclusion if it is not referenced in law or administrative rule?** If the device meets the criteria in subsection (1) of this section, a request for measurement exclusion may be made to the administrator for commercial vehicle services. If approved for an exclusion allowance, the administrator will provide the requestor a written authorization.

### WSR 13-15-071

#### PROPOSED RULES

#### HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed July 16, 2013, 10:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-11-074.

Title of Rule and Other Identifying Information: Chapter 182-547 WAC, Hearing aids.

Hearing Location(s): Health Care Authority (HCA), Cherry Street Plaza Building, Sue Crystal Conference Room 106A, 626 8th Avenue, Olympia, WA 98504 (metered public parking is available street side around building. A map is available at <http://maa.dshs.wa.gov/pdf/CherryStreetDirectionsNMap.pdf> or directions can be obtained by calling (360) 725-1000, on August 27, 2013, at 10:00 a.m.

Date of Intended Adoption: Not sooner than August 28, 2013.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, delivery 626 8th Avenue, Olympia, WA 98504, e-mail [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax (360) 586-9727, by 5:00 p.m. on August 27, 2013.

Assistance for Persons with Disabilities: Contact Kelly Richters by August 19, 2013, TTY (800) 848-5429 or (360) 725-1307 or e-mail [kelly.richters@hca.wa.gov](mailto:kelly.richters@hca.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is revising these rules to:

1. Remove batteries from noncovered and add them to covered;

2. Clarify that FM systems, including the computer-aided hearing devices for FM systems, are not covered in any situation; and

3. Make housekeeping fixes such as correcting WAC citations, cross references, and changing department to agency.

Reasons Supporting Proposal: Align rules with current policy.

Statutory Authority for Adoption: RCW 41.05.021.

Statute Being Implemented: RCW 41.05.021.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Wendy L. Boedigheimer, P.O. Box 42716, Olympia, WA 98504-2716, (360) 725-1306; Implementation and Enforcement: Jean Gowen, P.O. Box 45506, Olympia, WA 98504-5506, (360) 725-2005.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency has analyzed the proposed rules and concludes they do not impose more than minor costs for affected small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules [review] committee or applied voluntarily.

July 16, 2013

Kevin M. Sullivan

Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-547-0100 Hearing aids—General—For clients twenty years of age and younger.** Unless otherwise defined in WAC (~~(388-547-0200)~~) 182-547-0200, the terms within this chapter are intended to correspond with the terms in chapter 18.35 RCW.

(1) The (~~(department)~~) agency covers the hearing aids listed in this chapter, according to (~~(department)~~) agency rules and subject to the limitations and requirements in this chapter. See also WAC (~~(388-531-0375)~~) 182-531-0375 audiology services.

(2) The (~~(department)~~) agency pays for hearing aids when:

(a) Covered;

(b) Within the scope of an eligible client's medical care program;

(c) Medically necessary as defined under WAC (~~(388-500-0005)~~) 182-500-0070;

(d) Authorized, as required within this chapter, chapters (~~(388-501)~~) 182-501 and (~~(388-502)~~) 182-502 WAC, and the (~~(department's)~~) agency's published (~~(billing instructions)~~) medicaid provider guides and (~~(numbered memoranda)~~) provider notices; and

(e) Billed according to this chapter, chapters (~~(388-501)~~) 182-501 and (~~(388-502)~~) 182-502, and the (~~(department's)~~) agency's published (~~(billing instructions)~~) medicaid provider guides and (~~(numbered memoranda)~~) provider notices; and

(f) The client is twenty years of age or younger and completes a hearing evaluation, including an audiogram and/or developmentally appropriate diagnostic physiologic test

results performed and/or interpreted by a hearing health care professional.

(3) The ~~((department))~~ agency requires prior authorization for covered hearing aids when the clinical criteria set forth in this chapter are not met. The ~~((department))~~ agency evaluates these requests on a case-by-case basis to determine whether they are medically necessary, according to the process found in WAC ~~((388-501-0165))~~ 182-501-0165.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-547-0200 Hearing aids—Definitions.** The following definitions and those found in chapter 182-500 WAC apply to this chapter.

**"Digital hearing aids"** - Hearing aids that use a digital circuit to analyze and process sound.

~~("FM systems" — Devices used to improve and augment access to auditory information in poor acoustic conditions (helps mitigate a negative impact of noise and reverberation on the ability to understand) that are found in classrooms, auditoriums, theaters, restaurants, etc. These devices use frequency modulated (FM) radio signals to transmit the primary auditory signal from a microphone/transmitter to a receiver worn by the person.)~~

**"Hearing aids"** - Wearable sound-amplifying devices that are intended to compensate for hearing loss. Hearing aids are described by where they are worn in the ear as in-the-ear (ITE), behind-the-ear (BTE), etc. Hearing aids can also be described by how they process the amplified signal. This would include analog conventional, analog programmable, digital conventional, and digital programmable.

**"Hearing health care professional"** - An audiologist or hearing aid fitter/dispenser licensed under chapter 18.35 RCW, or an otorhinolaryngologist or otologist licensed under chapter 18.71 RCW.

**"Maximum allowable fee"** - The maximum dollar amount that the ~~((department))~~ agency will pay a provider for specific services, supplies and equipment.

**"Prior authorization"** - A form of authorization used by the provider to obtain approval for a specific hearing aid and service(s). The approval is based on medical necessity and must be received before the service(s) are provided to clients as a precondition for payment.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-547-0700 Hearing aids—Eligibility—Clients twenty years of age and younger.** (1) Clients twenty years of age and younger who are receiving services under a medical assistance program:

(a) Are eligible for covered hearing aids under this chapter and for the audiology services under WAC ~~((388-531-0375))~~ 182-531-0375;

(b) Must have a complete hearing evaluation, including an audiogram and/or developmentally appropriate diagnostic physiologic test results performed by a hearing health care professional; and

(c) Must be referred by a licensed audiologist, otorhinolaryngologist or otologist for a hearing aid.

(2) Clients who are enrolled in ~~((a department contracted))~~ an agency-contracted managed care organization (MCO) are eligible under fee-for-service for covered hearing aid services that are not covered by their plan, subject to the provisions of this chapter and other applicable WAC. However, clients enrolled in ~~((a department contracted))~~ an agency-contracted MCO must obtain replacement parts for cochlear implants and bone anchored hearing aids (BAHA), including batteries, through their MCO.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-547-0800 Hearing aids—Coverage—Clients twenty years of age and younger.** (1) The ~~((department))~~ agency covers new, nonrefurbished, monaural or binaural hearing aid(s), which includes the ear mold, for eligible clients twenty years of age and younger. In order for the provider to receive payment, the hearing aid must meet the client's specific hearing needs and be under warranty for a minimum of one year.

(2) The ~~((department))~~ agency pays for the following replacements as long as the need for replacement is not due to the client's carelessness, negligence, recklessness, or misuse in accordance with WAC ~~((388-501-0050(8)))~~ 182-501-0050 (8):

(a) Hearing aid(s), which includes the ear mold, when:

(i) The client's hearing aid(s) are:

(A) Lost;

(B) Beyond repair; or

(C) Not sufficient for the client's hearing loss; and

(ii) All warranties are expired.

(b) Ear mold(s) when the client's existing ear mold is damaged or no longer fits the client's ear.

(3) The ~~((department))~~ agency pays for repairs as follows:

(a) A maximum of two repairs, per hearing aid, per year, when the repair is less than fifty percent of the cost of a new hearing aid. To receive payment, all of the following must be met:

(i) All warranties are expired; and

(ii) The repair is under warranty for a minimum of ninety days.

(b) A rental hearing aid(s) for up to two months while the client's own hearing aid is being repaired. In the case of a rental hearing aid(s), the ~~((department))~~ agency pays separately for an ear mold(s).

(4) The ~~((department))~~ agency pays for unilateral cochlear implant and osseointegrated hearing aids (BAHA) replacement parts when:

(a) The manufacturer's warranty has expired;

(b) The part is for immediate use, not a back-up part;

(c) The part needs to be replaced due to normal wear and tear and is not related to misuse or abuse of the item (see WAC ~~((388-502-0160))~~ 182-502-0160); and

(d) The part is not an external speech processor.

(5) The ~~((department))~~ agency covers ~~((for))~~ one cochlear implant external speech processor, including maintenance and repair.

(6) The ~~((department))~~ agency covers one BAHA speech processor, including maintenance and repair.

(7) The agency covers batteries for hearing aids, cochlear implant external speech processors, and BAHA speech processors.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-547-0900 Hearing aids—Noncovered services—Clients twenty years of age and younger.** (1) The ~~((department))~~ agency does not cover the following hearing and hearing aid-related items and services for clients twenty years of age and younger:

(a) ~~((Batteries or))~~ Tinnitus maskers;

(b) Group screenings for hearing loss, except as provided under the early and periodic screening, diagnosis and treatment (EPSDT) program under WAC ~~((388-534-0100))~~ 182-534-0100; or

(c) FM systems, including the computer-aided hearing devices for FM systems ~~((used in school)).~~

(2) When EPSDT applies, the ~~((department))~~ agency evaluates a noncovered service, equipment, or supply according to the process in WAC ~~((388-501-0165))~~ 182-501-0165 to determine if it is medically necessary, safe, effective, and not experimental (see WAC ~~((388-534-0100))~~ 182-534-0100 for EPSDT rules).

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-547-1000 Hearing aids—Prior authorization—Clients twenty years of age and younger.** (1) Prior authorization is not required for clients twenty years of age and under for hearing aid(s) and services. Providers should send claims for clients twenty years of age and younger directly to the ~~((department))~~ agency. Providers do not have to obtain authorization from the local children with special health care needs (CSHCN) coordinator.

(2) The ~~((department))~~ agency evaluates requests for covered services that are subject to limitations or other restrictions and approves such services beyond those limitations or restrictions as described in WAC ~~((388-501-0169))~~ 182-501-0169.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-547-1100 Hearing aids—Reimbursement—General.** (1) The ~~((department's))~~ agency's payment for purchased hearing aids includes:

(a) A prefitting evaluation;

(b) An ear mold; and

(c) A minimum of three post-fitting consultations.

(2) The ~~((department))~~ agency denies payment for hearing aids and/or services when claims are submitted without the prior authorization number, when required, or the appropriate diagnosis or procedure code(s).

(3) The ~~((department))~~ agency does not pay for hearing aid charges paid by insurance or other payer source.

(4) To receive payment, the provider must keep documentation in the client's medical file to support the medical necessity for the specific make and model of the hearing aid ordered for the client. This documentation must include the record of the audiology testing providing evidence that the client's hearing loss meets the eligibility criteria for a hearing aid.

**WSR 13-15-101**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed July 22, 2013, 8:46 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-01-084.

Title of Rule and Other Identifying Information: Rules for recreational marine and freshwater salmon, and freshwater sturgeon fishing: WAC 220-55-220 Two-pole endorsement, 220-56-124 Seasons and areas—Hoodspout Hatchery, 220-56-128 Food fish fishing—Closed areas, 220-56-131 Elliot Bay public fishing pier underwater artificial reef area, 220-56-132 Les Davis public fishing pier underwater artificial reef area, 220-56-133 Des Moines public fishing pier, 220-56-134 Edmonds public fishing pier, 220-56-136 Puget Sound public fishing piers—Restricted fishing areas, 220-56-195 Closed areas—Saltwater salmon angling, 220-56-500 Game fish seasons, 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules, 232-28-620 Coastal salmon—Saltwater seasons and daily limits, and 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on August 27, 2013, at 9:00 a.m.

Date of Intended Adoption: On or after August 28, 2013.

Submit Written Comments to: Lori Preuss, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail [Lori.Preuss@dfw.wa.gov](mailto:Lori.Preuss@dfw.wa.gov), fax (360) 902-2155, by August 17, 2013.

Assistance for Persons with Disabilities: Contact Tami Lininger by August 17, 2013, TTY (800) 833-6388 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule making incorporates:

1. Recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council for recreational anglers to take harvestable salmon while protecting species of fish listed as endangered;

2. Sturgeon seasons and limits adopted by the Columbia River compact; and

3. The Columbia River barbless hook policy adopted by the fish and wildlife commission.

Reasons Supporting Proposal: To protect fish species listed as endangered while supporting recreational fishing

opportunity and improve rule clarity through technical changes.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

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

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

Name of Agency Personnel Responsible for Drafting: Ryan Lothrop, 1111 Washington Street, Olympia, (360) 902-2808; Implementation: Jim Scott, 1111 Washington Street, Olympia, (360) 902-2736; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rule amendments do not affect small business; i.e., there is no direct regulation of small business. These rules are for recreational fishers.

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

July 22, 2013  
Lori Preuss  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-11-125, filed 5/21/13, effective 6/21/13)

**WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules.** (1) All freshwater streams and lakes not listed as open for salmon fishing are closed to fishing for salmon.

(2) Waters listed as open during a specific date range that do not reference any particular species are open during the date range for game fish only.

(3) Rivers, streams, and beaver ponds that drain into Puget Sound, the Strait of Juan de Fuca, or the Pacific Ocean (excluding the Columbia River) are closed to fishing unless listed as open.

(4) The limits listed in this section are daily limits, unless otherwise provided.

(5) Within Puget Sound, beaver ponds located within or adjoining streams that are listed as open to trout and other game fish follow the same rules and regulations as the stream, except as otherwise provided.

(6) As used in this section, "lead jig" means a lure consisting of a hook permanently or temporarily attached directly to a lead weight by any method. "Lead weight" means material constructed of lead and applied to a fishing line or lure and designed to help keep the hook, bait, or lure underwater.

(7)(a) Violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested fish. If the person has harvested fish, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.-370, Unlawful recreational fishing in the first degree—Penalty.

(b) Freshwater terminal gear restrictions: Terminal gear restrictions apply to all species, including salmon, unless otherwise provided. In all waters with freshwater terminal gear restrictions, including, but not limited to, night closures, selective gear rules, whitefish gear rules, single-point barbless hooks required, fly-fishing only, and anti-snagging rules, violation of the gear rules is an infraction if the angler has not yet harvested fish, and is punishable under RCW 77.15.160. It is unlawful to possess fish taken with gear in violation of the freshwater terminal gear restrictions. Possession of fish while using gear in violation of the freshwater terminal gear restrictions is a rebuttable presumption that the fish were taken with such gear. Possession of ~~((such))~~ fish while using gear in violation of the freshwater terminal gear restrictions is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.-370, Unlawful recreational fishing in the first degree.

(8) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River) and Enloe Dam (Similkameen River): Permissible to fish to base of all dams.

(c) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Saturday before Memorial Day through October 31 season. Trout: Limit 5, no minimum size.

(d) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Fourth Saturday in April through October 31 season. Trout: No minimum length.

(e) Kitsap County and Mason County east of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: First Saturday in June through October 31 season. Trout: No minimum length.

(9) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Fourth Saturday in April through October 31 season. Trout: No more than two over 15 inches in length may be retained per day.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: Barbless hooks required for steelhead. The first Saturday in June through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

From Abernathy falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Fourth Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock

Trailhead Bridge crossing to Shellneck Creek and Middle Fork from the A2000 Road Bridge at Tree Phones Campground downstream to the A2000 Spur Road Bridge in NE Section 34: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Alder Creek (Pacific County) (Naselle River tributary): From mouth upstream: All game fish: The first Saturday in June through October 31. Selective gear rules.

Alder Lake (Thurston County): Kokanee not included in trout daily limit. Kokanee daily limit 10.

Aldrich Lake (Mason County): Open the fourth Saturday in April through October 31:

(1) Trout limit 5.

(2) No more than 2 trout over 14 inches in length may be retained.

Aldwell Lake (Clallam County): Closed waters.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

All Creek (Skagit County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Alma Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Amon Creek (Benton County): Selective gear rules.

Alta Lake (Okanogan County): Fourth Saturday in April through September 30 season.

Amber Lake (Spokane County): Fourth Saturday in April through September 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Additional season October 1 through November 30 and March 1 through Friday before fourth Saturday in April. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

American Lake (Pierce County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee. Chumming permitted.

American River (Yakima County):

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

(2) Selective gear rules apply.

(3) Closed waters from Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8 from July 16 through September 15.

Anderson Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Anderson Creek (Whatcom County) (Nooksack River tributary): First Saturday in June through October 31 season. Selective gear rules.

Anderson Lake (Jefferson County): Fourth Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and trout: Release all trout.

Armstrong Lake (Snohomish County): Fourth Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Permissible to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

Bacon Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Bacus Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

B.C. Mill Pond (Stevens County): Fourth Saturday in April through October 31 season.

Badger Lake (Spokane County): Fourth Saturday in April through September 30 season.

Bainbridge Island - All streams (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Baker Lake (Whatcom County): Fourth Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches. Salmon: July ((+)) 10 through September ((4)) 2 season. Daily limit ((~~three~~)) 2 sockeye only. Minimum length 18 inches. Each angler aboard a vessel may deploy salmon angling gear until the daily limit for all licensed and juvenile anglers aboard has been achieved.

Baker River (Skagit County): Mouth to Highway 20 Bridge: September 1 through October 31 season. Anti-snagging rule and night closure. Trout: Minimum length fourteen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters.

From fish barrier dam to headwaters, including all tributaries and their tributaries except Channel Creek: First Saturday in June through October 31 season.

Banks Lake (Grant County): Chumming allowed. Perch: Daily limit twenty-five. Crappie: Daily limit 10, minimum size 9 inches in length.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County):

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

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

(3) No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Fourth Saturday in April through October 31 season.

Bayley Lake (Stevens County): Fourth Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Clallam County) (Bogachiel River tributary):

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

(2) Selective gear rules apply.

(3) 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.

Bear Creek (Clallam County) (Sol Duc River tributary):

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

(2) Selective gear rules apply.

(3) 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.

Bear Creek (Yakima County): Tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Open to juvenile anglers, licensed adults accompanied by a juvenile, and anglers with a disability who possess a designated harvester companion card only.

Bear River (Pacific County): The first Saturday in June through March 31 season. Anti-snagging rule (~~and~~), night closure, and barbless hooks required August 16 through November 30.

From mouth (Highway 101 Bridge) to Lime Quarry Road (approximately two river miles): All game fish: Release all fish, except up to 2 hatchery steelhead may be retained per day. Salmon: September 1 through November 30. Daily limit six fish, of which no more than two may be adult fish and of these no more than one may be a wild adult coho. Release chum and wild Chinook.

From the Lime Quarry Road upstream to the Longview Fiber Bridge: Selective gear rules. All game fish: Release all fish, except up to 2 hatchery steelhead may be retained per day.

Beaver Creek (Clallam County) (Sol Duc River tributary):

(1) From the mouth upstream to Beaver Falls:

(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.

(2) From Beaver Falls upstream to Beaver Lake: Open the first Saturday in June through October 31.

Beaver Creek (Pierce County) (South Prairie Creek tributary): First Saturday in June through October 31 season.

Beaver Creek (Thurston County) from the mouth to I-5:

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

(2) Selective gear rules apply.

(3) Night closure in effect.

(4) 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.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Maximum size 12 inches in length.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beaver Lake (King County): Trout: Daily limit 5, no more than 2 over 15 inches in length.

Beda Lake (Grant County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Fourth Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish. Unlawful to fish from a floating device equipped with an internal combustion motor.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Benson Lake (Mason County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Bertrand Creek (Whatcom County) (Nooksack River tributary): First Saturday in June through October 31 season. Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): The first Saturday in June through August 31 season. Juveniles only.

Big Beaver Creek (Whatcom County), from 1/4 mile upstream of the closed water markers on Ross Lake upstream, including tributary streams and beaver ponds:

(1) Open July 1 through October 31.

- (2) Selective gear rules apply.
- (3) Catch and release only.

Big Beef Creek (Kitsap County): From Seabeck Highway Bridge to Lake Symington: The first Saturday in June through August 31 season. Closed waters August 1 through August 31: Waters within 100 feet of the Seabeck Highway NW Bridge. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

From Lake Symington upstream: First Saturday in June through October 31 season. All species: Selective gear rules. Release all trout.

Big Creek (Grays Harbor County): First Saturday in June through last day in October season. All species: Selective gear rules.

Big Creek (Skagit County) (Suiattle River tributary): From TeePee falls to source: First Saturday in June through October 31 season. Selective gear rules.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches. Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Fourth Saturday in April through October 31 season. Unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

Big Mission Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Big Quilcene River (Jefferson County): See Quilcene River.

Big River (Clallam County), outside of Olympic National Park:

- (1) Open the first Saturday in June through October 15, and January 1 through the last day of February.
- (2) Selective gear rules apply.
- (3) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (4) 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 kokanee.

Big Scandia Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Big Tiffany Lake (Okanogan County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Release all cutthroat.

Big Twin Lake (Okanogan County): Fourth Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Bingham Creek (Mason County) (Satsop River tributary): From mouth upstream: First Saturday in June through October 31 season. Trout: Minimum length eight inches, daily limit 2 fish. Selective gear rules. Other game fish: Selective gear rules.

Bird Creek (Klickitat County):

- (1) Open the Saturday before Memorial Day through October 31.
- (2) Trout limit 5.

Black Creek (Grays Harbor County) (Wynoochee River tributary): From mouth upstream: First Saturday in June through October 31 season. All species: Selective gear rules.

Black Creek (Snohomish County) (South Fork Stillaguamish River tributary): Open the Saturday before Memorial Day through October 31 from the Bear Creek confluence upstream.

Blackjack Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Blackbird Island Pond (Chelan County): July 1 through September 30 season. Juveniles only.

Black Lake (Okanogan County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Black Lake (Pacific County): Fourth Saturday in April through October 31 season.

Black Lake (Stevens County): Fourth Saturday in April through October 31 season.

Black Lake (Thurston County):

- (1) Crappie limit 10; minimum length 9 inches.
- (2) Trout limit 5; no more than 2 trout over 14 inches in length may be retained.

Black Lake Ditch (Thurston County): From the confluence with Percival Creek upstream to Black Lake: First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Black River (Grays Harbor/Thurston counties):

- (1) From the mouth to State Highway 12:
  - (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.
  - (2) From Highway 12 to bridge on 128th Ave. SW:
    - (a) Anti-snagging rule applies.
    - (b) Night closure in effect.
    - (c) Barbless hooks are required.
    - (d) 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.
    - (e) Salmon open October 1 through January 31:
      - (i) From October 1 through November 30:
        - (A) Limit 6; only 2 adults may be retained.

(B) Release Chinook and chum.

(ii) From December 1 through January 31:

(A) Limit 6; only 2 adults may be retained, and only one adult may be wild coho.

(B) Release Chinook and chum.

(3) From bridge on 128th Avenue SW (west of Litterock) to Black Lake:

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

(b) Selective gear rules apply.

Blackman's Lake (Snohomish County): Trout: Daily limit 3.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blooms Ditch (Thurston County) (Black River tributary), from mouth to I-5:

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

(2) Selective gear rules apply.

(3) Night closure in effect.

(4) 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.

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

(1) From posted sign above rearing pond outlet to Spencer Road: Closed.

(2) Night closure in effect.

(3) Anti-snagging rule applies.

(4) Barbless hooks required for steelhead.

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

(a) Limit 5.

(b) Minimum size 12 inches; no more than 2 trout over 20 inches may be retained.

(c) Release wild cutthroat.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Blue Lake (Cowlitz County): Fourth Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Blue Lake (Grant County): Fourth Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Fourth Saturday in April through October 31 season. Unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Fourth Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County):

(1) From mouth to Highway 101 Bridge:

(a) Open the first Saturday in June through April 30.

(b) Trout:

(i) 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.

(ii) From April 1 through April 30, trout minimum length 14 inches.

(iii) November 1 through last day in February, limit may include one additional hatchery steelhead.

(iv) February 16 through April 30, wild steelhead retention allowed.

(c) Salmon open July 1 through November 30:

(i) From July 1 through August 31:

(A) Limit 6; no more than 2 adults may be retained.

(B) Release wild adult Chinook and wild adult coho.

(ii) From September 1 through November 30:

(A) Limit 6.

(B) Two salmon may be adults, plus 2 additional adult hatchery coho may be retained.

(2) From Highway 101 Bridge to Olympic National Park boundary:

(a) Open the first Saturday in June through April 30.

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

(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.

Boise Creek (King County) (White River tributary): Upstream of Highway 410 crossing: First Saturday in June through October 31 season.

Bonaparte Creek (Okanogan County):

(1) Closed Waters from the mouth to the falls one mile upstream.

(2) From the falls upstream, including all tributaries not listed elsewhere in this section: Open the Saturday before Memorial Day through October 31.

(3) Channel catfish, no limit.

(4) Walleye: No size restrictions and no limit.

(5) Bass: No size restrictions and no limit.

Bonaparte Lake (Okanogan County): Unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis. Trout: No more than one over twenty inches in length may be retained.

Bone River (Pacific County): From mouth upstream: All game fish: First Saturday in June through October 31 season. Selective gear rules.

Bosworth Lake (Snohomish County): Fourth Saturday in April through October 31 season.

Boulder Creek and tributaries (Okanogan County):

(1) Open the Saturday before Memorial Day through October 31, including tributaries not listed elsewhere within this section.

(2) Eastern brook trout limit 10; eastern brook trout do not count toward the trout limit.

(3) Release all cutthroat.

Boulder Creek (Skagit County) (Cascade River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

Boulder River (Snohomish County) (NF Stillaguamish River tributary):

(1) From the mouth to Boulder Falls:

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

(b) Selective gear rules apply.

(c) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

(2) From Boulder Falls upstream: Open the Saturday before Memorial Day through October 31.

Bowman Creek (Klickitat County): Trout: Limit five.

Box Canyon Creek (Kittitas County):

(1) Closed waters from the mouth to the waterfall approximately 2 miles upstream, including the portion flowing through the dry lakebed.

(2) From the waterfall approximately 2 miles upstream of the mouth to the USFS Road #4930 Bridge: Selective gear rules apply.

Boxley Creek (North Bend) (King County): Upstream from the falls located at approximately river mile 0.9: Open the Saturday before Memorial Day through October 31.

Boyle Lake (King County): Fourth Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply. May 15 through the last day of Free Fishing Weekend (as defined in WAC 220-55-160): Juveniles only.

Bridges Lake (King County): Fourth Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County):

(1) Open the Saturday before Memorial Day until October 31.

(2) Fly fishing only.

Browns Lake (Pend Oreille County): Fourth Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Creek (Skagit County) (Suiattle River tributary): From upstream boundary of Buck Creek campground to source:

First Saturday in June through October 31 season. Selective gear rules.

Buck Lake (Kitsap County):

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

(2) Trout limit 5; no more than 2 trout over 14 inches in length may be retained.

Buckskin Creek and tributaries (Yakima County): From mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

(1) It is permissible to fish up to the base of Bumping Dam.

(2) From the mouth to Bumping Reservoir:

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

(b) Selective gear rules apply.

(c) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(3) From Bumping Lake upstream: Open the Saturday before Memorial Day through October 31.

Bunker Creek (Lewis County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Daily limit 2 fish, minimum length eight inches. All species: Selective gear rules.

Burbank Slough (Walla Walla County): It is unlawful to fish from any floating device in the area east and north of Highway 12, except for the channel east of Highway 12 up to the fish screen at the Number 3 Pumping Station.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Butte Creek (Pacific County) (Smith River tributary): From mouth upstream: The first Saturday in June through October 31 season. All game fish: Selective gear rules.

Butter Creek (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Buzzard Lake (Okanogan County): Fourth Saturday in April through October 31 season. All species: Selective gear rules. Trout: Daily limit 1.

Cadet Creek (Snohomish County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Fourth Saturday in April through October 31 season.

Calawah River (Clallam County):

- (1) From the mouth to the Highway 101 Bridge:
  - (a) Open the first Saturday in June through April 30.
  - (b) Trout:

- (i) 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.

- (ii) From April 1 through April 30, trout minimum length 14 inches.

- (iii) From November 1 through the last day in February, the limit may include one additional hatchery steelhead.

- (iv) From February 16 through April 30, it is permissible to retain wild steelhead.

- (c) Salmon open July 1 through November 30:

- (i) From July 1 through August 31:

- (A) Limit 6; no more than 2 adults may be retained.

- (B) Release wild adult Chinook and wild adult coho.

- (ii) From September 1 through November 30:

- (A) Limit 6.

- (B) Up to two salmon may be adults, plus up to 2 additional adult hatchery coho may be retained.

- (2) From the Highway 101 Bridge to forks:

- (a) Open the first Saturday in June through April 30.

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

- (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.

Calawah River, North Fork (Clallam County):

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

- (2) Selective gear rules apply.

- (3) 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.

Calawah River, South Fork (Clallam County), from the mouth to the Olympic National Park boundary:

- (1) Open the first Saturday in June through the last day in February.

- (2) Selective gear rules apply.

- (3) 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.

Caldwell Lake (Pend Oreille County): Fourth Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

California Creek (Whatcom County): First Saturday in June through October 31 season. Selective gear rules.

Calispell Creek (Calispell River) (Pend Oreille County):

- (1) Eastern brook trout limit 10.

- (2) Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken.

- (3) From mouth to Calispell Lake: Open year-round.

- (4) From Calispell Lake upstream to source:

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

- (b) Selective gear rules apply.

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

Calispell Creek tributaries (Pend Oreille County):

- (1) Selective gear rules apply.

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

- (3) Eastern brook trout limit 10.

- (4) Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters. Unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

Camas Slough: Waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island. Barbless hooks required for salmon and steelhead. Season: Open when the adjacent main-stem Columbia or Washougal rivers are open to fishing for salmon. All species: Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing from August 1 through December 31. Daily limit same as most liberal regulation of either area, except for salmon, only hatchery Chinook and hatchery coho may be retained.

Camp Creek (Snohomish County) (Whitechuck River tributary): First Saturday in June through October 31 season. Selective gear rules.

Campbell Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish. Unlawful to fish from a floating device equipped with an internal combustion motor.

Campbell Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches.

Canyon Creek (Clark County):

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

- (2) Trout limit 5.

Canyon Creek (Snohomish County) (Suiattle River tributary):

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

- (2) Selective gear rules apply.

Canyon Creek (Snohomish County) (S.F. Stillaguamish River), from the mouth to the forks:

- (1) Open the first Saturday in June through January 31.

- (2) Selective gear rules apply.

(3) Release all fish, except up to 2 hatchery steelhead may be retained.

Canyon Creek (Whatcom County) (North Fork Nooksack River), from Canyon Creek Road Bridge upstream including tributaries:

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

(2) Selective gear rules apply.

Capitol Lake (Thurston County): Closed to all fishing.

Carbon River (Pierce County): From its mouth to Voight Creek: September 1 through January 15 season. Anti-snagging rule and night closure. Trout: Minimum length fourteen inches September 1 through November 30. December 1 through January 15 selective gear rules and release all fish except up to two hatchery steelhead may be retained. Salmon: Open September 1 through November 30. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish, no more than 2 may be adult hatchery Chinook. Release chum and wild adult Chinook salmon. Voight Creek to Highway 162 Bridge: November 1 through January 15: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Carlisle Lake (Lewis County): Fourth Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

Carney Lake (Pierce County):

(1) Open the fourth Saturday in April through June 30 and September 1 through November 30.

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

(3) No more than 2 trout over 14 inches in length may be retained.

(4) Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Fourth Saturday in April through October 31 season.

Cascade Creek (San Juan County):

(1) Open from the mouth to Cascade Lake from the first Saturday in June through October 31.

(2) Selective gear rules apply.

(3) Limit 10 eastern brook trout only; release all other fish.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Fourth Saturday in April through October 31 season.

Cascade River (Skagit County):

(1) From the mouth to the Rockport-Cascade Road Bridge:

(a) Open June 1 through July 15 and September 16 through February 15:

(i) Anti-snagging rule and night closure June 1 through July 15 and September 16 through November 30.

(ii) Trout, except Dolly Varden/Bull Trout minimum length 14 inches.

(iii) It is permissible to retain Dolly Varden/Bull Trout with a minimum length of 20 inches as part of the trout limit.

(b) Salmon:

(i) Open June 1 through July 15:

(A) Up to 4 hatchery Chinook may be retained; only 2 hatchery Chinook may be adults.

(B) Release all other salmon.

(ii) Open September 16 through November 30:

(A) Up to 4 coho salmon may be retained.

(B) Release all other salmon.

(2) From the Rockport-Cascade Road Bridge upstream:

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

(b) Selective gear rules apply.

(c) Release all fish except up to 2 hatchery steelhead may be retained per day.

Cases Pond (Pacific County): Fourth Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cassidy Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Castle Lake (Cowlitz County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Creek (Whatcom County) and all tributaries: Upstream from where Cavanaugh Creek first flows into Whatcom County, 0.4 lineal miles from its confluence with the South Fork Nooksack River: Open the Saturday before Memorial Day through October 31.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cayada Creek (Pierce County)(Carbon River tributary): First Saturday in June through October 31 season.

Cedar Creek (Clallam County), outside of Olympic National Park:

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

(2) Selective gear rules apply.

(3) 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.

Cedar Creek (tributary of N.F. Lewis) (Clark County): From mouth to Grist Mill Bridge: First Saturday in June through August 31 and November 1 through March 15 seasons. Barbless hooks required for steelhead. Trout: Release all fish except up to two hatchery steelhead may be retained per day. From the Grist Mill Bridge to 100 feet upstream of the falls: Barbless hooks required for steelhead. Closed waters. From 100 feet upstream of the falls upstream: The first Saturday in June through August 31 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cedar Creek (Grays Harbor/Thurston counties) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. All species: Selective gear rules.

Cedar Creek (Jefferson County), outside Olympic National Park:

(1) Open the first Saturday in June through the last day in February.

(2) Selective gear rules apply.

(3) 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.

Cedar Creek (Mason County): First Saturday in June through October 31 season.

Cedar Creek (Okanogan County): From mouth to Cedar Falls: Closed waters.

Cedar Creek and tributaries (Pend Oreille County):

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

(2) Eastern brook trout limit 10.

(3) Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken.

Cedar Lake (Stevens County): Fourth Saturday in April through October 31 season.

Cedar River (King County): From mouth to Landsburg Road: The first Saturday in June through August 31 season. Selective gear rules and night closure. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout.

Cedar River (Pacific County):

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

(2) Selective gear rules apply.

(3) Catch and release only.

Chain Lake (Pend Oreille County): Fourth Saturday in April through October 31 season. Release kokanee.

Chambers Creek (Pierce County): From the mouth (Burlington Northern Bridge) to markers 400 feet below the Boise-Cascade Dam (Pierce County): July 1 through November 15 season. Night closure and anti-snagging rule. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

From Boise-Cascade Dam to Steilacoom Lake: July 1 through October 31 season. Night closure and selective gear rules. Trout: Minimum size fourteen inches.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout.

Channel Creek (Skagit County) (Baker River tributary): Open the first Saturday in June through August 31.

Chaplain Creek (Snohomish County) (Sultan River tributary): Waters above the falls to the dam at Chapman Lake,

including tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.

Chaplain Lake (Snohomish County): Closed.

Chapman Lake (Spokane County): Fourth Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), including all channels, sloughs, and interconnected waterways:

(1) From the mouth (Highway 101 Bridge in Aberdeen) to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell):

(a) Single-point barbless hooks are required from August 16 through November 30.

(b) Open the first Saturday in June 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.

(c) Salmon open May 1 through June 30 and September ((+6)) 1 through January 31:

(i) From May 1 through June 30, open from the mouth to ~~(Highway 6 Bridge at Adna)~~ the confluence with the Skookumchuck River only: Limit one salmon.

(ii) From September ((+6)) 1 through September 30, open from the mouth to Porter Bridge only:

(A) Limit 6; no more than 3 may be adults, and only 2 adults may be wild coho.

(B) Release ~~(chum and)~~ adult Chinook.

(iii) From September 1 through November 30, open from Porter Bridge to the confluence with the Skookumchuck River:

(A) Limit 6; no more than 3 may be adults, and only 2 adults may be wild coho.

(B) Release chum and adult Chinook.

(iv) From October 1 through ~~(October 31))~~ November 30, open from the mouth to Porter Bridge only:

~~((A))~~ Limit 6; no more than 3 may be adult salmon, only one adult may be a Chinook, and only 2 adults may be wild coho.

~~((B) Release chum-~~

~~(iv) From November 1 through November 30:~~

~~(A) Limit 6 fish; no more than 3 may be adult salmon, and only 2 adults may be wild coho.~~

~~(B) Release chum and Chinook))~~ (v) From September 16

through November 30, open from the confluence with Skookumchuck River to the high bridge on Weyerhaeuser 1000 line approximately 400 yards downstream of Roger Creek (south of Pe Ell):

(A) Limit 6; no more than 3 may be adults, and only 2 adults may be wild coho.

(B) Release chum and Chinook.

~~((+))~~ (vi) From December 1 through January 31, open from the mouth to high bridge on Weyerhaeuser 1000 line approximately 400 yards downstream of Roger Creek (south of Pe Ell):

(A) Limit 6; no more than 2 may be adult salmon, and only one adult may be a wild coho.

(B) Release chum and Chinook.

(d) Sturgeon:

(i) Open year-round through December 31, 2013; no night closure is in effect.

(ii) Effective January 1, 2014:

(A) It is unlawful to retain sturgeon (catch and release only).

(B) No night closure is in effect.

(2) From high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell, including all forks) upstream:

(a) Open the first Saturday in June through April 15.

(b) Selective gear rules apply.

(c) Release all fish, except anglers may retain up to 2 hatchery steelhead.

Chehalis River, South Fork (Lewis County):

(1) From mouth to County Highway Bridge near Boistfort School:

(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.

(2) From County Highway Bridge near Boistfort School upstream:

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

(b) Selective gear rules apply.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Fourth Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit 5. Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit 10, no minimum length. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All game fish: Release all fish except lake trout. Salmon and lake trout: Open year-round: Salmon daily limit 1, minimum length 15 inches.

Chelan Lake Tributaries (Chelan County): From mouths upstream one mile except Stehekin River: August 1 through September 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release wild cutthroat.

Chelan River (Chelan County): From the railroad bridge to the Chelan P.U.D. safety barrier below the power house: Barbless hooks required for salmon and steelhead. May 15 through August 31 season. Anti-snagging rule and night closure in effect September 1 through October 15. Trout: Release all trout. Salmon: Open September 1 through October 15. Limit 6; no more than 2 adult hatchery Chinook. Release all wild salmon.

Chenois Creek (Grays Harbor County): First Saturday in June through October 31 season. All species: Selective gear rules.

Cherry Creek (Whatcom County) (tributary to the Snohomish River): From above Cherry Creek Falls (located at river mile 9.3, approximately 1 mile upstream of Stossel/Kelly Rd), including all tributaries and beaver ponds (King Co.): Open the Saturday before Memorial Day through October 31.

Chester Creek (Grays Harbor County): The first Saturday in June through last day in October season. Selective gear rules.

Chewuch River (Chewack River) (Okanogan County):

(1) From the mouth to Eight Mile Creek:

(a) Open the Saturday before Memorial Day through August 15.

(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.

(2) From Eight Mile Creek to Pasayten Wilderness boundary, closed the first Saturday in June through October 31.

(3) From mouth to Pasayten Wilderness boundary, open December 1 through March 31 for whitefish only; whitefish gear rules apply.

Chikamin Creek (Chelan County):

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

(2) Selective gear rules apply.

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

Chiliwack River (Whatcom County) including all tributaries and their tributaries: First Saturday in June through October 31 season.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: The first Saturday in June through August 31 season. Selective gear rules and release all fish.

From Ness's Corner Road to headwaters: First Saturday in June through October 31 season. Selective gear rules and release all fish.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Fourth Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Church Creek (Mason County) upstream of bridge on U.S. Forest Service Road #2361: First Saturday in June through October 31 season.

Cispus River (Lewis County): From mouth to North Fork: Barbless hooks required for salmon and steelhead. Trout: Release all cutthroat. Additional season November 1 through the Friday before the first Saturday in June. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Salmon: Open year around. Salmon minimum size 8 inches. January 1 through July 31, daily limit 6 fish, of which

no more than 2 may be adult salmon. Release wild coho and wild Chinook. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release wild coho and wild Chinook.

Cispus River, North Fork (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): The first Saturday in June through January 31 season. All species: Selective gear rules from first Saturday in June through October 31. Release all fish except November 1 through January 31. Trout: Minimum length 14 inches.

Clara Lake (Mason County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Clarks Creek (Pierce County): From mouth to 12th Avenue SE: First Saturday in June through August 15: Two trout over 14 inches in length. Selective gear rules apply.

Clear Creek (Chelan County): Closed waters.

Clear Creek (Snohomish County) (Sauk River tributary): From Asbestos Creek Falls to source: First Saturday in June through October 31 season.

Clear Lake (Chelan County): Fourth Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Clear Lake (Pierce County): Fourth Saturday in April through October 31 season. Chumming permitted. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Fourth Saturday in April through October 31 season.

Clear Lake (Thurston County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Clearwater River (Jefferson County):

- (1) From the mouth to Snahapish River:
  - (a) Open the first Saturday in June through April 15:
    - (i) From February 16 through April 15, it is permissible to retain wild steelhead.
    - (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.
  - (b) Salmon:
    - (i) Open September 1 through November 30.
    - (ii) Limit 6; no more than 2 may be adults.
- (2) From Snahapish River upstream:
  - (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Selective gear rules apply.

(c) 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.

Clearwater River (Pierce County):

- (1) Open July 1 through October 31.
- (2) Selective gear rules apply.
- (3) Trout minimum length 14 inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size.

Cle Elum River (Kittitas County):

- (1) From the mouth to Cle Elum Dam:
  - (a) It is permissible to fish up to the base of Cle Elum Dam.
    - (b) Open year-round.
    - (c) Selective gear rules apply.
    - (d) From December 1 through March 31, bait and one single-point barbed hook (three-sixteenths of an inch or smaller point to shank) may be used.
    - (e) Release all trout.
  - (2) From above Cle Elum Lake to outlet of Hyas Lake (not including Tucquala Lake):
    - (a) Open the Saturday before Memorial Day through October 31.
    - (b) Selective gear rules apply.
    - (3) All tributaries to Cle Elum River above Cle Elum Lake to outlet of Hyas Lake, which are not otherwise listed in this section; open the Saturday before Memorial Day through October 31.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

- (1) From the mouth to the outlet at Stump Lake:
  - (a) Open the first Saturday in June through the last day in February.
    - (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.
  - (2) From the outlet at Stump Lake upstream:
    - (a) Open the first Saturday in June through October 31.
    - (b) Selective gear rules apply.

Clover Creek (Pierce County) upstream of Steilacoom Lake, including all tributaries:

- (1) Open July 1 through October 31.
- (2) Selective gear rules apply.
- (3) Trout minimum length 14 inches.

Coal Creek (Clallam County) Tributary to Ozette River:

- (1) Open the first Saturday in June through October 31.
- (2) Selective gear rules apply.
- (3) Trout:
  - (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) Kokanee must be released.

Coal Creek (Cowlitz County): From mouth to four hundred feet below falls: Barbless hooks required for steelhead. The first Saturday in June through August 31 and November 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Coal Creek (tributary of Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Coal Creek (near Snoqualmie) (King County):

(1) From mouth to Highway I-90:

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

(b) Juvenile anglers only.

(c) No minimum length requirement for trout.

(2) From Highway I-90 upstream; open the Saturday before Memorial Day through October 31.

Coffee Pot Lake (Lincoln County): March 1 through September 30 season. Selective gear rules. Trout: Daily limit one, minimum length eighteen inches. Crappie: Daily limit ten, minimum length nine inches.

Coldwater Lake (Cowlitz County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Collins Lake (Mason County): Fourth Saturday in April through October 31 season.

Columbia Basin Hatchery Creek (Grant County):

(1) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(2) From hatchery outflow to confluence with Rocky Coulee Wasteway:

(a) Open April 1 through September 30.

(b) Trout no minimum size, limit 3.

Columbia Park Pond (Benton County):

(1) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(2) All species, limit of 5 fish combined.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds:

(1) General Columbia River rules:

(a) In the Columbia River between Washington and Oregon, the license of either state is valid.

(i) Anglers must comply with the fishing regulations of the state in which they are fishing.

(ii) This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington except Camas Slough, where the license of either state is valid when fishing from a floating device.

(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) Anglers may not 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 as provided in WAC 220-56-118 apply, 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) Open year-round unless otherwise provided.

(e) Barbless hooks required for salmon and steelhead.

(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 allowed 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. (~~Barbed hooks allowed.~~)

(ii) Release all trout except hatchery steelhead.

(iii) Walleye:

(A) No minimum length restriction.

(B) Limit 10; no more than 5 longer than 18 inches may be retained, and only one may be longer than 24 inches.

(iv) Bass:

(A) Limit 5.

(B) No more than 3 fish longer than 15 inches may be retained.

(C) Retention of bass between 12 and 17 inches is permissible.

(v) Channel catfish: No limit.

(vi) 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 ((2)) 1 through July 31, release adult Chinook and sockeye.

(B) Open August 1 through September ((3)) 1:

(I) Limit 2 salmon, or 2 hatchery steelhead, or one of each.

(II) Only one Chinook may be retained.

(III) Release all salmon except Chinook and hatchery coho.

(IV) Chinook minimum length 24 inches.

(V) Coho minimum length 16 inches.

(C) Open September ((4)) 2 through September 30:

(I) Limit 2 hatchery coho, or 2 hatchery steelhead, or one of each.

(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 hatchery steelhead, or one of each, may be retained.

(II) Only one adult Chinook may be retained.

(III) 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.

(vii) Sturgeon:

(A) Release sturgeon May 1 through May 11, and July 9 through December 31, 2013.

(B) May ~~((42))~~ 11 through ~~((July 8))~~ June 30, minimum fork length is 41 inches.

(C) Effective January 1, 2014, it is unlawful to retain sturgeon (catch and release only).

(viii) Shad open May 16 through March 31.

(ix) 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 "salmon and steelhead" within this subsection).

(I) Hatchery cutthroat minimum length 12 inches.

(II) Up to 2 hatchery cutthroat may be retained.

(III) Barbless hooks required for cutthroat trout.

(ii) Walleye:

(A) No minimum length restriction.

(B) Limit 10; no more than 5 longer than 18 inches may be retained, and only one may be longer than 24 inches.

(iii) Bass:

(A) Limit 5.

(B) No more than 3 longer than 15 inches may be retained.

(C) Retention of bass between 12 and 17 inches is permissible.

(iv) Channel catfish: No limit.

(v) 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(~~-~~

~~(IV) Release adult Chinook and sockeye))~~ and July ~~((2))~~ 1 through July 31.

(B) Open August 1 through ~~((September 9))~~ December 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Only one adult Chinook may be retained.

(III) Release all salmon except Chinook and hatchery coho.

(C) ~~((Open September 10 through December 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 Chinook and hatchery coho.~~

~~(III) Release Chinook))~~ Downstream of a line projected from the Warrior Rock Lighthouse, through Red Buoy 4, to the orange marker atop the dolphin on the Washington shore(~~(5)~~):

(I) Release wild Chinook from September ~~((40))~~ 6 through September ~~((30))~~ 12.

(II) Release all Chinook from September 13 through September 30.

(D) 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.

(vi) Shad open May 16 through March 31.

(vii) Sturgeon:

(A) Downstream from the Wauna power lines at river mile 40, near Cathlamet:

(I) Release sturgeon May 1 through May ~~((44))~~ 10 and July ~~((9))~~ 1 through December 31, 2013.

(II) Minimum fork length is 41 inches from May ~~((42))~~ 11 through ~~((July 8))~~ June 30.

(III) Effective January 1, 2014, it is unlawful to retain sturgeon (catch and release only).

(B) From the Wauna power lines upstream to I-5 Bridge:

(I) It is unlawful to retain sturgeon, except on Thursdays, Fridays, and Saturdays January 1 through ~~((July 31))~~ June 15 and October ~~((20))~~ 19 through December 31, 2013.

(II) Release sturgeon ~~((August 1))~~ June 16 through October ~~((19))~~ 18, 2013.

(III) Effective January 1, 2014, it is unlawful to retain sturgeon (catch and release only).

(c) From the I-5 Bridge to Bonneville Dam:

(i) Closed waters:

(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 a marker on the Oregon shore, downstream to a line between the lower end of Sand Island and a 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) Release all trout except hatchery steelhead.

(iii) Walleye:

(A) No minimum length restriction.

(B) Limit 10; no more than 5 longer than 18 inches may be retained, and only one may be longer than 24 inches.

(iv) Bass:

(A) Limit 5.

(B) No more than 3 longer than 15 inches may be retained.

(C) Retention of bass between 12 and 17 inches is permissible.

(v) Channel catfish: No limit.

- (vi) 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 ~~((2))~~ 1 through July 31.
    - (B) Open August 1 through ~~((September 9))~~ December 31:
      - (I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.
      - (II) Only one adult Chinook may be retained.
      - (III) Release all salmon except Chinook and hatchery coho.
      - ~~((C) Open September 10 through December 31:~~
      - ~~((H))~~ (IV) Closed November 1 through December 31 from Beacon Rock to Bonneville Dam.
      - ~~((II) Limit 6 fish; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.~~
      - ~~((H) Release all salmon except Chinook and hatchery coho.)~~
  - (vii) Steelhead open January 1 through March 31.
  - (viii) Sturgeon:
    - (A) Closed to fishing for sturgeon:
      - (I) From Bonneville Dam downstream to a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder at the powerhouse, south to the downstream end of Cascade Island, and across to the Oregon angling boundary on Bradford Island (the Cascade Island-Bradford Island line).
      - (II) From Bonneville Dam downstream 9 miles to a line crossing the Columbia River from navigation marker 82 on the Oregon shore, ~~((through the upstream exposed end of Skamania Island, continuing in a straight line to a boundary marker on the Washington shore))~~ westerly to the boundary marker on the Washington shore upstream of Fir Point (navigation marker 82 line), from May 1 through August 31.
      - (B) From the Hamilton Island boat launch (USACE boat restricted zone boundary) upstream to the Cascade Island-Bradford Island line, anglers must stop fishing for sturgeon once the limit has been retained.
      - (C) January 1 through ~~((July 31))~~ June 15, 2013, and from October ~~((20))~~ 19 through December 31, 2013, from the Cascade Island-Bradford Island line downstream to I-5 Bridge, it is permissible to retain sturgeon only on Thursdays, Fridays, and Saturdays.
      - (D) Catch and release only ~~((August 1))~~ June 16 through October ~~((19))~~ 18, 2013.
      - (E) Effective January 1, 2014, it is unlawful to retain sturgeon (catch and release only).
    - (ix) 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 hatchery steelhead.
  - (iii) Walleye:
    - (A) No minimum length restriction.
    - (B) Limit 10; no more than 5 longer than 18 inches may be retained, and only one may be longer than 24 inches.
  - (iv) Bass:
    - (A) Limit 5.
    - (B) No more than 3 longer than 15 inches may be retained.
    - (C) Retention of bass between 12 and 17 inches is permissible.
    - (v) Channel catfish: No limit.
    - (vi) 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 sockeye and hatchery Chinook.
        - (B) Open August 1 through December 31:
          - (I) Anti-snagging rule and night closure in effect August 1 through October 15.
          - (II) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.
          - (III) Release all salmon except Chinook and coho.
          - (IV) Release wild coho from Bonneville Dam to Hood River Bridge.
          - (vii) Steelhead open January 1 through March 31.
          - (viii) Release sturgeon August 1 through December 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) Walleye:
                - (A) No minimum length restriction.
                - (B) Limit 10; no more than 5 longer than 18 inches may be retained, and only one may be longer than 24 inches.
              - (iv) Bass:
                - (A) Limit 5.
                - (B) No more than 3 longer than 15 inches may be retained.
                - (C) Retention of bass between 12 and 17 inches is permissible.
                - (v) Channel catfish: No limit.
                - (vi) 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.
                  - (B) Open August 1 through December 31:

(I) Anti-snagging rule and night closure in effect August 1 through October 15.

(II) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(III) Release all salmon except Chinook and coho.

(vii) Steelhead open January 1 through March 31.

(viii) Sturgeon:

(A) Closed to fishing for sturgeon:

(I) May 1 through July 31 from John Day Dam downstream 2.4 miles to a line crossing the Columbia at a right angle to the thread of the river from the west end of the grain silo at Rufus, Oregon.

(II) May 1 through July 31 from McNary Dam downstream to the Highway 82 Bridge.

(B) Catch and release only August 1 through December 31.

(f) From McNary Dam to Highway 395 Bridge at Pasco:

(i) Barbless hooks required for salmon and steelhead.

(ii) 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.

((~~iii~~)) (iii) Release all trout except hatchery steelhead.

((~~iv~~)) (iv) From McNary Dam upstream to Highway 730 at the Oregon/Washington border:

(A) Walleye:

(I) No size restriction.

(II) Limit 10; no more than 5 longer than 18 inches may be retained, and only one may be longer than 24 inches.

(B) Channel catfish: No limit.

((~~v~~)) (v) Upstream from Highway 730 at the Oregon/Washington border:

(A) Walleye: No size restrictions and no limit.

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

(C) Channel catfish: No limit.

((~~vi~~)) (vi) 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.

(B) Open August 1 through December 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 Chinook and coho.

((~~vii~~)) (vii) Steelhead open January 1 through March 31.

((~~viii~~)) (viii) Release sturgeon August 1 through January 31.

(g) From the Highway 395 Bridge at Pasco to the Old Hanford townsite wooden power line towers, in Sec. 30, T13N, R28E:

(i) Barbless hooks required for salmon and steelhead.

(ii) Closed waters:

(A) Within a 400 foot radius of the Columbia Irrigation District (CID) fish barrier at the mouth of the CID wasteway at Columbia Park.

(B) Ringold Springs Creek (Hatchery Creek).

((~~iii~~)) (iii) 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) Open April 1 through April 15 only.

(B) Fishing is allowed only from the bank and only on the hatchery side of the river.

(C) Release all trout, except anglers may retain up to 2 hatchery steelhead.

((~~iv~~)) (iv) Release all steelhead with a radio-tag wire protruding from the mouth, or with a disk or floy tag attached near the dorsal fin.

((~~v~~)) (v) Trout:

(A) October 1 through October 31 release all trout, except 2 hatchery steelhead with both the adipose and a ventral fin((s)) clipped may be retained.

(B) November 1 through March 31 release all trout, except anglers may retain up to 2 hatchery steelhead.

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

((~~vii~~)) (vii) Bass: No size restrictions and no limit.

((~~viii~~)) (viii) Channel catfish: No limit.

((~~ix~~)) (ix) Salmon:

(A) Open June 16 through July 31:

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

(II) Release sockeye and wild Chinook.

(III) All species except sturgeon: Anglers may fish with two poles as long as the angler possesses a two-pole endorsement.

(B) Open August 1 through October 22:

(I) Limit 6.

(II) No more than 2 adult salmon may be retained.

((~~x~~)) (x) Release sturgeon from August 1 through January 31.

(h) From the Old Hanford townsite wooden power line towers, in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24):

(i) Barbless hooks required for salmon and steelhead.

(ii) Open February 1 through October 22.

((~~iii~~)) (iii) Release all trout.

((~~iv~~)) (iv) Walleye: No size restrictions and no limit.

((~~v~~)) (v) Bass: No size restrictions and no limit.

((~~vi~~)) (vi) Channel catfish: No limit.

((~~vii~~)) (vii) Salmon:

(A) Open June 16 through July 31:

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

(II) Release sockeye and wild Chinook.

(III) All species except sturgeon: Anglers may fish with two poles as long as the angler possesses a two-pole endorsement.

(B) Open August 1 through October 22:

(I) Limit 6 fish.

(II) No more than 2 adult salmon may be retained.

((~~viii~~)) (viii) Release sturgeon August 1 through October 22.

(i) From Vernita Bridge (Highway 24) to Priest Rapids Dam:

(i) Barbless hooks required for salmon and steelhead.

(ii) 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 midstream Columbia River between boundary markers located 100 feet upstream and 400 feet downstream of the mouth.

~~((iii))~~ (iii) Release all trout.

~~((iii))~~ (iv) Walleye: No size restrictions and no limit.

~~((iv))~~ (v) Bass: No size restrictions and no limit.

~~((v))~~ (vi) Channel catfish: No limit.

~~((vi))~~ (vii) Salmon:

(A) Open June 16 through July 31:

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

(II) Release sockeye and wild Chinook.

(III) All species except sturgeon: Anglers may fish with two poles as long as the angler possesses a two-pole endorsement.

(B) Open August 1 through October 22:

(I) Limit 6.

(II) No more than 2 adult salmon may be retained.

~~((vii))~~ (viii) Sturgeon:

(A) Closed to fishing for sturgeon from May 1 through July 31 from Priest Rapids Dam downstream 2.5 miles to the boundary marker on the river bank 400 feet downstream from Priest Rapids Hatchery outlet channel (Jackson Creek).

(B) Release sturgeon August 1 through January 31.

(j) From Priest Rapids Dam to Wanapum Dam:

(i) Barbless hooks required for salmon and steelhead.

(ii) Closed waters at 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.

~~((ii))~~ (iii) Fishing two poles is permissible July 1 through August 31, so long as the angler possesses a two-pole endorsement.

~~((iii))~~ (iv) Release all trout.

~~((iv))~~ (v) Walleye: No size restrictions and no limit.

~~((v))~~ (vi) Bass: No size restrictions and no limit.

~~((vi))~~ (vii) Channel catfish: No limit.

~~((vii))~~ (viii) Salmon:

(A) Open July 1 through August 31:

(I) Limit 6 (~~((Chinook and 6 sockeye only))~~); no more than 2 adult hatchery Chinook.

(II) (~~((No more than 3 adult Chinook may be retained, and only one adult Chinook may be wild))~~) Release all wild salmon.

(B) Open September 1 through October 22:

(I) Limit 6 Chinook only.

(II) No more than 2 adult salmon may be retained.

~~((viii))~~ (ix) Release all sturgeon.

(k) From Wanapum Dam to Wells Dam:

(i) Barbless hooks required for salmon and steelhead.

(ii) Closed waters:

(A) At Rocky Reach Dam and Rock Island 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).

~~((iii))~~ (iii) Fishing two poles is permissible July 1 through August 31, so long as the angler possesses a two-pole endorsement.

~~((iii))~~ (iv) Release all trout.

~~((iv))~~ (v) Walleye: No size restrictions and no limit.

~~((v))~~ (vi) Bass: No size restrictions and no limit.

~~((vi))~~ (vii) Channel catfish: No limit.

~~((vii))~~ (viii) Salmon open July 1 through October 15:

(A) Limit 6 (~~((Chinook and 6 sockeye only))~~); no more than 2 adult hatchery Chinook.

(B) (~~((No more than 3 adult Chinook may be retained, and only one adult Chinook may be wild))~~) Release all wild salmon.

~~((viii))~~ (ix) Release all sturgeon.

(I) From Wells Dam to Highway 173 Bridge at Brewster:

(i) Barbless hooks required for salmon and steelhead.

(ii) Fishing two poles is permissible July 16 through August 31, so long as the angler possesses a two-pole endorsement.

~~((ii))~~ (iii) Release all trout.

~~((iii))~~ (iv) Walleye: No size restrictions and no limit.

~~((iv))~~ (v) Bass: No size restrictions and no limit.

~~((v))~~ (vi) Channel catfish: No limit.

~~((vi))~~ (vii) Salmon open July 16 through August 31:

(A) Limit 6 (~~((Chinook and 6 sockeye only))~~); no more than 2 adult hatchery Chinook.

(B) (~~((No more than 3 adult Chinook may be retained, and only one adult Chinook may be wild))~~) Release all wild salmon.

~~((vii))~~ (viii) Release all sturgeon.

(m) From Highway 173 Bridge at Brewster to Chief Joseph Dam:

(i) Barbless hooks required for salmon and steelhead.

(ii) Closed waters:

(A) From the Okanogan County shore between Chief Joseph Dam and the Highway 17 Bridge.

(B) From the Douglas County shore between Chief Joseph Dam and a point 400 feet downstream.

~~((ii))~~ (iii) Fishing two poles is permissible July 1 through August 31, so long as the angler possesses a two-pole endorsement.

~~((iii))~~ (iv) 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))~~ (v) Release all trout.

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

~~((vi))~~ (vii) Bass: No size restrictions and no limit.

~~((vii))~~ (viii) Channel catfish: No limit.

~~((viii))~~ (ix) Salmon open July 1 through October 15:

(A) Limit 6 (~~((Chinook and 6 sockeye only))~~); no more than 2 adult hatchery Chinook.

(B) (~~((No more than 3 adult Chinook may be retained, and only one adult Chinook may be wild))~~) Release all wild salmon.

~~((ix))~~ (x) Release all sturgeon.

(n) Above Chief Joseph Dam: Refer to Rufus Woods Lake rules listed in this section.

(o) Above Grand Coulee Dam: Refer to Lake Roosevelt rules listed in this section.

Colville River (Stevens County):

(1) From the mouth to the bridge at town of Valley:

(a) Open year-round.

(b) Trout:

(i) Limit 5.

(ii) From October 1 through November 30, not more than 2 brown trout may be retained.

(c) Walleye: Daily limit 16 fish; no size restrictions.

(d) Sturgeon: It is unlawful to fish for or retain sturgeon.

(2) All tributaries to Colville River, from the mouth to the bridge at the town of Valley, open the Saturday before Memorial Day through October 31.

(3) From the bridge at the town of Valley upstream, including tributaries:

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

(b) Selective gear rules apply.

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

Conconully Lake (Okanogan County): Fourth Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Fourth Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Fourth Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County): From four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Fourth Saturday in April through October 31 season.

Connor Creek (Grays Harbor County):

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

(2) Selective gear rules apply.

(3) 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.

Cook Creek (Grays Harbor County), from the Quinault Indian Reservation boundary upstream:

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

(2) 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.

(3) Selective gear rules apply.

Cooper River (Kittitas County), mouth to Cooper Lake:

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

(2) Selective gear rules apply.

Coot Lake (Grant County): April 1 through September 30 season.

Copalis River (Grays Harbor County):

(1) General river rules:

(a) Open for game fish the first Saturday in June through last day in February.

(b) It is permissible to retain hatchery steelhead defined as having a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(2) Rules by river section:

(a) From mouth to Carlisle Bridge:

(i) 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:

(A) Open September 1 through January 31.

(B) Limit 6; no more than 2 adult salmon may be retained.

(C) Release adult Chinook and chum.

(b) 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.

Copper Creek (Snohomish County) (Clear Creek tributary, a tributary of Sauk River): All game fish: First Saturday in June through October 31 season.

Corral Canyon Creek (Benton County): Selective gear rules.

Cottage Lake (King County): Fourth Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cottonwood Creek (Walla Walla County): Closed waters.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): The first Saturday in June through August 31 season.

Cougar Lake (Pasayten Wilderness) (Okanogan County): All species: Selective gear rules. Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

Cougar Lake (near Winthrop) (Okanogan County):

(1) Open year-round.

(2) From April 1 through August 31:

(a) Catch and release.

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

Coulter Creek (Kitsap/Mason counties): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

County Line Ponds (Skagit County): Closed waters.

Coweeman River (Cowlitz County):

(1) From mouth to Baird Creek:

(a) Barbless hooks required for steelhead.

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

~~((b))~~ (c) Release all trout, except anglers may retain up to 2 hatchery steelhead.

(2) From Baird Creek upstream:

(a) Barbless hooks required for steelhead.

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

~~((b))~~ (c) Release all trout, except anglers may retain up to 2 hatchery steelhead.

Cowiche Creek (Yakima County): Selective gear rules apply.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County):

(1) The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road.

(2) The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms.

(3) Barbless hooks required for salmon and steelhead.

~~(4)~~ (4) Open June 1 through the last day in February for game fish.

~~((4))~~ (5) Trout:

(a) Minimum length 8 inches.

(b) Release cutthroat.

(c) Release rainbow trout, except those with a clipped adipose fin with a healed scar at the site of the clipped fin.

(d) From September 1 through the last day in February, limit 10.

~~((5))~~ (6) Salmon open year-round:

(a) Minimum length 8 inches.

(b) Limit 6.

(c) Release wild Chinook and wild coho.

(d) From January 1 through July 31, no more than 2 adult salmon may be retained.

(e) From August 1 through December 31, no more than 2 adult hatchery Chinook may be retained.

Cowlitz River (Lewis County):

(1) From mouth to Mayfield Dam:

(a) Closed waters:

(i) From 400 feet or posted markers below Cowlitz salmon hatchery barrier dam to boundary markers near the Cowlitz salmon hatchery water intake approximately 1,700 feet upstream of the Cowlitz salmon hatchery barrier dam.

(ii) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam.

(iii) From within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure, except anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card may fish within posted markers when adjacent waters are open.

(b) Barbless hooks required for salmon, steelhead, and cutthroat trout.

(c) From Lexington Bridge Drive in Kelso upstream to the Highway 505 Bridge in Toledo, fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

~~((c))~~ (d) From mouth of Mill Creek to the Cowlitz salmon hatchery barrier dam:

(i) Anti-snagging rule and night closure in effect April 1 through November 30. Anglers may only retain fish hooked in the mouth when the anti-snagging rule is in effect.

(ii) It is unlawful to fish from a floating device.

(iii) It is unlawful to fish from the south side of the river from May 1 through June 15.

~~((d))~~ (e) Sturgeon:

(i) It is unlawful to retain sturgeon, except on Thursdays, Fridays, and Saturdays January 1 through ~~((July 31))~~ June 15, 2013, and October ~~((20))~~ 19 through December 31, 2013.

(ii) Release sturgeon ~~((August 1))~~ June 16 through October ~~((19))~~ 18, 2013.

(iii) Effective January 1, 2014, it is unlawful to retain sturgeon (catch and release only).

~~((e))~~ (f) Open first Saturday in June through March 31 for trout and other game fish:

(i) Trout limit 5, minimum length 12 inches. Up to 2 over 20 inches may be retained.

(ii) Release wild cutthroat.

~~((f))~~ (g) Open April 1 through the Friday before the first Saturday in June; catch and release only, except anglers may retain up to 2 hatchery steelhead.

~~((g))~~ (h) Salmon:

(i) Open January 1 through July 31:

(A) Limit 6; up to 2 hatchery adults may be retained.

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

(ii) Open August 1 through December 31:

(A) Limit 6; up to 2 adult hatchery Chinook may be retained.

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

(2) From posted PUD sign on Peters Road to the mouth of Ohanapecosh River and the mouth of Muddy Fork:

(a) Barbless hooks required for salmon and steelhead.

(b) Anti-snagging rule and night closure in effect September 1 through October 31 for all species. Anglers may only retain fish hooked in the mouth when anti-snagging rule is in effect.

~~((b))~~ (c) Trout and other game fish:

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

(ii) Open November 1 through the Friday before the first Saturday in June. For trout, catch and release only except anglers may retain up to 2 hatchery steelhead.

~~((c))~~ (d) Salmon:

(i) Open January 1 through July 31:

(A) Limit 6; up to 2 adult salmon may be retained.

(B) Release wild coho and wild Chinook.

(ii) Open August 1 through December 31:

(A) Limit 6; up to 2 adult hatchery Chinook may be retained.

(B) Release wild coho and wild Chinook.

Cowlitz River, Clear and Muddy Forks (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release cutthroat.

Coyote Creek and Ponds (Adams County): April 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From mouth to Morgan Lake Road in Section 36: April 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln/Grant counties) and tributaries: Year-round season. In those waters from Grant County Road 7 to the fountain buoy and shoreline markers or 150 feet downstream of the Alder Street fill March 1 through May 31 terminal gear restricted to one single hook measuring 3/4 inch or less point to shank. Year-round: Daily limits and size limits same as Moses Lake. From Moses Lake downstream to the confluence of the outlet streams March 1 through May 31 terminal gear restricted to one single-point hook measuring 3/4 inch or less point to shank. Year-round: Daily limits and size limits same as Potholes Reservoir.

Crabapple Lake (Snohomish County): Fourth Saturday in April through October 31 season.

Cranberry Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Crawfish Lake (Okanogan County): Fourth Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Crescent Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

Crescent Lake (Pierce County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Crim Creek (Lewis County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Crocker Lake (Jefferson County): Closed waters.

Crooked Creek (Clallam County) and tributaries that are outside of Olympic National Park:

- (1) Open the first Saturday in June through October 15.
- (2) Selective gear rules apply.
- (3) Trout:
  - (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) Release kokanee.

Crystal Lake (Grant County): March 1 through July 31 season.

Cumberland Creek (Whatcom County), upstream from the USFS 17 road bridge located 0.7 lineal miles from its confluence with the Skagit River, including all tributaries: Open the Saturday before Memorial Day through October 31.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Fourth Saturday in April through October 31 season. Fishing from any floating device

prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Dakota Creek (Whatcom County): From mouth to Giles Road Bridge: First Saturday in June through (~~October~~) December 31 season. Selective gear rules. Salmon: Open October 1 through December 31. Daily limit 2 salmon. Release wild Chinook.

Dalton Lake (Franklin County): Trout: No more than two over 13 inches in length may be retained.

Damon Lake (Grays Harbor County): The first Saturday in June through October 31 season.

Dan's Creek (Snohomish County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Davis Lake (Ferry County): Fourth Saturday in April through October 31 season.

Davis Lake (Lewis County): Fourth Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Davis Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

Dayton Pond (Columbia County):

- (1) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.
- (2) No more than 2 trout over 13 inches in length may be retained.

Deadman Lake (Adams County): April 1 through September 30 season.

De Coursey Pond (Pierce County): Fourth Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Decker Creek (Mason County) (Satsop River tributary): From mouth upstream: First Saturday in June through October 31 season. Trout: Minimum length eight inches, daily limit 2 fish. Selective gear rules. Other game fish: Selective gear rules.

Deep Creek (Clallam County): December 1 through January 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained per day.

Deep Creek (Grays Harbor County): From mouth upstream: The first Saturday in June through last day in October season. All species: Selective gear rules.

Deep Creek (tributary to Bumping Lake) (Yakima County):
 

- (1) From the mouth to the second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

(2) From the second bridge crossing upstream; open the Saturday before Memorial Day through October 31.

Deep Lake (Grant County): Fourth Saturday in April through September 30 season.

Deep Lake (Stevens County): Fourth Saturday in April through October 31 season.

Deep Lake (Thurston County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Deep River (Wahkiakum County): Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round only from mouth to town bridge. January 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild Chinook and wild coho. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult Chinook. Release chum and wild coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

Deer Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Deer Lake (Island County): Fourth Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Fourth Saturday in April through September 30 season.

Deer Lake (Mason County): Fourth Saturday in April through October 31 season.

Deer Lake (Stevens County): March 1 through October 31 season. Trout: No more than two over thirty inches in length may be retained.

Delemeter Creek (Cowlitz County): Closed waters from 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek.

Delezene Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. All species: Selective gear rules.

Dempsey Creek (Thurston County) (Black River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

De Roux Creek (Kittitas County):

(1) Closed waters from the mouth to the USFS Trail #1392 (De Roux Cr. Trail) stream crossing (approximately one river mile).

(2) Upstream of the USFS Trail #1392 stream crossing, selective gear rules apply.

Deschutes River (Thurston County):

(1) From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park:

(a) Selective gear rules apply, except bait allowed September 1 through October 15.

(b) Open for trout year-round; catch and release only.

(c) Open for all other game fish the first Saturday in June through October 15.

(d) Salmon:

(i) Open July 1 through October 15.

(ii) Limit 6; no more than 2 adult salmon may be retained.

(iii) Release coho.

(2) From Henderson Boulevard Bridge upstream:

(a) Open year-round.

(b) Selective gear rules apply.

(c) Release all trout.

(d) Salmon:

(i) Open July 1 through October 15.

(ii) Limit 6; no more than 2 adult salmon may be retained.

(iii) Release coho.

Devereaux Lake (Mason County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Devil's Lake (Jefferson County): Fourth Saturday in April through October 31 season.

Dewatto River (Mason County): From mouth to Dewatto-Holly Road Bridge: First Saturday in June through August 15 and October 1 through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Night closure October 1 through October 31. Game fish: Release all fish. Salmon: Open October 1 through October 31. Daily limit two coho only.

From Dewatto-Holly Road Bridge upstream: First Saturday in June through October 31 season. Selective gear rules and release all fish.

Diamond Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

Dickey River (Clallam County):

(1) From Olympic National Park boundary upstream to the confluence of the East and West Forks:

(a) Open the first Saturday in June through April 30.

(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.

(c) It is permissible to retain wild steelhead February 16 through April 30.

(d) Salmon open July 1 through November 30:

(i) From July 1 through August 31:

(A) Limit 6; no more than 2 adult salmon may be retained.

(B) Release wild adult Chinook and wild adult coho.

(ii) From September 1 through November 30:

(A) Limit 6.

(B) Two salmon may be adults, plus 2 additional adult hatchery coho may be retained.

(2) From the confluence of the East and West Forks upstream (for both forks):

(a) Open the first Saturday in June through April 30.

(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.

Dillacort Creek (Klickitat County): Trout: Release all trout.

Diobsud Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Dog Lake (Yakima County): Trout: Daily limit may contain no more than 1 fish over 14 inches in length.

Dogfish Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Donkey Creek (Grays Harbor County): From mouth upstream: The first Saturday in June through last day in October season. All species: Selective gear rules.

Donovan Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Dosewallips River (Jefferson County): From mouth to Olympic National Park boundary about three-quarters mile downstream of falls: The first Saturday in June through August 31 season mouth to park boundary and November 1 through December 15 season mouth to Highway 101 Bridge. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June through August 31. All species: Release all fish except salmon may be retained November 1 through December 15. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downey Creek (Snohomish County) (Suittle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Downs Lake (Lincoln/Spokane counties): March 1 through September 30 season. Crappie: Daily limit ten, minimum length nine inches.

Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery):

(1) Barbless hooks required for salmon and steelhead.

(2) Closed Wednesdays beginning the second Wednesday in April through June 30.

(~~(3)~~) (3) Closed from 6 p.m. Tuesdays through 6 p.m. Wednesdays during October.

(~~(4)~~) (4) Night closure in effect March 16 through June 30.

(~~(4)~~) (5) Two-pole fishing is permissible from May 12 through June 30 and from September 15 through December 31, so long as the angler possesses a two-pole endorsement.

(~~(5)~~) (6) 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.

(~~(6)~~) (7) Anti-snagging rule applies August 1 through December 31.

(~~(7)~~) (8) Game fish other than trout: Open May 1 through March 31.

(~~(8)~~) (9) Trout:

(a) Open August 1 through March 15.

(b) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

(~~(9)~~) (10) Salmon and steelhead:

(a) Open March 16 through July 31.

(b) Limit 2 hatchery steelhead or 2 hatchery Chinook, or one of each.

(c) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; no more than 2 adult salmon may be retained.

Dry Creek (Walla Walla County): Upstream from the middle Waitsburg Road: Closed waters.

Dry Falls Lake (Grant County): April 1 through November 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Crappie: Daily limit ten, minimum length nine inches.

Duckabush River (Jefferson County): From mouth to the Olympic National Park Boundary: The first Saturday in June through August 31 season mouth to park boundary and November 1 through December 15 season mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June through August 31. All species: Release all fish except salmon may be retained November 1 through December 15. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dune Lake (Grant County): All species: Selective gear rules. Trout: Daily limit 1.

Dungeness River (Clallam County):

(1) From the mouth to the forks at Dungeness Campground:

(a) Open October (~~(46)~~) 8 through January 31.

(b) Trout minimum length 14 inches.

(c) Salmon:

(i) Open only from the mouth to the hatchery intake pipe at river mile 11.3 from October 16 through December 31.

(ii) Limit 4 coho only.

(2) From Gold Creek upstream: Open the Saturday before Memorial Day through October 31.

Dusty Lake (Grant County): March 1 through November 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one fish.

Dyes Inlet (Kitsap County): All streams: First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Eaton Creek (Thurston County) (Lake St. Clair tributary): First Saturday in June through October 31 season. Selective gear rules.

Early Winters Creek (Okanogan County): Closed waters.

East Little Walla Walla River (Walla Walla County): Closed waters.

East Twin River (Clallam County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than eastern brook trout. Minimum length 8 inches.

Echo Lake (Snohomish County): Fourth Saturday in April through October 31 season.

Eglon Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Eight Creek (Lewis County) (tributary to Elk Creek, which is a Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Fourth Saturday in April through October 31 season.

Elk Creek (Clallam County), outside of Olympic National Park:

(1) Open the first Saturday in June through October 15.

(2) Selective gear rules apply.

(3) 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 kokanee.

Elk Creek (Lewis County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. All species: Selective gear rules.

Elk River (Grays Harbor County):

(1) From the mouth (Highway 105 Bridge) to the confluence of east and middle branches:

(a) Single-point barbless hooks required August 16 through November 30.

(b) Open for game fish 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.

(c) Salmon open October 1 through November 30:

(i) Limit 2; only one wild coho may be retained.

(ii) Release chum and Chinook.

(2) From confluence of east and middle branches upstream:

(a) Open the first Saturday in June through the last day in February.

(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.

Elkhorn Creek (Pacific County) (Smith River tributary): The first Saturday in June through October 31 season. All species: Selective gear rules.

Ell Lake (Okanogan County): Fourth Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Ellen Lake (Ferry County): Fourth Saturday in April through October 31 season. All species: Catch and release except up to five rainbow trout may be retained.

Elliot Creek (Snohomish County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules.

Ellis Creek (Pacific County) (Willapa River tributary): From mouth upstream: All game fish: First Saturday in June through October 15 season. Selective gear rules.

Ellsworth Creek (Pacific County) (Naselle River tributary): From mouth upstream: All game fish: First Saturday in June through September 30 season. Selective gear rules.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; from 200 feet above the department of fish and wildlife temporary weir downstream to Foster (Risk) Road Bridge while weir is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: Barbless hooks required for salmon and steelhead. The first Saturday in June through March 15 season. Anti-snagging rule, night closure, and stationary gear restriction August 1 through October 31. Trout: Release all fish except up to 2 hatchery steelhead may be retained per day. Salmon: Open the first Saturday in June through December 31. First Saturday in June through July 31, daily limit 6 hatchery Chinook, of which no more than 2 may be adults. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release chum, wild coho, and wild Chinook.

Eloika Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Elwha River (Clallam County): Closed waters.

Empire Lake (Ferry County): Fourth Saturday in April through October 31 season.

Entiat River (Chelan County):

(1) From mouth (Highway 97 bridge) to Entiat Falls:

(a) Open December 1 through March 31 for whitefish only.

(b) Whitefish gear rules apply.

(2) Above Entiat Falls:

(a) Open the Saturday before Memorial Day 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:

(i) Limit 5; no more than one greater than 12 inches in length may be retained.

(ii) Eastern brook trout limit 10. 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.

Ephrata Lake (Grant County): Closed waters.

Erie Lake (Skagit County): Fourth Saturday in April through October 31 season.

Evans Creek (Pierce County) (Carbon River tributary) from Carbon River-Fairfax Road upstream: First Saturday in June through October 31 season.

Failor Lake (Grays Harbor County): Fourth Saturday in April through October 31 season. Trout: No more than two over 15 inches in length may be retained per day.

Fairchild Creek (Pacific County) (Wilson Creek tributary, which is a Willapa River tributary): From mouth upstream: All game fish: First Saturday in June through October 31 season. Selective gear rules.

Fall River and all forks (Pacific County) (North River tributary): From mouth upstream: All game fish: The first Saturday in June through October 31 season. Selective gear rules.

Falls Creek (Pacific County) (Willapa River tributary): From mouth upstream: All game fish: First Saturday in June through October 15 season. Selective gear rules.

Falls Creek (Snohomish County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules.

Fan Lake (Pend Oreille County): Fourth Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County):

(1) It is unlawful to fish from any floating device from the first Friday in October through January 27.

(2) Channel catfish daily and possession limit is 2.

Fern Creek (Pacific County) (Willapa River tributary): From mouth upstream: All game fish: First Saturday in June through October 15 season. Selective gear rules.

Ferry Lake (Ferry County): Unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

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 Hoodspport Salmon Hatchery, ~~((se))~~ as long as those anglers follow all applicable rules of the adjoining waters of Marine Area 12.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Finn Creek (Pacific County) (Nemah River North Fork tributary): First Saturday in June through October 31 season.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained. Perch: Daily limit 25.

Fish Lake (Ferry County): Fourth Saturday in April through October 31 season.

Fish Lake (Okanogan County): Fourth Saturday in April through October 31 season.

Fish Lake (Spokane County): Fourth Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County): Mouth to I-5 Bridge: First Saturday in June through October 31 season. Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: First Saturday in June through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Fourth Saturday in April through September 30 season.

Fiske Creek (Pierce County) (Puyallup River tributary): Upstream from Fiske Road: First Saturday in June through October 31 season.

Forde Lake (Okanogan County): Fourth Saturday in April through October 31 season.

Fork Creek (Pacific County) (Willapa River tributary):

(1) From Forks Creek Hatchery Rack upstream 500 feet at fishing boundary sign:

(a) Closed waters except open to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card.

(b) Night closure in effect for all species.

(c) October 1 through November 30, single-point barbless hooks required and stationary gear restriction.

(d) Open for all game fish from the first Saturday in June through July 15 and October 1 through March 31:

(i) Up to 2 hatchery steelhead may be retained.

(ii) Catch and release all other fish.

(e) Salmon:

(i) Open October 1 through November 30:

(A) Limit 6; no more than 3 may be adults and only 2 adults may be wild coho.

(B) Release wild Chinook and chum.

(ii) Open December 1 through January 31:

(A) Limit 6; no more than 2 may be adults and only one adult may be a wild coho.

(B) Release wild Chinook and chum.

(2) From the fishing boundary sign 500 feet above Forks Creek Hatchery rack upstream to the source:

(a) Open first Saturday in June through October 31.

(b) Selective gear rules apply.

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.

Fortson Mill Pond #2 (Snohomish County): Fourth Saturday in April through October 31 season. Juveniles only.

Found Creek (Skagit County) (Cascade River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Fox Creek (Pierce County) (Puyallup River tributary): Upstream from Fiske Road: First Saturday in June through October 31 season.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Friday Creek (Whatcom County) (Samish River tributary): First Saturday in June through October 31 season. Selective gear rules.

Fulton Creek (Mason County): From mouth to falls at river mile 0.8: First Saturday in June through October 31 season. Selective gear rules and release all fish.

From falls at river mile 0.8 upstream: First Saturday in June through October 31 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Gale Creek (Pierce County) (South Prairie Creek tributary) upstream of confluence with Wilkeson Creek: First Saturday in June through October 31 season.

Gamble Creek (Kitsap County): First Saturday in June through October 31 season: Selective gear rules and release all fish.

Garfield Juvenile Pond (Whitman County): Juveniles only.

Garrard Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Fourth Saturday in April through October 31 season.

Germany Creek (Cowlitz County): From mouth to end of Germany Creek Road (approximately five miles): Barbless hooks required for steelhead. The first Saturday in June through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Gibbs Lake (Jefferson County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout.

Gillette Lake (Stevens County): Fourth Saturday in April through October 31 season.

Gissberg Pond, North (Snohomish County): Juveniles only.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): The first Saturday in June through March 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Gold Creek, Gold Creek Pond and Outlet Channel, tributary to Keechelus Lake (Kittitas County): Closed, including that portion of Gold Creek that flows through the dry lake bed.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Golf Course Pond (Asotin County): Trout: No more than 2 trout over 13 inches in length may be retained.

Goodell Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Goodman Creek (Jefferson County), outside Olympic National Park:

(1) Open the first Saturday in June through the last day in February.

(2) Selective gear rules apply.

(3) 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.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur:

- (1) Open year-round.
- (2) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

Goose Lake, Lower (Adams County): Crappie: Daily limit ten, minimum length nine inches. Bluegill: Not more than five over six inches in length.

Goss Lake (Island County): Fourth Saturday in April through October 31 season.

Grade Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Grande Ronde River (Asotin County):

- (1) General river rules:
  - (a) For all portions of the Grande Ronde River and its tributaries that are open to game fish angling:
    - (i) Channel catfish: No limit.
    - (ii) Bass: No size restrictions and no limit.
    - (iii) Walleye: No size restrictions and no limit.
  - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor from September 15 through March 15.
    - (2) Rules by river section:
      - (a) From mouth to County Road Bridge, about 2.5 miles upstream:
        - (i) Open year-round.
        - (ii) Selective gear rules apply September 1 through May 31.
          - (iii) Trout minimum length is 10 inches, and maximum length is 20 inches.
        - (b) From County Road Bridge upstream to Oregon state line and all tributaries, except Wenaha River tributaries:
          - (i) Selective gear rules apply the first Saturday in June through August 31.
          - (ii) Barbless hooks required September 1 through April 15.
          - (iii) Open the first Saturday in June through October 31; anglers may retain up to 3 hatchery steelhead.
          - (iv) Open from November 1 through April 15:
            - (A) Tributaries: Closed.
            - (B) Release all fish except whitefish and hatchery steelhead; up to 15 whitefish and 3 hatchery steelhead may be retained.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Creek (Grays Harbor County): From mouth upstream: First Saturday in June through October 31 season. All species: Selective gear rules.

Grass Lake (Mason County): Fourth Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From bridge at river mile 1.0 upstream: First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

Grays River (Wahkiakum County): From mouth to ((~~Highway 4 Bridge~~)) South Fork: Barbless hooks required for salmon and steelhead. First Saturday in June through March 15 season(~~(; and)~~), except closed from Highway 4 Bridge to mouth of South Fork(~~(; First Saturday in June through)~~) from October ((~~15 and December 1 through March 15 season~~)) 16 through November 30. Closed waters from 400 feet above to 200 feet above the temporary weir while the weir is installed in the river. Anti-snagging rule, night closure and stationary gear restriction from mouth to Highway 4 Bridge August 1 through November 15 and from Highway 4 Bridge to mouth of South Fork August 1 through October 15. All game fish: Release all fish except up to 2 hatchery steelhead may be retained per day. Salmon: From mouth to Highway 4 Bridge: Open first Saturday in June through December 31. First Saturday in June through July 31, daily limit 6 hatchery Chinook, of which no more than 2 may be adults. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release chum, wild coho, and unmarked Chinook. Unmarked Chinook are Chinook without either a clipped ventral fin or a clipped adipose fin. From Highway 4 Bridge to South Fork: Open first Saturday in June through October 15 and December 1 through December 31. First Saturday in June through July 31, daily limit 6 hatchery Chinook, of which no more than 2 may be adults. August 1 through October 15 and December 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release chum, wild coho and unmarked Chinook. Unmarked Chinook are Chinook without either a clipped ventral fin or a clipped adipose fin.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all fish except up to 2 hatchery steelhead may be retained per day.

Grays River, West Fork (Wahkiakum County): Downstream from hatchery intake/footbridge: Barbless hooks required for salmon and steelhead. The first Saturday in June through March 15 season, except closed waters from posted markers approximately 300 yards below the hatchery road bridge downstream to mouth October 16 through November 30. August 1 through November 15: Anti-snagging rule, night closure and stationary gear restriction. October 16 through March 15: Release all fish except up to 2 hatchery steelhead may be retained per day. Salmon: Open from first Saturday in June through December 31. First Saturday in June through July 31, daily limit 6 hatchery Chinook, of which no more than 2 may be adults. August 1 through December 31, daily limit 6 fish, of which not more than 2 may be adult Chinook. Release chum, wild coho and unmarked Chinook. Unmarked Chinook are Chinook without either a clipped ventral fin or a clipped adipose fin.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules, and unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Green River (Cowlitz County):

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

(a) Barbless hooks required for salmon and steelhead.

(b) Closed waters:

(i) All tributaries.

(ii) 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.

(iii) 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.

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

~~((b))~~ (c) Anti-snagging rule and night closure in effect September 1 through October 31 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.

~~((e))~~ (d) Open the last Saturday in May through November 30:

(i) From the mouth to 400 feet below the Toutle Hatchery water intake:

(A) Open from the last Saturday in May through the first Friday in June.

(B) Selective gear rules apply.

(C) Release all trout, except anglers may retain up to 2 hatchery steelhead.

(ii) From the first Saturday in June through November 30, trout catch and release only, except anglers may retain up to 2 hatchery steelhead.

~~((d))~~ (e) Salmon:

(i) Open August 1 through November 30.

(ii) Limit 6; not more than 2 adult Chinook may be retained.

(iii) Release chum, wild coho, and wild Chinook.

(2) From Miner's Creek upstream:

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

(b) Selective gear rules apply.

(c) Catch and release only.

Green (Duwamish) River (King County):

(1) From the First Avenue South Bridge to Tukwila International Boulevard/Old Highway 99:

(a) Anti-snagging rule and night closure in effect September 1 through November 30.

(b) It is unlawful to fish from any floating device November 1 through January 15.

(c) Open the first Saturday in June through July 31 and September 1 through January 15; trout minimum length 14 inches.

(d) In years ending in odd numbers, additional season for game fish and salmon August ~~((20))~~ 23 through August 31:

(i) Night closure in effect.

(ii) Anti-snagging rule applies.

(iii) It is unlawful to use bait.

(iv) Only one single-point hook may be used. The hook must measure (~~((less than))~~) 1/2 inch or less from point to shank.

(v) Trout minimum length 14 inches.

(e) Salmon:

(i) In years ending in odd numbers:

(A) Open August (~~((20))~~) 23 through December 31.

(B) Limit 6 salmon; no more than 3 may be any combination of adult coho and adult chum.

(C) Release Chinook.

(ii) In years ending in even numbers:

(A) Open September 1 through December 31.

(B) Limit 6; no more than 3 adults may be retained.

(C) Release Chinook.

(2) From Tukwila International Boulevard/Old Highway 99 to the Interstate 405 Bridge:

(a) Anti-snagging rule and night closure in effect September 1 through November 30.

(b) It is unlawful to fish from any floating device November 1 through January 15.

(c) Open the first Saturday in June through July 31 and September 1 through January 15; trout minimum length 14 inches.

~~((In years ending in odd numbers, additional season for game fish and salmon August 20 through August 31:~~

~~(i) Night closure in effect.~~

~~(ii) Anti-snagging rule applies.~~

~~(iii) It is unlawful to use bait.~~

~~(iv) Only one single-point hook may be used. The hook must measure less than 1/2 inch from point to shank.~~

~~(v) Trout minimum length 14 inches.~~

~~((e))~~ Salmon:

(i) In years ending in odd numbers:

(A) Open (~~((August 20))~~) September 1 through December 31.

(B) Daily limit 6 salmon; no more than 3 may be any combination of adult coho and adult chum.

(C) Release Chinook.

(ii) In years ending in even numbers:

(A) Open September 1 through December 31.

(B) Limit 6 salmon; no more than 3 adults may be retained.

(C) Release Chinook.

(3) From the Interstate 405 Bridge to South 277th Street Bridge in Auburn:

(a) Anti-snagging rule and night closure in effect October 1 through November 30.

(b) It is unlawful to fish from any floating device November 1 through January 15.

(c) Open the first Saturday in June through July 31 and October 1 through January 15; trout minimum length 14 inches.

(d) In years ending in odd numbers, additional season for game fish and salmon September 1 through September 30:

(i) Night closure in effect.

(ii) Anti-snagging rule applies.

(iii) It is unlawful to use bait.

(iv) Only one single-point hook may be used. The hook must measure (~~((less than))~~) 1/2 inch or less from point to shank.

- (v) Trout minimum length 14 inches.
- (e) Salmon:
  - (i) In years ending in odd numbers:
    - (A) Open September 1 through December 31.
    - (B) Limit 6; no more than 3 may be any combination of adult coho and adult chum.
  - (C) Release Chinook.
  - (ii) In years ending in even numbers:
    - (A) Open October 1 through December 31.
    - (B) Limit 6; no more than 3 adults may be retained.
    - (C) Release Chinook.
- (4) From the 277th Street Bridge to Auburn-Black Diamond Road Bridge:
  - (a) Anti-snagging rule and night closure in effect October 16 through November 30.
  - (b) It is unlawful to fish from a floating device November 1 through January 31.
  - (c) Open the first Saturday in June through August 15 and October 16 through January 31; trout minimum length 14 inches.
  - (d) In years ending in odd numbers, additional season for game fish and salmon September 16 through October 15:
    - (i) Night closure in effect.
    - (ii) Anti-snagging rule applies.
    - (iii) It is unlawful to use bait.
    - (iv) Only one single-point hook may be used. The hook must measure (~~less than~~) 1/2 inch or less from point to shank.
  - (v) Trout minimum length 14 inches.
  - (e) Salmon:
    - (i) In years ending in odd numbers:
      - (A) Open September 16 through December 31.
      - (B) Limit 6; no more than 3 may be any combination of adult coho and adult chum.
    - (C) Release Chinook.
    - (ii) In years ending in even numbers:
      - (A) Open October 16 through December 31.
      - (B) Limit 6; no more than 3 adults may be retained.
      - (C) Release Chinook.
- (5) From the Auburn-Black Diamond Road Bridge to the mouth of Cristy Creek at Flaming Geyser State Park:
  - (a) Closed waters within 150 feet of the mouth of Keta (Crisp) Creek.
  - (b) Anti-snagging rule and night closure in effect August 1 through September 15 and November 1 through November 30.
  - (c) Open the first Saturday in June through September 15 and November 1 through January 31; trout minimum length 14 inches.
  - (d) Salmon:
    - (i) Open November 1 through December 31.
    - (ii) Limit 6; no more than 3 (~~adults~~) may be (~~retained~~) any combination of adult coho and adult chum.
    - (iii) Release Chinook.
  - (6) From mouth of Cristy Creek at Flaming Geyser State Park to the water pipeline walk bridge (1/2 mile downstream of Tacoma Headworks Dam):
    - (a) Closed waters within 150 feet of the Palmer Pond outlet rack.

- (b) Anti-snagging rule and night closure in effect August 1 through November 30.
- (c) Open the first Saturday in June through January 31; trout minimum length 14 inches.
- (d) Salmon:
  - (i) Open November 1 through December 31.
  - (ii) In years ending in odd numbers:
    - (A) Limit 6; no more than 3 may be any combination of adult coho and adult chum.
    - (B) Release Chinook.
  - (iii) In years ending in even numbers:
    - (A) Limit 6; no more than 3 adults may be retained.
    - (B) Release Chinook.
- (7) From Friday Creek upstream, including all tributaries and their tributaries, open the Saturday before Memorial Day through October 31.

Greenwater River (King County), from mouth to Greenwater Lakes: November 1 through January 31 season. Release all fish except whitefish. Whitefish gear rules.

From Greenwater Lakes upstream: First Saturday in June through October 31 season.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Groves Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Halfmoon Creek (Pacific County) (Willapa River tributary): From mouth upstream: All game fish: First Saturday in June through October 15 season. Selective gear rules.

Halfmoon Lake (Adams County): April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

Halfway Creek (Lewis County) (tributary of Stillman Creek, which is a Chehalis River tributary): From mouth to second bridge crossing on Pe Ell McDonald Road: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Hamilton Creek (Skamania County): Barbless hooks required for steelhead. Trout: Release all fish except up to two hatchery steelhead may be retained per day. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

- (1) From the mouth to 400 feet below the falls:
  - (a) Open the first Saturday in June 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) Catch and release only.
- (2) From the falls upstream: Open the first Saturday in June through October 31.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hanaford Creek (Lewis County) (Skookumchuck River tributary): From mouth upstream: All Species: Selective gear rules. The first Saturday in June through October 31 season. Trout: Minimum length eight inches.

Hancock Lake (King County): Fourth Saturday in April through October 31 season. All tributary streams and the upper third of the outlet are closed waters. Unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

Hansen Creek (Skagit County): Including all tributaries and their tributaries: First Saturday in June through October 31 season. Selective gear rules.

Harris Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Harris Lake (Grant County): All species: Selective gear rules. Trout: Daily limit 1.

Harrison Slough (Skagit County): All game fish: First Saturday in June through October 31 season.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Hatch Lake (Stevens County): December 1 through March 31 season. All species: Catch and release except up to five rainbow trout may be retained.

Hatchery Lake (Mason County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Haven Lake (Mason County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): April 1 through September 30 season.

Headgate Pond (Asotin County):

(1) Open to juvenile anglers, seniors, and anglers with a disability who possess a designated harvester companion card only.

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

Heart Lake (near Anacortes) (Skagit County): Fourth Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

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

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Fourth Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Hilt Creek (Skagit County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Hog Canyon Creek (Spokane County): Hog Canyon Dam to Scroggie Road: Year-round season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County):

(1) From Olympic National Park boundary upstream to DNR Oxbow Campground Boat Launch:

(a) Open May 16 through April 15.

(b) From February 16 through April 15, wild steelhead retention allowed.

(c) From May 16 through the Friday before the first Saturday in June:

(i) Open Wednesdays through Sundays only.

(ii) Release game fish, except anglers may retain up to 2 hatchery steelhead.

(d) From the first Saturday in June through April 15:

(i) 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.

(ii) From April 1 through April 15, trout minimum length 14 inches.

(iii) From November 1 through February 15, limit may include one additional hatchery steelhead.

(e) Salmon open May 16 through November 30:

(i) From May 16 through August 31:

(A) Open Wednesday through Sunday only.

(B) Limit 6; no more than 1 adult may be retained.

(C) Release wild Chinook.

(ii) From September 1 through November 30:

(A) Limit 6.

(B) No more than 2 adults may be retained.

(2) From DNR Oxbow Campground Boat Launch to Willoughby Creek:

(a) Open May 16 through April 15.

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

(ii) Selective gear rules apply (~~(August 1)~~) May 16 through October 15 and December 1 through April 15.

(b) From May 16 through the Friday before the first Saturday in June:

(i) Open Wednesdays through Sundays only.

(ii) Release game fish, except anglers may retain up to 2 hatchery steelhead.

(c) From the first Saturday in June 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.

(d) Salmon:

(i) Open May 16 through August 31:

(A) Open Wednesdays through Sundays only.

(B) Limit 6; no more than 1 adult may be retained.

(C) Release wild Chinook.

(ii) Open October 16 through November 30:

(A) Limit 6.

(B) No more than 2 adults may be retained.

(3) From Willoughby Creek to Morgan's Crossing boat launch site:

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

(b) Selective gear rules apply from the first Saturday in June through October 15 and December 1 through April 15.

(c) Open the first Saturday in June 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.

(d) Salmon:

(i) Open October 16 through November 30.

(ii) Limit 6; no more than 2 adults may be retained.

(4) From Morgan's Crossing Boat Launch upstream to the Olympic National Park boundary below mouth of South Fork Hoh River:

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

(b) Selective gear rules apply.

(c) Open the first Saturday in June 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.

Hoh River, South Fork (Jefferson County), outside the Olympic National Park boundary:

(1) Open the first Saturday in June through April 15.

(2) Selective gear rules apply.

(3) 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.

Hoko River (Clallam County):

From mouth to upper Hoko Bridge: Permissible to fish up to the hatchery ladder, except closed to fishing from shore on the hatchery side of the river from the ladder downstream 100 feet. First Saturday in June through March 15 season. Fly fishing only September 1 through October 31. Trout: Minimum length fourteen inches.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): The first Saturday in June through March 31 season. Fly fishing only. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Homestead Lake (Grant County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one fish.

Hoquiam River, including West Fork (Grays Harbor County):

(1) From mouth to Dekay Road Bridge (West Fork):

(a) Single-point barbless hooks required August 16 through November 30.

(b) 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.

(c) Salmon:

(i) Open October 1 through November 30.

(ii) Limit 6; no more than 2 adults may be retained, and only one may be an adult wild coho.

(iii) Release Chinook and chum.

(2) From Dekay Road Bridge upstream:

(a) Open the first Saturday in June through the last day of 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.

Hoquiam River, East Fork (Grays Harbor County):

(1) From mouth to confluence of Berryman Creek:

(a) Single-point barbless hooks required August 16 through November 30.

(b) 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.

(c) Salmon:

(i) Open October 1 through November 30.

(ii) Limit 6; no more than 2 adults may be retained, and only one may be an adult wild coho.

(iii) Release Chinook and chum.

(2) From confluence of Berryman Creek upstream to Youman's Road Bridge:

(a) Open the first Saturday in June through the last day of February.

(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.

Hoquiam River, Middle Fork (Grays Harbor County): From mouth upstream: The first Saturday in June through last day of October season. Trout: Minimum length eight inches, daily limit 2 fish. Selective gear rules. Other game fish: Selective gear rules.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Jefferson County): Fourth Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Fourth Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Horseshoe Lake (Pend Oreille County): Fourth Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Horsethief Lake (Klickitat County): Fourth Saturday in April through October 31 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Creek (Whatcom County): 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, and including all tributaries: Open the Saturday before Memorial Day through October 31.

Howard Lake (Snohomish County): Fourth Saturday in April through October 31 season.

Howe Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Howell Lake (Mason County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Hozomeen Lake (Whatcom County): July 1 through October 31 season. Unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County):

(1) From the mouth (Jessie Slough) to Ocean Beach Road (near Copalis Crossing), including all channels, sloughs, and interconnected waterways:

(a) August 16 through ~~((August 31 and October 1 through))~~ November 30:

(i) Night closure in effect.

(ii) Single-point barbless hooks required.

(b) Open the first Saturday in June through March 31 ~~((except closed September 1 through September 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.

(c) Salmon open ~~((October))~~ September 1 through January 31:

(i) From ~~((October))~~ September 1 through November 30:

(A) Limit 6; no more than 3 adults may be retained.

(B) Only one adult Chinook and one adult wild coho may be retained.

~~((C) Release chum:))~~

(ii) From December 1 through January 31:

(A) Limit 6; no more than 2 adults may be retained.

(B) Only one adult Chinook may be retained.

(C) Release chum and wild coho.

(2) From Ocean Beach Road (near Copalis Crossing) to Highway 101 Bridge:

(a) August 16 through ~~((August 31 and September 16 through))~~ November 30:

(i) Night closure in effect.

(ii) Single-point barbless hooks required.

(b) Open the first Saturday in June through March 31 ~~((except closed September 1 through September 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.

(c) Salmon open September ~~((16))~~ 1 through January 31:

(i) From September ~~((16))~~ 1 through November 30:

(A) Limit 6; no more than 3 adults may be retained.

(B) Only one adult ~~((may be))~~ Chinook and only ~~((2))~~ one adult ~~((s may be))~~ wild coho may be retained.

~~((C) Release chum:))~~

(ii) From December 1 through January 31:

(A) Limit 6; no more than 2 adults may be retained.

(B) Only one adult may be Chinook.

(C) Release chum and wild coho.

(3) From Highway 101 Bridge to the confluence of the East and West forks:

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor from September 1 through March 31 for all species.

(b) From August 16 through November 30:

(i) Night closure in effect.

(ii) Single-point barbless hooks are required.

~~((b))~~ (c) Open the first Saturday in June through March 31:

(i) 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.

(ii) From March 1 through March 31:

(A) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(B) Selective gear rules apply.

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

~~((e))~~ (d) Salmon open September ~~((16))~~ 1 through January 31:

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

~~((i))~~ (ii) From September ~~((16))~~ 1 through November 30:

(A) Limit 6; no more than 3 adults may be retained.

(B) Only one adult Chinook and only one adult wild coho may be retained.

(C) Release chum.

~~((iii))~~ (ii) From December 1 through January 31:

(A) Limit 6; no more than 2 adults may be retained, and only one may be an adult Chinook.

(B) Release chum and wild coho.

Humptulips River, East Fork (Grays Harbor County):

(1) From the mouth to the concrete bridge on Forest Service Road 220:

(a) Anti-snagging rule and night closure in effect August 16 through October 31.

(b) 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.

(2) From the concrete bridge on Forest Service Road 220 upstream:

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

(b) Selective gear rules apply.

Humptulips River, West Fork (Grays Harbor County):

(1) From mouth to Donkey Creek:

(a) Anti-snagging rule and night closure in effect August 16 through November 30.

(b) Open the first Saturday in June through March 31:

(i) 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.

(ii) From March 1 through March 31:

(A) Selective gear rules apply.

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

(C) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(2) From Donkey Creek upstream:

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

(b) Selective gear rules apply.

Hutchinson Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Hylebos Creek (Pierce County): First Saturday in June through October 31 season. Two trout over 14 inches in length. Selective gear rules apply.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion motors prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

(1) Closed waters from the mouth to the Leavenworth National Fish Hatchery rack.

(2) From the Leavenworth National Fish Hatchery rack upstream to Leland Creek:

(a) Open the Saturday before Memorial Day through September 30.

(b) Selective gear rules apply.

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

Illabot Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

Illahee Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Independence Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Indian Creek and tributaries (Pend Oreille County):

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

(2) Eastern brook trout limit 10.

(3) Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken.

Indian Creek (Yakima County):

(1) Closed from the mouth to the waterfall approximately 6 miles upstream (including the portion of the creek that flows through the dry lakebed).

(2) Upstream of the waterfall approximately 6 miles upstream from the mouth:

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

(b) Eastern brook trout:

(i) No size restrictions and no limit.

(ii) Eastern brook trout do not count as part of the trout limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Isabella Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Island Lake (Kitsap County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Island Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Issaquah Creek (King County): The first Saturday in June through August 31 season. Juveniles only.

Jackman Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

Jackson Lake (Pierce County): Fourth Saturday in April through October 31 season.

Jameson Lake (Douglas County): Fourth Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Creek (Mason County): Open the Saturday before Memorial Day through October 31.

Jefferson Park Pond (Walla Walla County): Juveniles only. Trout: No more than 2 trout over 13 inches in length may be retained.

Jennings Park Pond (Snohomish County): Fourth Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): Mouth to confluence with East Fork: The first Saturday in June through August 31 season. Selective gear rules and release all fish.

From confluence with East Fork upstream, including East Fork: First Saturday in June through October 31 season.

Joe Creek (Grays Harbor County):

(1) From ~~((State Highway 109 Bridge))~~ mouth to Ocean Beach Road Bridge:

(a) Single-point barbless hooks required August 16 through November 30.

(b) 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.

(c) Salmon open September 1 through November 30:

(i) Limit 6; no more than 2 adults may be retained.

(ii) Release adult Chinook and chum.

(2) From Ocean Beach Road Bridge upstream:

(a) 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) Selective gear rules apply.

Johns Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Johns River (Grays Harbor County):

(1) From the mouth (Highway 105 Bridge) to Ballon Creek:

(a) Single-point barbless hooks required August 16 through November 30.

(b) 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.

(c) Salmon open October 1 through November 30:

(i) Limit 2; only one wild coho may be retained.

(ii) Release chum and Chinook.

(2) From Ballon Creek upstream, including North and South Forks:

(a) Open the first Saturday in June through September 30, and December 1 through the last day in February.

(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.

Johnson Creek (Lewis County) (Cowlitz River tributary): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length ten inches.

Johnson Creek (Thurston County) (Skookumchuck River tributary): From mouth upstream: All Species: Selective gear

rules. The first Saturday in June through October 31 season. Trout: Minimum length eight inches.

Johnson Creek (Whatcom County): From Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: First Saturday in June through October 31 season. Juveniles only.

Jolanda, Lake (Chelan County): Closed.

Jones Creek (Lewis County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Jones Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

Jordan Creek (Skagit County) (Cascade River tributary): First Saturday in June through October 31 season. Selective gear rules.

Jorsted Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Jump-Off Joe Lake (Stevens County): Fourth Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Kachess River (Kittitas County):

(1) It is permissible to fish to base of Kachess Dam.

(2) Selective gear rules apply.

(3) Closed waters from Kachess Lake (Reservoir) upstream to the waterfall approximately one-half mile above Mineral Creek.

Kalaloch Creek (Jefferson County), outside Olympic National Park:

(1) Closed waters within the section posted as the Olympic National Park water supply.

(2) Open the first Saturday in June through the last day in February:

(a) Selective gear rules apply.

(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.

Kalama River (Cowlitz County):

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

(a) Closed waters:

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

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

(b) All other waters open year-round.

(c) Barbless hooks required for salmon and steelhead.

(d) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

~~((e))~~ (e) Anti-snagging rule and night closure in effect April 1 through October 31 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.

~~((e) Stationary gear restriction applies September 1 through October 31 from the railroad bridge below I-5 to the natural gas pipeline at Mahaffey's Campground.)~~

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

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

(h) Salmon open (~~year-round~~):

(i) From January 1 through ~~(July 31)~~ April 30:

(A) Limit 6 hatchery Chinook only.

(B) No more than 1 adult hatchery Chinook may be retained.

(ii) From August 1 through December 31:

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

(B) Release all salmon other than hatchery Chinook and hatchery coho.

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

(a) Open year-round.

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

(c) Selective gear rules apply.

(d) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

(3) From Summers Creek upstream to Kalama Falls:

(a) Closed from the 6420 Road, approximately one mile above the gate at the end of the county road, to Kalama Falls.

(b) Open the first Saturday in June through March 31:

(i) It is unlawful to fish from a floating device equipped with a motor.

(ii) Fly fishing only.

(iii) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Kapowsin Lake (Pierce County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained.

Kelsey Creek (tributary of Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Kendall Creek (Whatcom County) (NF Nooksack tributary) above the hatchery grounds: First Saturday in June through October 31 season. Selective gear rules.

Kennedy Creek (Mason County):

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

(a) Open the first Saturday in June through the last day in February.

(b) Selective gear rules apply from Highway 101 Bridge to 400 feet below the falls, except October 1 through December 31.

(c) Anti-snagging rule and night closure in effect October 1 through December 31.

(d) Trout minimum length 14 inches.

(e) Salmon:

(i) Open October 1 through November 30 from the mouth to the northbound Highway 101 Bridge.

(ii) Limit 6; no more than 2 adults may be retained.

(iii) Release wild coho.

(2) From the falls upstream, including all tributaries:

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

(b) Selective gear rules apply within the mainstem of Kennedy Creek.

Kennedy Creek Pond (Thurston County): Fourth Saturday in April through October 31 season.

Kettle River (Stevens County):

(1) From the mouth to Barstow Bridge, the tributaries are open from the Saturday before Memorial Day through October 31.

(2) From Barstow Bridge upstream:

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

(b) Selective gear rules apply, except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.

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

(d) Trout minimum length 12 inches.

(e) It is unlawful to fish for or retain sturgeon.

(f) Open November 1 through May 31 for whitefish only.

Whitefish gear rules apply as provided in WAC 220-56-100.

(3) Tributaries to Kettle River, from Barstow Bridge upstream; open from the Saturday before Memorial Day through October 31.

Ki Lake (Snohomish County): Fourth Saturday in April through October 31 season.

Kidney Lake (Skamania County): Fourth Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Fourth Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kindy Creek (Skagit County) (Cascade River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

King's Creek (Pierce County) (Puyallup River tributary): First Saturday in June through October 31 season.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kitsap Lake (Kitsap County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Kiwanis Pond (Kittitas County): Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

Klaus Lake (King County): Fourth Saturday in April through October 31 season. Closed waters: The inlet and outlet to first Weyerhaeuser spur.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: Barbless hooks required for salmon and steelhead. April 1 through January 31 season. Anti-snagging rule and night closure April 1 through May 31 and August 1 through January 31. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained. Game fish: Closed December 1 through January 31. Release game fish other than hatchery steelhead April 1 through May 31. Trout: Minimum length twelve inches. Steelhead and salmon: Open April 1 through May 31 on Sundays, Mondays, Wednesdays and Saturdays only; daily limit 2 hatchery steelhead or 2 salmon, or 1 of each. Release wild Chinook. Salmon: Open June 1 through January 31. June 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild Chinook. August 1 through January 31, daily limit 6 fish of which no more than 2 may be adult Chinook.

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to the Yakama Indian Reservation boundary: Barbless hooks required for salmon and steelhead. June 1 through November 30 season, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Additional December 1 through March 31 season. Whitefish gear rules apply. Salmon: Open only June 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. June 1 through July 31, daily limit 6 salmon. Release adult salmon and release wild Chinook. August 1 through October 31, daily limit 6 fish of which no more than 2 may be adult Chinook. November 1 through November 30, daily limit 6 fish. Release Chinook.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County):

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

(2) No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Fourth Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Kokanee Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Kress Lake (Cowlitz County):

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

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

(3) No more than 2 trout 20 inches in length or greater may be retained.

(4) Landlocked salmon rules apply.

Lacamas Creek (Clark County): From mouth to footbridge at lower falls: First Saturday in June through August 31 season. From footbridge at lower falls upstream: Permissible to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): Barbless hooks required for steelhead. Trout: Release all trout except up to two hatchery steelhead may be retained per day.

Ladder Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Closed waters.

Langlois Lake (King County): Fourth Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

Lawrence Lake (Thurston County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

LeBar Creek (Mason County): From the falls at river mile one upstream: First Saturday in June through October 31 season.

Le Clerc Creek and tributaries (Pend Oreille County):

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

(2) Eastern brook trout limit is 10.

(3) Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken.

Ledbetter Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than one over 14 inches in length.

Leland Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Leland Lake (Jefferson County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Lemna Lake (Grant County): April 1 through September 30 season.

Lena Creek (Mason County): First Saturday in June through October 31 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish. Additional season the first Saturday in June through November 30: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks:

- (1) Open year-round.
- (2) Barbless hooks required for salmon and steelhead.
- (3) Fishing two poles is permissible from Railroad Bridge near Kuhns Road upstream to mouth of East Fork Lewis, so long as the angler possesses a two-pole endorsement.

~~((3))~~ (4) Trout: Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((4))~~ (5) Salmon (~~(-open year-round)~~):

(a) Open from January 1 through ~~((July 31))~~ April 30:

~~((+))~~ Limit 6 hatchery Chinook (~~(-~~

~~(+))~~; no more than one (~~(hatchery Chinook)~~) may be an adult.

(b) From August 1 through September 30:

(i) Limit 6 hatchery salmon; no more than 2 may be adult hatchery Chinook.

(ii) Release all salmon except hatchery Chinook and hatchery coho.

(c) From October 1 through December 31:

(i) Limit 6; no more than 2 may be adult Chinook.

(ii) Release all salmon except Chinook and hatchery coho.

~~((5))~~ (6) Sturgeon: Seasons, days of the week, limits, and size restrictions are the same as in adjacent waters of the mainstem Columbia River.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hun-

dred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream including all tributaries above Horseshoe Falls.

Mouth to 400 feet below Horseshoe Falls: The first Saturday in June through March 15 season. Barbless hooks required for steelhead. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained. Mouth to top boat ramp at Lewisville Park: Additional April 16 through the Friday before the first Saturday in June season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Release all fish except up to 2 hatchery steelhead may be retained per day.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year-round season except, closed waters: From Johnson Creek upstream May 1 through May 31, and those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder (~~(are closed waters)~~). Barbless hooks required for salmon and steelhead. All species: Fishing two poles is permissible from mouth to Johnson Creek, so long as the angler possesses a two-pole endorsement. Anti-snagging rule and night closure (~~(April)~~) June 1 through November 30 and April 1 through April 30 from Johnson Creek to Colvin Creek. When anti-snagging rule is in effect, only fish hooked inside the mouth may be retained. Trout: Release all fish except up to 2 hatchery steelhead may be retained per day. Salmon: Open (~~(year-round)~~) August 1 through April 30. January 1 through ~~((July 31))~~ April 30, daily limit 6 hatchery Chinook of which only 1 may be an adult salmon. August 1 through September ~~((14))~~ 30, daily limit 6 hatchery salmon, of which no more than 2 may be adult hatchery Chinook. Release all salmon except hatchery Chinook and hatchery coho. ~~((September 15))~~ From October 1 through December 31, daily limit 6 salmon, of which no more than 2 adult Chinook may be retained. Release all salmon except Chinook and hatchery coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in waters of mainstem Columbia River adjacent to mouth of Lewis River.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: Barbless hooks required for salmon and steelhead. June 1 through October 15 and December 16 through ~~((September))~~ April 30 seasons. Anti-snagging rule and night closure April 1 through ~~((September))~~ April 30 and June 1 through October 15. When anti-snagging rule is in effect, only fish hooked inside the mouth may be retained. Trout: Release all fish except up to 2 hatchery steelhead may be retained per day. Salmon: Open (~~(only January 1 through September 30))~~ August 1 through October 15 and December 16 through ~~((December 31))~~ April 30. January 1 through ~~((July 31))~~ April 30, daily limit 6 hatchery Chinook of which only 1 may be an adult salmon. August 1 through September ~~((14))~~ 30, daily limit 6 hatchery salmon, of which no more than 2 may be adult hatchery Chinook. Release all salmon except hatchery Chinook and hatchery coho (~~((September 15))~~). October 1 through ~~((September 30))~~ October 15 and December 16 through December 31. Daily limit 6 salmon, of which no more than 2 may be adult Chinook. Release all salmon except Chinook and hatchery coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in

waters of mainstem Columbia River adjacent to mouth of Lewis River.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal: From the fishing pier to the access road at Swift Dam: Fourth Saturday in April through October 31 season. Fishing from a floating device prohibited. Trout: No minimum size, daily limit 5.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Liberty Lake (Spokane County): March 1 through October 31 season.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: The first Saturday in June through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

From falls upstream: First Saturday in June through October 31 season.

Lilly Lake (Chelan County): Fourth Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Lime Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Limerick Lake (Mason County): Fourth Saturday in April through October 31 season.

Lincoln Creek, including South Fork (Lewis County) (Chelalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Lincoln Pond (Clallam County): Juveniles only.

Lions Park Pond (Walla Walla County): Juveniles only. Trout: No more than 2 trout over 13 inches in length may be retained.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): The first Saturday in June through August 31 season. Juveniles only.

Little Hoko River (Clallam County): First Saturday in June through October 31 season. Selective gear rules. All species: Release all fish.

Little Hoquiam River (Grays Harbor County): From mouth upstream: The first Saturday in June through October 31 season. Selective gear rules.

Little Klickitat River (Klickitat County): Within Goldendale city limits: Fourth Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

Little Mission Creek (Mason County) from falls upstream: First Saturday in June through October 31 season. Selective gear rules and release all fish.

Little Naches River (Yakima County), including tributaries: Selective gear rules apply.

Little Nisqually River (Lewis County): First Saturday in June through October 31 season. Trout: Minimum length fourteen inches.

Little North River ((~~Creek~~)) and all forks (Grays Harbor County) (North River tributary): From mouth upstream: All game fish: The first Saturday in June through October 31 season. Selective gear rules.

Little Pend Oreille River (Stevens County):

(1) From the Little Pend Oreille wildlife refuge boundary approximately 1 mile downstream from the refuge headquarters office, to Crystal Falls:

(a) Open the Saturday before Memorial Day 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) Release all fish except anglers may retain up to 5 eastern brook trout.

(2) All tributaries to the Little Pend Oreille River are open the Saturday before Memorial Day through October 31.

Little Quilcene River (Jefferson County): From mouth to the Little Quilcene River Bridge on Penny Creek Road: First Saturday in June through October 31 season. All species: Selective gear rules, unlawful to fish from a floating device equipped with an internal combustion motor, and release all fish. Closed waters: Mouth to Highway 101 Bridge September 1 through October 31.

From Little Quilcene River Bridge on Penny Creek Road upstream: First Saturday in June through October 31 season.

Little Scandia Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Little Spokane River (Spokane County):

(1) Open year-round from the mouth to the SR 291 Bridge.

(2) From the SR 291 Bridge upstream to the West Branch:

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

(b) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(3) From the West Branch upstream:

(a) Closed from the inlet of Chain Lake upstream one-quarter mile to the railroad crossing culvert.

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

(c) Release kokanee taken upstream from the bridge at Fridegar Rd, including Chain Lake.

(4) All tributaries to the Little Spokane River, not otherwise listed in this document, are open the Saturday before Memorial Day through October 31.

Little Twin Lake (Okanogan County): Fourth Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Little Twin Lake (Stevens County): Fourth Saturday in April through October 31.

Little Washougal River (Clark County): Barbless hooks required for steelhead.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County):

(1) Closed waters 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.

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

(3) Trout limit 5.

Lone Lake (Island County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Fourth Saturday in April through October 31 season. Fly fishing only. Unlawful to use flies containing lead. Unlawful to fish from floating devices equipped with motors.

Long Beach Peninsula waterways and lakes (Pacific County): All game fish: Fourth Saturday in April through October 31 season.

Long Lake (Okanogan County): Fourth Saturday in April through September 30 season.

Long Lake (Thurston County): Trout limit 5; no more than 2 over 14 inches in length may be retained, except no size restriction for kokanee.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Fourth Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Fourth Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Kittitas County): Trout: Not more than 1 fish over 14 inches in length.

Lost Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine. Unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

Lost River (Okanogan County):

(1) Closed from the mouth to the mouth of Monument Creek.

(2) From the mouth of Monument Creek to the outlet of Cougar Lake:

(a) Open the Saturday before Memorial Day 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:

(i) Minimum length 14 inches.

(ii) It is permissible to retain Dolly Varden/Bull Trout, as part of the trout limit; minimum length 14 inches.

Love Lake (Clark County): Closed waters.

Lower Salmon Creek and all forks (Grays Harbor/Pacific counties) (North River tributary): From mouth upstream: All game fish: The first Saturday in June through October 31 season. Selective gear rules.

Lucas Creek (Lewis County) (tributary to the Newaukum River North Fork): From mouth upstream: The first Saturday in June through October 31 season. Trout: Catch and release only. Selective gear rules. Other game fish: Selective gear rules.

Lucky Duck Pond (Stevens County): Juveniles only.

Ludlow Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Ludlow Lake (Jefferson County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Lyle Lake (Adams County): April 1 through September 30 season.

Lyle Creek (King County) (White River tributary): First Saturday in June through October 31 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: The first Saturday in June through January 31 season. Trout: Minimum length fourteen inches.

From falls to Olympic National Park boundary: First Saturday in June through October 31 season. Selective gear rules. All species: Release all fish.

Mad River (Chelan County): From mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Fourth Saturday in April through November 30 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee. Salmon: Landlocked salmon rules apply.

Malaney Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Manastash Creek (Kittitas County), including tributaries: Selective gear rules apply.

Maple Creek (Whatcom County) (NF Nooksack tributary): First Saturday in June through October 31 season. Selective gear rules.

Marble Creek (Skagit County) (Cascade River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

Margaret Lake (King County): Fourth Saturday in April through October 31 season.

Marsh Creek (Snohomish County) (Sultan River tributary): Above the falls and upstream, including tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.

Marshal Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Fourth Saturday in April through October 31 season.

Matheny Creek (Jefferson County) (Queets River tributary), outside Olympic National Park:

- (1) Open the first Saturday in June through October 31.
- (2) Selective gear rules apply.
- (3) 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.

Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Mayfield Lake (Reservoir) (Lewis County): Mayfield Dam to 400 feet below Mossyrock Dam: Closed waters: Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Release rainbow trout except rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho and wild Chinook.

McAllister Creek (Thurston County): Barbless hooks required. First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Salmon: Open July 1 through November 30. Daily limit six fish and up to two adults may be retained.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

McDowell Lake (Stevens County): Fourth Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

McLane Creek (Thurston County): First Saturday in June through October 31 season. Selective gear rules. Night closure August 1 through October 31. Trout: Minimum length fourteen inches.

McLane Creek Ponds (Thurston County): Fourth Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Fourth Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): March 1 through October 31 season. Selective gear rules. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Fourth Saturday in April through September 30 season.

Melbourne Lake (Mason County): Fourth Saturday in April through October 31 season.

Mercer Creek (Kittitas County): That portion within Ellensburg city limits: Juveniles only.

Mercer Slough (tributary of Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Merrill Lake (Cowlitz County): All species: Fly fishing only and release all fish. Unlawful to fish from a floating device equipped with an internal combustion engine.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County):

- (1) Landlocked salmon rules apply.
- (2) Kokanee limit 10; kokanee do not count as part of the trout limit.

Methow River (Okanogan County):

(1) Closed from the mouth to County Road 1535 (Burma Road) Bridge.

(2) From County Road 1535 (Burma Road) Bridge to Gold Creek:

(a) Open the Saturday before Memorial Day through September 15.

(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.

(3) From Gold Creek to Foghorn Dam:

(a) Open the Saturday before Memorial Day through September 30.

(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.

(4) From Foghorn Dam to Weeman Bridge:

(a) Open the Saturday before Memorial Day through August 15.

(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) Closed from Weeman Bridge to the falls above Brush Creek the first Saturday in June through October 31.

(6) From Gold Creek to the falls above Brush Creek:

(a) Open December 1 through March 31 for whitefish only.

(b) Whitefish gear rules apply.

(7) Methow River tributaries not otherwise listed in this section:

(a) Open the Saturday before Memorial Day 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 20 inches.

Milk Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): The first Saturday in June through August 31 and November 1 through March 15 seasons. Barbless hooks required for steelhead. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Mill Creek (Lewis County): Barbless hooks required for steelhead. Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Anti-snagging rule and night closure. All species: Release all fish except that up to two hatchery steelhead may be retained per day.

Mill Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Mill Creek (Pacific County) (Willapa River tributary): From mouth upstream: All game fish: First Saturday in June through October 31 season. Selective gear rules.

Mill Creek and tributaries (Pend Oreille County):

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

(2) Eastern brook trout limit 10.

(3) Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken.

Mill Creek (Walla Walla County):

From mouth to Bennington Dam: Closed waters.

From Bennington Dam upstream: All tributaries: Closed waters. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Barbless hooks required September 1 through October 31. Trout: Release all steelhead.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Fourth Saturday in April through October 31 season. Juveniles only except open to all ages during Free Fishing Weekend (as defined in WAC 220-56-160).

Mill Pond (Pend Oreille County): Fourth Saturday in April through October 31 season.

Mima Creek (Thurston County) (Black River tributary): From mouth upstream: First Saturday in June through October 31 season. Selective gear rules.

Mineral Creek (tributary to upper Kachess River) (Kittitas County): From mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Trout: Minimum length fourteen inches.

Mineral Lake (Lewis County): Fourth Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties), from the mouth to the hatchery rack:

(1) Open for trout only the first Saturday in June through October 31:

(a) Selective gear rules apply.

(b) Minimum length 14 inches.

(2) Open for salmon November 1 through December 31 from the mouth to the fishing boundary markers approximately 50 feet downstream of the hatchery rack:

(a) Night closure in effect.

(b) Limit 4 chum only.

Mirror Lake (Grant County): Fourth Saturday in April through September 30 season.

Mission Lake (Kitsap County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Mitchell Creek (Lewis County) (tributary to the Newaukum River North Fork): From mouth upstream: The first Saturday

in June through October 31 season. Trout: Catch and release only. Selective gear rules. Other game fish: Selective gear rules.

Moclips River (Grays Harbor County), from mouth to the Quinault Indian Reservation boundary:

(1) Open the first Saturday in June through the last day in February.

(2) 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) 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.

Molson Lake (Okanogan County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Monte Cristo Lake (Snohomish County):

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

(2) Selective gear rules apply.

(3) Catch and release only except anglers may retain up to 2 hatchery steelhead.

Monument Creek (Okanogan County), including tributaries: Selective gear rules apply.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: December 1 through January 31 season. Trout: Minimum length fourteen inches.

From Port Angeles Dam upstream: First Saturday in June through October 31 season.

Moses Lake (Grant County): Crappie: Daily limit ten, only crappie more than nine inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained. Walleye: Daily limit 8 walleye. Minimum length twelve inches. No more than one walleye over 22 inches in length may be retained. Yellow perch: Daily limit 25 yellow perch.

Mosquito Creek (Jefferson County), outside Olympic National Park upstream to the Goodman 3000 Mainline Bridge:

(1) Open the first Saturday in June through the last day in February.

(2) Selective gear rules apply.

(3) 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.

Mox Chehalis Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Mountain Lake (San Juan County): Trout: Daily limit may not contain more than one trout over 18 inches in length.

Mud Lake (Mason County): Fourth Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Mudget Lake (Stevens County): Fourth Saturday in April through October 31 season.

Munn Lake (Thurston County): All species: Selective gear rules, unlawful to fish from a floating device equipped with an internal combustion motor, and release all fish.

Muskegon Lake (Pend Oreille County): Fourth Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches, maximum length twenty inches. Release trout the first Saturday in June through October 31 from confluence with Tieton River to mouth of Rattle Snake Creek. Additional December 1 through March 31 season. Whitefish gear rules apply.

Nahwatzel Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Naneum Creek (Kittitas County): Selective gear rules apply.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties):

(1) From the Highway 101 Bridge to the Highway 4 Bridge:

(a) Night closure ~~((and))~~, anti-snagging rule ~~((in effect))~~, and barbless hooks required August 1 through November ~~((30))~~ 15.

(b) Stationary gear restriction applies August 1 through ~~((December 31))~~ November 15 from the South Fork upstream to the Highway 4 Bridge.

(c) From Highway 101 Bridge upstream to Highway 401, anglers may fish with a two-pole endorsement August 1 through January 31.

(d) Open the first Saturday in June through April 15: Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((+))~~ (e) Salmon open August 1 through January 31:

- (i) From August 1 through November ~~((30))~~ 15:  
 (A) Limit 6; no more than 3 adults may be retained, and no more than 2 adults may be wild coho.  
 (B) Release wild Chinook and chum.
- (ii) From ~~((December 1))~~ November 16 through January 31:  
 (A) Limit 6; no more than ~~((2))~~ 3 adults may be retained, and no more than one adult may be a wild coho.  
 (B) Release ~~((wild))~~ Chinook and chum.  
 (e) Sturgeon open year-round in 2013; effective January 1, 2014, it is unlawful to retain sturgeon (catch and release only).
- (2) From the Highway 4 Bridge to the Crown Mainline (Salme) Bridge:  
 (a) Closed waters:  
 (i) From the falls in Sec. 6, T10N, R8W (Wahkiakum County) downstream 400 feet.  
 (ii) From upstream entrance of the hatchery attraction channel downstream 400 feet.  
 (iii) From ~~((the temporary hatchery weir downstream to Highway 4 when the weir is installed))~~ Highway 4 upstream to the full spanning concrete diversion structure at the Naselle Hatchery, closed August 1 through October 15.  
 (b) From August 1 through November ~~((30))~~ 15:  
 (i) Night closure in effect;  
 (ii) Anti-snagging rule applies;  
 (iii) Barbless hooks required; and  
 (iv) Stationary gear rules in effect.  
(v) Internal combustion motors prohibited.  
 (c) Open the first Saturday in June through April 15: Release all fish except anglers may retain up to 2 hatchery steelhead.  
 (d) Salmon open August 1 through January 31:  
 (i) From August 1 through November ~~((30))~~ 15:  
 (A) Limit 6; no more than 3 adults may be retained, and no more than 2 adults may be wild coho.  
 (B) Release wild Chinook and chum.  
 (ii) From ~~((December 1))~~ November 16 through January 31:  
 (A) Limit 6; no more than ~~((2))~~ 3 adults may be retained, and no more than one adult may be a wild coho.  
 (B) Release ~~((wild))~~ Chinook and chum.  
 (3) From the Crown Mainline (Salme) Bridge to the mouth of the North Fork:  
 (a) Night closure and anti-snagging rule in effect August 6 through November 30.  
 (b) Open the first Saturday in June through April 15: Release all fish except anglers may retain up to 2 hatchery steelhead.  
 (4) Upstream from the mouth of the North Fork:  
 (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.

Naselle River, North Fork (Pacific County): From mouth upstream: All game fish: The first Saturday in June through October 31 season. Selective gear rules.

Naselle River, South Fork (Pacific County):

- (1) Selective gear rules apply the first Saturday in June through August 15.  
 (2) Anti-snagging rule and night closure in effect August 16 through November 30.  
 (3) Open from the mouth to Bean Creek from the first Saturday in June through the last day in February for all game fish.  
 (4) Release all fish except anglers may retain up to 2 hatchery steelhead.  
 (5) Sturgeon:  
 (a) Open year-round through December 31, 2013.  
 (b) Effective January 1, 2014, it is unlawful to retain sturgeon (catch and release only).

Nason Creek (Chelan County):

- (1) Closed waters from the mouth upstream to Smith Brook.  
 (2) From Smith Brook to Stevens Creek:  
 (a) Open the Saturday before Memorial Day through October 31.  
 (b) Selective gear rules apply.  
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to the fish barrier dam at Fishtrap Lake.

Negro Creek (Whitman County): Fourth Saturday in April through July 15 season.

Neil Creek (Grays Harbor County) (Wynoochee River tributary): From mouth to USFS 22 Road: First Saturday in June through October 31 season. All species: Selective gear rules.

Nemah River, Middle Fork (Pacific County):

- (1) From the mouth upstream to the Department of Natural Resources bridge on the Middle Nemah A-Line Road:  
 (a) Night closure and single-point barbless hooks required August 1 through November 30.  
 (b) Open the first Saturday in June through March 31: Release all fish except anglers may retain up to 2 hatchery steelhead.  
 (c) Salmon:  
 (i) Open ~~((August))~~ September 1 through January 31.  
 (ii) Limit 6; no more than 2 adults may be retained.  
 (iii) Release wild Chinook, wild coho, and chum.  
 (2) From the Department of Natural Resources bridge on the Middle Nemah A-Line Road upstream:  
 (a) Night closure and anti-snagging rule in effect August 16 through November 30.  
 (b) Open the first Saturday in June through March 31:  
 (i) Selective gear rules apply.  
 (ii) Release all fish except angler may retain up to 2 hatchery steelhead.

Nemah River, North Fork (Pacific County):

From Highway 101 Bridge upstream to bridge on Nemah Valley Road: The first Saturday in June through March 31 season. Release all game fish except up to 2 hatchery steelhead may be retained. Night closure, single-point barbless hooks required, and stationary gear restriction from August 1

through November 30. Salmon: Open August 1 through November 30. Daily limit 6, of which only 3 may be adult salmon and of the three adults, only two may be wild coho. Release chum and wild Chinook. Open December 1 through January 31. Daily limit six fish, of which only two may be adult salmon and of the two adults, only one may be a wild coho. Release chum and wild Chinook.

From bridge on Nemah Valley Road upstream to Nemah Hatchery: Closed waters August 1 through November 15.

From bridge on Nemah Valley Road upstream to Cruiser Creek: The first Saturday in June through March 31 season. Release all game fish except up to 2 hatchery steelhead may be retained. Night closure and anti-snagging rule August 16 through November 30. Selective gear rules December 1 through March 31.

Nemah River, South Fork (Pacific County):

(1) From the mouth (Lynn Point, 117 degrees true to opposite shore) to the confluence with Middle Fork Nemah River:

(a) Night closure and single-point barbless hooks required September 1 through November 30.

(b) Open the first Saturday in June through March 31: Release all fish except anglers may retain up to 2 hatchery steelhead.

(c) Salmon:

(i) Open September 1 through January 31.

(ii) Limit 6; only 2 adults may be retained.

(iii) Release wild Chinook, wild coho, and chum.

(2) From the confluence with Middle Fork Nemah River upstream to the second Highway 101 Bridge crossing:

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

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

Newaukum River, including South Fork (Lewis County):

(1) From the mouth to Leonard Road near Onalaska:

(a) Night closure in effect and single-point barbless hooks required from August 16 through November 30.

(b) 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.

(c) Salmon open October 1 through the last day in February:

(i) From October 1 through November 30:

(A) Limit 6; no more than 3 adults may be retained, and only 2 adults may be wild coho.

(B) Release Chinook and chum.

(ii) From December 1 through the last day in February:

(A) Limit 6; no more than 2 adults may be retained, and only one adult may be a wild coho.

(B) Release Chinook and chum.

(2) From Leonard Road near Onalaska to Highway 508 Bridge near Kearny Creek:

(a) Night closure in effect and single-point barbless hooks required August 16 through November 30.

(b) 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.

(3) From Highway 508 Bridge upstream:

(a) Night closure in effect and single-point barbless hooks required August 16 through October 31.

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

(c) Selective gear rules apply.

(d) Release all trout.

Newaukum River, Middle Fork (Lewis County), from the mouth to Tauscher Road Bridge:

(1) Open the first Saturday in June to March 31.

(2) 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.

Newaukum River, North Fork (Lewis County), from the mouth to 400 feet below the Chehalis city water intake:

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

(2) 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.

Newhalem Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Newhalem Ponds (Whatcom County): Closed waters.

New Pond Creek (Pierce County) (South Prairie Creek tributary): First Saturday in June through October 31 season.

Newman Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Newskah Creek (Grays Harbor County): From mouth upstream: First Saturday in June through October 31 season. All species: Selective gear rules.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure and single-point barbless hooks required August 16 through November 30. All game fish: First Saturday in June through November 30 season. Salmon: Open only September 1 through November 30. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and wild Chinook.

Nile Creek (Yakima County), including tributaries: Selective gear rules apply.

Nile Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

Nisqually River (Pierce County):

(1) From the mouth to Military Tank Crossing Bridge:

(a) From August 1 through November 30:

(i) Anti-snagging rule applies;

(ii) Night closure in effect; and

(iii) Barbless hooks required.

(iv) Fishing from any floating device prohibited from July 28 through July 30, August 4 through August 6, August 11 through August 13, August 18 through August 20, and August 25 through August 27.

(b) Open July 1 through January 31:

(i) From July 1 through November 30: Trout minimum length 14 inches.

(ii) From December 1 through January 31: Release all fish except anglers may retain up to 2 hatchery steelhead.

(c) Salmon open July 1 through January 31:

(i) In years ending in even numbers:

(A) From July 1 through October 31:

((A)) (B) Limit 6; no more than 3 adults may be retained, and only 2 adults may be any combination of chum and coho.

((B)) (C) Release wild Chinook.

(ii) In years ending in odd numbers:

(A) From July 1 through October 31.

(B) Limit 6; no more than 4 adults may be retained, of which only 2 adults may be any combination of Chinook, chum, and coho.

(C) Release wild Chinook.

((C)) (iii) From November 1 through January 31:

(A) Limit 6; no more than 2 adults may be retained.

(B) Release wild Chinook.

(2) From Military Tank Crossing Bridge to 400 feet below LaGrande Powerhouse:

(a) Open July 1 through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(3) 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.

Nookachamps Creek (Skagit County): Including all tributaries and their tributaries: First Saturday in June through October 31 season. Selective gear rules.

Nooksack River (Whatcom County): From Lummi Indian Reservation boundary to yellow marker at the FFA High School barn at Deming: The first Saturday in June through January 31 season. Anti-snagging rule and night closure the first Saturday in June through November 30. Trout: Minimum length fourteen inches. Salmon: In odd years, open July 16 through August 31 from Lummi Indian Reservation boundary to Highway 544 Bridge at Everson. Daily limit 4 pink salmon only. Bait prohibited. Only single-point hook may be used, hook must measure ((less than)) 1/2((")) inch or less from point to shank. Open September 1 through December 31. Daily limit 2 salmon, plus 2 additional coho, except release wild Chinook September 1 through September 30.

From yellow marker at the FFA High School barn in Deming to confluence of the forks: October 1 through January 31 season. Anti-snagging rule and night closure October 1 through November 30. Trout: Minimum length 14 inches. Salmon: Open October 1 through December 31. Daily limit 2 salmon, plus 2 additional coho.

Nooksack River, North Fork (Whatcom County):

(1) From the mouth to Maple Creek:

(a) Night closure and anti-snagging rule in effect from the first Saturday in June through November 30.

(b) It is unlawful to fish from a floating device equipped with a motor November 1 through February 15.

(c) Open the first Saturday in June through February 15.

(d) Trout minimum length 14 inches.

(e) Salmon:

(i) Open October 1 through November 30.

(ii) Limit 2 salmon, plus 2 additional coho may be retained.

(2) From Maple Creek to Nooksack Falls:

(a) It is unlawful to fish from a floating device equipped with a motor November 1 through January 31.

(b) Open the first Saturday in June through January 31.

(c) Selective gear rules apply.

(d) Trout minimum length 14 inches.

(3) Waters above Nooksack Falls, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

Nooksack River, Middle Fork (Whatcom County):

(1) From the mouth to the city of Bellingham diversion dam:

(a) It is unlawful to use motors November 1 through January 31.

(b) Open the first Saturday in June through January 31.

(c) Selective gear rules apply.

(d) Trout minimum size 14 inches.

(2) Waters above the diversion dam, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

Nooksack River, South Fork (Skagit/Whatcom counties):

(1) From the mouth to Skookum Creek:

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

(b) Night closure in effect the first Saturday in June through November 30.

(c) Selective gear rules apply.

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

(e) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

(f) Salmon:

(i) Open October 1 through December 31.

(ii) Limit 2, plus 2 additional coho.

(iii) Release chum.

(iv) In years ending in odd numbers, release pink salmon.

(2) Upstream from and including Wanlick Creek, including all tributaries:

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

(b) Fly fishing only.

(c) Catch and release only.

No Name Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

North Creek (Okanogan County): From mouth to falls at river mile 0.8: Closed waters.

North Creek (tributary of Sammamish River) (Snohomish/King counties): The first Saturday in June through August 31 season. Juveniles only.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Fourth Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties):

(1) From Highway 105 Bridge to Salmon Creek (located approximately 2 miles upstream from Highway 101):

(a) Night closure in effect and single-point barbless hooks required August 16 through November 30.

(b) Open the first Saturday in June through the last day in February: Release all fish except anglers may retain up to 2 hatchery steelhead.

(c) Salmon open September 1 through December 31:

(i) From September 1 through November 30:

(A) Limit 6; no more than 3 adults may be retained, and only 2 adults may be wild coho.

(B) Release wild Chinook and chum.

(ii) From December 1 through December 31:

(A) Limit 6; no more than 2 adults may be retained, and only one adult may be a wild coho.

(B) Release wild Chinook and chum.

(d) Sturgeon open year-round in 2013; effective January 1, 2014, it is unlawful to retain sturgeon (catch and release only).

(2) From Salmon Creek (located approximately 2 miles upstream from Highway 101) to Fall River:

(a) Night closure ~~((and))~~, anti-snagging rule ~~((in effect))~~, and single-point barbless hooks required August 16 through November 30.

(b) Open the first Saturday in June through the last day in February: Release all fish except anglers may retain up to 2 hatchery steelhead.

(c) Salmon open October 1 through December 31:

(i) From October 1 through November 30:

(A) Limit 6; no more than 3 adults may be retained, and only 2 adults may be wild coho.

(B) Release wild Chinook and chum.

(ii) From December 1 through December 31:

(A) Limit 6; no more than 2 adults may be retained, and only one adult may be a wild coho.

(B) Release wild Chinook and chum.

(3) From Fall River to Raimie Creek:

(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.

Northern State Hospital Pond (Skagit County): Fourth Saturday in April through October 31 season. Juveniles only.

Nunnally Lake (Grant County): March 1 through November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Oak Creek (Yakima County), including tributaries: Selective gear rules apply.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Ohop Creek (Pierce County):

(1) Open July 1 through October 31.

(2) Selective gear rules apply.

(3) Release all fish except anglers may retain up to 2 hatchery steelhead.

Ohop Lake (Pierce County): Trout limit 5; no more than 2 over 14 inches in length may be retained, except no size restriction for kokanee.

Okanogan River (Okanogan County):

(1) Within the mainstem or tributaries open for game fish angling:

(a) Barbless hooks required for salmon and steelhead.

~~((b))~~ (b) Channel catfish: No limit.

~~((c))~~ (c) Walleye: No size restrictions and no limit.

~~((d))~~ (d) Bass: No size restrictions and no limit.

(2) From the mouth to Highway 97 Bridge immediately upstream of the mouth:

(a) Open year-round.

(b) Anti-snagging rule and night closure in effect July 1 through October 15.

(c) Release all trout.

(d) Salmon:

(i) Open July 1 through October 15.

(ii) Anglers fishing with two poles is permissible July 1 through October 15 as long as the angler possesses a two-pole endorsement.

~~((iii))~~ (iii) Limit 6 ~~((Chinook and 6 sockeye only))~~; no more than ~~((3))~~ 2 adult hatchery Chinook ~~((may be retained, and only one adult may be a wild Chinook)).~~

(iv) Release all wild salmon.

(3) From Highway 97 Bridge immediately upstream of the mouth to the highway bridge at Malott:

(a) Open year-round.

(b) Anti-snagging rule and night closure in effect July 1 through September 15.

(c) Release all trout.

(d) Salmon:

(i) Open July 1 through September 15.

(ii) Limit 6 ~~((Chinook and 6 sockeye only))~~; no more than ~~((3))~~ 2 adult hatchery Chinook ~~((may be retained, and only one adult may be a wild Chinook)).~~

(iii) Release all wild salmon.

(4) Upstream from the highway bridge at Malott:

(a) Closed from Zosel Dam downstream to the first Highway 97 Bridge downstream of the dam.

(b) Open the Saturday before Memorial Day through September 15.

(c) Anti-snagging rule and night closure in effect July 1 through September 15.

(d) Release all trout.

(e) Salmon:

(i) Open July 1 through September 15.

(ii) Limit 6 (~~(Chinook and 6 sockeye only)~~); no more than ~~((3))~~ 2 adult hatchery Chinook (~~(may be retained, and only one adult may be a wild Chinook)~~).

(iii) Release all wild salmon.

Olalla Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Old Fishing Hole Pond (Kent) (King County): Fourth Saturday in April through October 31 season. Juveniles only.

Old Mill Stream (Chelan County): Closed waters.

Olequa Creek (Lewis County/Cowlitz County): Barbless hooks required for steelhead. Closed waters from 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek. Trout: Release all trout except up to two hatchery steelhead may be retained per day.

Olney Creek (Snohomish County) (Wallace River tributary): Waters upstream of Olney Falls, including tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.

Olson Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

Osborne Lake (Mason County): Fourth Saturday in April through October 31 season.

O'Toole (Marietta) Creek (Whatcom County), upstream from Marietta Falls, located 0.3 lineal miles from the Skagit River: Open the Saturday before Memorial Day through October 31.

Outlet Creek (Klickitat County):

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

(2) Trout limit 5.

Outlet Creek (Mason County) (Satsop River tributary): From mouth upstream: First Saturday in June through October 31 season. Trout: Minimum length eight inches, daily limit 2 fish. Selective gear rules. Other game fish: Selective gear rules.

Owens Pond (Pacific County): The first Saturday in June through October 31 season.

Owl Creek (Snohomish County) (Whitechuck River tributary): First Saturday in June through October 31 season. Selective gear rules.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Fourth Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Fourth Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County):

(1) From the Highway 101 Bridge to the mouth of the Middle Fork:

(a) Night closure in effect and single-point barbless hooks are required August 16 through November 30.

(b) Open the first Saturday in June through March 31: Release all fish except anglers may retain up to 2 hatchery steelhead.

(c) Salmon:

(i) Open September 1 through November 30.

(ii) Limit 6; no more than 2 adults (~~(may be retained)~~), of which only one adult may be wild coho.

(iii) Release (~~(wild Chinook, wild coho, and)~~) chum and wild Chinook.

(d) Sturgeon:

(i) Open year-round in 2013.

(ii) Effective January 1, 2014, it is unlawful to retain sturgeon (catch and release only).

(2) From the confluence with the Middle Fork upstream and all forks, including South Fork Palix and Cannon Rivers:

(a) Anti-snagging rule and night closure in effect August 16 through October 15.

(b) Selective gear rules apply from the first Saturday in June through August 15, and from December 16 through March 31.

(c) Open the first Saturday in June through October 15, and from December 16 through March 31.

(d) Release all fish except anglers may retain up to 2 hatchery steelhead.

Palmquist Creek (Clallam County), outside of Olympic National Park:

(1) Open the first Saturday in June through October 15.

(2) Selective gear rules apply.

(3) 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 kokanee.

Palouse River (Whitman County), from the mouth to the base of Palouse Falls:

(1) Open year-round.

(2) Trout open June 16 through March 31 only:

(a) From June 16 through August 31:

(i) Limit 6;

(ii) Minimum length 10 inches.

(iii) Release all steelhead.

(b) From September 1 through March 31:

(i) Limit 6.

(ii) Minimum length 10 inches.

(c) From September 1 through March 31:

(i) Barbless hooks are required when fishing for steelhead;

(ii) Anglers may retain up to 3 hatchery steelhead.

(3) Walleye: No size restrictions and no limit.

(4) Channel catfish: No limit.

(5) Bass: No limit.

Palouse River mainstem above Palouse Falls and tributaries except Rock Creek: Year-round season.

Pampa Pond (Whitman County): March 1 through September 30 season. Fishing from any floating device prohibited. Trout: No more than two over 13 inches in length may be retained.

Panhandle Lake (Mason County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Para-Juvenile Lake (Adams/Grant counties): April 1 through September 30 season. Juveniles only.

Park Lake (Grant County): Fourth Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Pattison Lake (Thurston County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Peabody Creek (Clallam County): First Saturday in June through October 31 season. Juveniles only.

Penny Creek (Jefferson County): First Saturday in June through October 31 season.

Pearygin Lake (Okanogan County): Fourth Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County):

(1) Mainstem:

(a) Open year-round.

(b) All sloughs within the boundaries of the Kalispel Reservation except Calispell Slough: Closed.

(c) Two pole fishing is permissible so long as the angler possesses a two-pole endorsement.

(2) Pend Oreille River tributaries not otherwise listed in this section are open the Saturday before Memorial Day through October 31.

Perch Lake (Grant County): Fourth Saturday in April through September 30 season.

Percival Creek (Thurston County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Perry Creek (Thurston County): From mouth to falls: First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Fourth Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Petroleum Creek (Clallam County), from the Olympic National Park boundary upstream:

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

(2) Selective gear rules apply.

(3) 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.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Fourth Saturday in April through October 31 season.

Phelps Creek (Chelan County), from the mouth to the falls at river mile one:

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

(2) Selective gear rules apply.

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

Phillips Lake (Mason County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Phillips Lake (Stevens County): Fourth Saturday in April through October 31 season.

Pierre Lake (Stevens County): Unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

Pilchuck Creek (Clallam County) (Sooes River tributary):

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

(2) Selective gear rules apply.

(3) 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.

Pilchuck Creek (Snohomish County):

(1) From the mouth to the Highway 9 Bridge:

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

(b) Selective gear rules apply the first Saturday in June through November 30.

(c) Trout minimum length 14 inches.

(2) From the Highway 9 Bridge to Pilchuck Falls:

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

(b) Selective gear rules apply.

(c) Trout minimum length 14 inches.

(3) 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.

Pilchuck River (Snohomish County): From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through January 31 season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Creek (Mason County): First Saturday in June through October 31 season.

Pine Lake (King County): Fourth Saturday in April through October 31 season.

Pine Lake (Mason County): Fourth Saturday in April through October 31 season.

Ping Pond (Grant County):

(1) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(2) Open the third Saturday in April through Labor Day:

(a) Limit 5.

(b) No size restrictions.

Pioneer Creek (Grays Harbor County) (North River tributary): From mouth upstream: All game fish: The first Saturday in June through October 31 season. Selective gear rules.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pit Lake (Douglas County): Juveniles only.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length ~~((eight))~~ six inches, maximum length ~~((twenty))~~ eighteen inches.

Plumbago Creek (Whatcom County): Upstream from the Sierra Pacific 140 road bridge located 0.5 lineal miles upstream from the South Fork Nooksack River, including all tributaries: Open the Saturday before Memorial Day through October 31.

Plummer Lake (Lewis County): Fourth Saturday in April through last day in February season.

Poacher Lake (Grant County): April 1 through September 30 season.

Porter Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Potholes Reservoir (Grant County): Crappie: Minimum length nine inches. Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish. Walleye: Minimum size 12 inches in length. Daily limit 8

walleye, not more than 1 of which may be greater than 22 inches in length.

Potter's Pond (Stevens County): Fourth Saturday in April through October 31 season.

Powerline Lake (Franklin County): Trout: Daily limit 2.

Pratt River (tributary to Middle Fork Snoqualmie River) (King County):

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

(2) Selective gear rules apply.

(3) Catch and release only.

Pressentin Creek (Whatcom County): Upstream from the waterfall located 0.3 miles from the Skagit River, including all tributaries: Open the Saturday before Memorial Day through October 31.

Prices Lake (Mason County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Priest Lake tributaries (Pend Oreille County), including Upper Priest Lake tributaries except those tributaries listed elsewhere in this section: Open the Saturday before Memorial Day through October 31.

Priest River (Pend Oreille County): Tributaries to Priest River are open the Saturday before Memorial Day through October 31.

Promised Land Pond (Grays Harbor County): The first Saturday in June through October 31 season.

Pugh Creek (Snohomish County) (Whitechuck River tributary): First Saturday in June through October 31 season. Selective gear rules.

Puyallup River (Pierce County):

~~From mouth to ((city of Puyallup outfall structure near junction of Freeman Road and North Levee Road)) mouth of the White River: ((Game fish season is open only when salmon fishing is open. Single point barbless hooks, anti-snagging rule and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open August 16 through December 31, except closed August 26 and September 2, 3, 9, 10, and 11. In years ending in even numbers, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild adult Chinook. In years ending in odd numbers, daily limit 6 fish, of which no more than 4 may be adult salmon, and of the adult salmon, no more than 2 may be any combination of Chinook, coho, and chum. Release wild adult Chinook)) Closed.~~

From ((city of Puyallup outfall structure near junction of Freeman Road and North Levee Road)) mouth of White River to Carbon River: Game fish season is open only when salmon fishing is open. ((Single point)) Barbless hooks, anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open August 1 through December 31. In years ending in even numbers, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild adult Chinook. In years ending in odd numbers, daily limit 6 ((fish, of which)); no more than 4

((~~may be~~)) adult salmon, ((~~and of the adult salmon,~~)) of which no more than 2 may be any combination of Chinook, coho, and chum. Release wild adult Chinook.

From Carbon River upstream: September 1 through January 15 season. Selective gear rules and release all fish except up to 2 hatchery steelhead may be retained.

Pyramid Creek (King County) upstream of Forest Service Road 7000: First Saturday in June through October 31 season.

Pysht River (Clallam County): The first Saturday in June through January 31 season. Selective gear rules and release all fish first Saturday in June through October 31. November 1 through January 31, trout minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Quigg Lake (Grays Harbor County): The first Saturday in June through April 15 season. Trout: Daily limit 2. Minimum length fourteen inches. Salmon: Open only October 1 through January 31. Daily limit 6 hatchery coho salmon of which no more than 4 may be adult hatchery coho.

Quilcene River (Jefferson County):

- (1) From the mouth to Rodgers Street:
  - (a) Open the first Saturday in June through August 15.
  - (b) Selective gear rules apply.
  - (c) Catch and release only.
  - (d) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (2) From Rodgers Street to the Highway 101 Bridge:
  - (a) Open the first Saturday in June through October 31.
  - (b) Catch and release only.
  - (c) From the first Saturday in June through August 15:
    - (i) Selective gear rules apply.
    - (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
  - (d) From August 16 through October 31:
    - (i) Night closure in effect.
    - (ii) Only one single-point barbless hook may be used.
  - (e) Salmon:
    - (i) Open August 16 through October 31.
    - (ii) Limit 4 coho only; only coho hooked inside the mouth may be retained.
  - (3) From the electric weir at Quilcene National Fish Hatchery to the upper boundary of Falls View Campground:
    - (a) Open the first Saturday in June through October 31.
    - (b) Selective gear rules apply.
    - (c) Catch and release only.
    - (4) From the upper boundary of Falls View Campground upstream: Open the Saturday before Memorial Day through October 31.

Quillayute River (Clallam County), outside of Olympic National Park:

- (1) Open May 1 through the Friday before the first Saturday in June; catch and release only, except anglers may retain up to 2 hatchery steelhead.
- (2) 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.
  - (c) From November 1 through the last day in February, limit may include 1 additional hatchery steelhead.
  - (d) From February 16 through April 30, wild steelhead retention allowed.
- (3) Salmon:
  - (a) Open February 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) Open September 1 through November 30:
    - (i) Limit 6.
    - (ii) Two may be adults, plus 2 additional adult hatchery coho may be retained.

Quinault River (Grays Harbor County), from the mouth at the upper end of Quinault Lake upstream to the Olympic National Park boundary:

- (1) Open the first Saturday in June through April 15:
  - (a) From February 16 through April 15, one wild steelhead per day may be retained.
  - (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.
- (2) Salmon open July 1 through ~~((October 31))~~ November 30:
  - (a) From July 1 through September 30:
    - (i) Limit 6 jack salmon only.
    - (ii) Single-point barbless hooks are required.
  - (b) From October 1 through ~~((October 31))~~ November 30:
    - (i) Limit 6; no more than 2 adults may be retained.
    - (ii) Release sockeye and chum.

Quincy Lake (Grant County): March 1 through July 31 season.

Quinn Creek (Clallam County), outside of Olympic National Park:

- (1) Open the first Saturday in June through October 15.
- (2) Selective gear rules apply.
- (3) Trout:
  - (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) Release kokanee.

Racehorse Creek (Whatcom County) (NF Nooksack tributary): First Saturday in June through October 31 season. Selective gear rules.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County): From its mouth to the Highway 18 Bridge: The first Saturday in June through January 31 season. Trout: Minimum length fourteen inches.

From Highway 18 Bridge upstream: First Saturday in June through October 31 season.

Raimie Creek and all forks (Pacific County) (North River tributary): From mouth upstream: All game fish: The first Saturday in June through October 31 season. Selective gear rules.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Rainey Creek (Lewis County), from the mouth to Highway 12:

(1) Release cutthroat and rainbow trout except those having a clipped adipose fin and a healed scar at the location of the clipped fin.

(2) Trout: Limit 5.

Rapjohn Lake (Pierce County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Rat Lake (Okanogan County):

(1) Open April 1 through November 30.

(a) Selective gear rules apply.

(b) Catch and release only.

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

(2) Open December 1 through March 31.

Rattlesnake Creek (Yakima County):

(1) Selective gear rules apply in the mainstem and tributaries.

(2) Catch and release only in the mainstem.

Rattlesnake Lake (King County): Selective gear rules and catch and release. Unlawful to fish from a floating device equipped with an internal combustion motor.

Ravensdale Lake (King County): Fourth Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit two, minimum length twelve inches.

Red Creek (King County) (White River tributary): First Saturday in June through October 31 season.

Red Rock Creek (Grant County): April 1 through September 30 season.

Reflection Pond (Okanogan County): Fourth Saturday in April through October 31 season.

Rendsland Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Renner Lake (Ferry County): Fourth Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): Mossyrock Dam to 400 feet below Cowlitz Falls Dam. Closed waters: Lewis County PUD safety signs approximately 800 feet below Cowlitz Falls Dam to Dam. Permissible to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Fourth Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit two, minimum length twelve inches.

Riley Lake (Snohomish County): Fourth Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Ripley Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Roaring Creek (Whatcom County): Upstream from its confluence with Deer Creek, including all tributaries: Open the Saturday before Memorial Day through October 31.

Robbins Lake (Mason County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Rock Creek (Adams/Whitman counties):

(1) Open year-round from the mouth to Endicott Road.

(2) From Endicott Road to the bridge on George Knott Road at Revere:

(a) Open the Saturday before Memorial Day 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.

(3) Open year-round from the bridge on George Knott Road upstream.

Rock Creek (Chelan County):

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

(2) Selective gear rules apply.

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

Rock Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Rock Creek (Klickitat County): Mouth to the Army Corps of Engineers Park: Year-round season. Daily limits, size restrictions and gear restrictions are the same as those in the adjacent portion of the Columbia River.

Rock Creek (Lewis County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Rock Creek (Skamania County): Mouth to falls. Barbless hooks required for steelhead. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Above falls, additional November 1 through March 15 season. Barbless hooks required for steelhead.

Rocky Brook Creek (Jefferson County)(Dosewallips River tributary): From falls 1000 feet upstream of mouth upstream: First Saturday in June through October 31 season.

Rocky Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Rocky Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Fourth Saturday in April through October 31 season. June 1 through October 31 selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Roesiger Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Roosevelt Lake (Ferry/Lincoln/Stevens counties):

(1) Closed waters:

(a) From the Little Dalles power line crossing upstream approximately one mile to the marked rock point, and from Northport power line crossing upstream to the most upstream point of Steamboat Rock, from March 1 through the Friday immediately preceding Memorial Day weekend.

(b) The Kettle arm upstream to Barstow Bridge from April 1 through Friday before Memorial Day.

(2) Trout (except kokanee): Limit 5; no more than 2 over 20 inches in length may be retained.

(3) Kokanee: Limit 6; no more than 2 with intact adipose fins may be retained.

(4) Walleye: No size restrictions; limit 16 fish.

(5) Salmon: Landlocked salmon rules apply.

(6) Sturgeon: It is unlawful to fish for or retain sturgeon from Roosevelt Lake and its tributaries.

(7) Carp: It is unlawful to fish for carp with bow and arrow.

Rose Lake (Mason County): Fourth Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams, and their tributaries, except Big Beaver Creek and Ruby Creek (Whatcom County):

(1) From one mile above the mouths to the headwaters, open July 1 through October 31.

(2) Tributaries to Ruby Creek open July 1 through October 31.

Round Lake (Okanogan County): Fourth Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Open the fourth Saturday in April through the last day in February, except closed the Monday before Thanksgiving Day through Thanksgiving Day.

Royal Lake (Adams County): Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek and tributaries (Pend Oreille County):

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

(2) Eastern brook trout limit 10.

(3) Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken.

Rue Creek, including West Fork (Pacific County) (South Fork Willapa tributary): From mouth upstream: All game fish: First Saturday in June through October 31. Selective gear rules.

Rufus Woods Lake (Douglas County):

(1) Chumming is permissible.

(2) Closed waters from Grand Coulee Dam downstream to State Route 155 Bridge.

(3) It is unlawful to fish for or retain sturgeon from the lake or its tributaries.

(4) Trout limit 2; only uninjured trout caught using artificial lures or flies with single-point barbless hooks may be released.

(5) Tributaries to Rufus Woods Lake: Open the Saturday before Memorial Day through October 31.

Sacheen Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): April 1 through September 30 season.

Saint Clair Lake (Thurston County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Salmon Creek (Clark County):

From mouth to 72nd Avenue N.E.: Barbless hooks required for steelhead. The first Saturday in June through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

From 72nd Avenue N.E. Bridge upstream: Closed waters.

Salmon Creek and all forks (Grays Harbor County) (North River tributary): From mouth upstream: All game fish: The first Saturday in June through October 31 season. Selective gear rules.

Salmon Creek (Lewis County): Closed waters from 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County):

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

(2) Selective gear rules apply.

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

Salmon Creek (Pacific County) (tributary of Naselle River):

(1) Open the first Saturday in June through the last day in February.

(2) Selective gear rules apply.

(3) Release all fish except anglers may retain up to 2 hatchery steelhead.

Salmon Creek (Thurston County) (Black River tributary), from the mouth upstream:

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

(2) Selective gear rules apply and night closure in effect.

(3) 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.

Salmon River (Jefferson County), outside Olympic National Park and the Quinault Indian Reservation:

(1) Open the first Saturday in June through the last day in February:

(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) Permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(2) Salmon open September 1 through November 30:

(a) Limit 6.

(b) No more than 3 adults may be retained, and no more than 2 adults may be Chinook.

Salmonberry Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Salt Creek (Clallam County): From mouth to bridge on Highway 112: First Saturday in June through January 31 season. Selective gear rules. Release all fish except November 1 through January 31. Up to 2 hatchery steelhead may be retained.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Skagit County):

(1) From the mouth to the I-5 Bridge open the first Saturday in June through September 8 and December 1 through December 31:

(a)(i) From the first Saturday in June through (~~November 30~~) September 8 and December 1 through December 31; trout minimum length 14 inches.

(ii) From August 1 through (~~November 30~~) September 8:

(A) Night closure in effect.

(B) Anglers may only use one single-point hook.

~~((C) From the mouth to "Farm to Market" Road, bait or lure must be suspended below a float. A "float" or "bobber" is defined as a hookless, floating device that is attached to or slides along the mainline or leader above the hook(s) for the purpose of suspending hook(s) (which are part of the bait, lure, or fly) off the bottom of the stream and visually signaling (from the surface of the water) a fish's strike at the hook(s).))~~

(b) From December 1 through December 31:

(i) Selective gear rules apply.

(ii) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

(c) Salmon:

(i) Open August 1 through (~~November 30~~) September 8.

(ii) Limit 2.

(iii) (~~Release wild coho.~~

~~(iv)) Only fish hooked inside the mouth may be retained.~~

~~((v) Anglers must retain the first 2 salmon, if permissible to do so, and stop fishing.))~~

(2) From the I-5 Bridge to the Hickson Bridge:

(a) Closed:

(i) From the old Highway 99 Bridge to the WDFW salmon rack.

(ii) From the I-5 Bridge to the old Highway 99 Bridge September 1 through November 30.

(b) Open the first Saturday in June through November 30:

(i) Selective gear rules apply.

(ii) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

(3) From Hickson Bridge upstream:

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

(b) Selective gear rules apply.

Sammamish Lake (King County):

(1) Closed to fishing within 100 yards of the mouth of Issaquah Creek August 16 through November 30.

(2) Release all kokanee.

(3) Single-point barbless hooks required January 1 through April 30.

(4) Release all steelhead and rainbow trout over 20 inches in length from December 1 through June 30.

(5) Salmon:

(a) Open August 16 through November 30.

(b) Limit 4; only 2 Chinook may be retained.

(c) Release all sockeye.

Sammamish River (Slough) (King County): From the 68th Avenue N.E. Bridge to Lake Sammamish: January 1 through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout.

San Poil River (Ferry County):

(1) From the western shoreline at the mouth of the San Poil Arm (as marked by a regulatory buoy) directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm (as marked by a regulatory buoy) upstream to the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek:

(a) It is unlawful to fish for or retain sturgeon.

(b) Open April 1 through January 31 for kokanee, trout, walleye, and smallmouth bass:

(i) Kokanee: Limit 2 fish in addition to the trout limit; no minimum size requirement.

(ii) Trout:

(A) Limit 5.

(B) No more than 2 trout over 20 inches may be retained.

(C) Release all rainbow trout with adipose fin intact.

(iii) Walleye: Limit 8; no size restrictions.

(iv) Smallmouth bass: Limit 10; no more than one over 14 inches may be retained.

(c) Year-round season for other game fish, salmon, and carp:

(i) Salmon: Landlocked salmon rules apply.

(ii) Carp: Unlawful to fish with bow and arrow.

(2) From the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek to approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys:

(a) It is unlawful to fish for or retain sturgeon, kokanee, and all other trout.

(b) Open April 1 through January 31 for walleye and smallmouth bass:

(i) Walleye: Limit 8; no size restrictions.

(ii) Smallmouth bass: Limit 10; no more than one over 14 inches may be retained.

(c) Year-round season for other game fish, salmon, and carp:

(i) Salmon: Landlocked salmon rules apply.

(ii) Carp: Unlawful to fish with bow and arrow.

(3) Waters from approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys, to all waters north of the regulatory buoy line at or above 1,310 feet mean sea level elevation are managed under the regulatory authority of the Colville Confederated Tribe of Indians.

(4) From above the Colville Confederated Tribe of Indians Reservation northern boundary, upstream to the headwaters, including tributaries: Open the Saturday before Memorial day through October 31.

Sand Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily

limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Sandyshore Lake (Jefferson County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Sarge Hubbard Park Pond (Yakima County): Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

Satsop Lakes (Grays Harbor County): Fourth Saturday in April through October 31 season.

Satsop River and East Fork (Grays Harbor County):

(1) From the mouth to the bridge at Schafer State Park:

(a) ~~((Single-point barbless hooks only.~~

~~(b)))~~ Night closure ~~((in-effect))~~ and single-point barbless hooks required August 16 through November 30.

~~((e)))~~ (b) 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)))~~ (c) Salmon open September 16 through November 30, and December 1 through January 31:

(i) From September 16 through November 30:

(A) Limit 6; no more than 3 adults may be retained, and only 2 may be adult wild coho.

(B) Release wild adult Chinook ~~((and chum))~~.

(ii) From December 1 through January 31:

(A) Limit 6; no more than 2 adults may be retained, and only one may be an adult wild coho.

(B) Release Chinook and chum.

(2) From the bridge at Schafer State Park upstream to 400 feet below Bingham Creek Hatchery barrier dam:

(a) 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 daily limit.

(b) August 16 through October 31:

(i) Night closure in effect.

(ii) Single-point barbless hooks only.

(3) From 400 feet downstream of the Bingham Creek Hatchery barrier dam upstream to the dam:

(a) Closed waters, except anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card may fish within posted markers.

(b) Night closure in effect.

(c) Single-point barbless hooks only from August 16 through October 31.

(d) 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.

(e) Salmon open September 16 through January 31:

(i) From September 16 through November 30:

(A) Limit 6; no more than 3 adults may be retained, and only 2 may be adult wild coho.

(B) Release wild adult Chinook ~~((and chum))~~.

(ii) From December 1 through January 31:

(A) Limit 6; no more than 2 adults may be retained, and only one may be an adult wild coho.

(B) Release Chinook and chum.

(4) From the Bingham Creek Hatchery dam upstream:

(a) Open first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) August 16 through October 31:

(i) Single-point barbless hooks only.

(ii) Night closure in effect.

Middle Fork Satsop River (Turnow Branch):

(1) From the mouth to Cougar Smith Road:

(a) Night closure and anti-snagging rule in effect from August 16 through November 30.

(b) 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.

(2) From Cougar Smith Road upstream:

(a) Night closure and anti-snagging rule in effect from August 16 through October 31.

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

(c) Selective gear rules apply.

West Fork Satsop River:

(1) From the mouth to Cougar Smith Road:

(a) Night closure and anti-snagging rule in effect August 16 through November 30.

(b) 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.

(2) From Cougar Smith Road to USFS 2260 Road Bridge at Spoon Creek:

(a) Night closure in effect August 16 through October 31.

(b) Open the first Saturday in June through October 31; selective gear rules apply.

(3) From USFS 2260 Road Bridge at Spoon Creek upstream:

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

(b) Selective gear rules apply.

(c) Eastern brook trout:

(i) No minimum size.

(ii) Limit 5.

Sauk River (Skagit/Snohomish counties):

(1) Selective gear rules apply.

(2) Release all fish except anglers may retain up to 2 hatchery steelhead.

(3) From the mouth to the mouth of the White Chuck River:

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

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

(4) 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.

(5) The South Fork upstream from Elliot Creek: Open the first Saturday in June through August 31.

Sawyer, Lake (King County): Chumming permitted. Crappie: Daily limit ten, minimum length nine inches.

Scatter Creek (King County) (White River tributary): First Saturday in June through October 31 season.

Scatter Creek (Thurston County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Schafer Creek (Grays Harbor County) (Wynoochee River tributary): From mouth to USFS 22 Road: First Saturday in June through October 31 season. Trout: Minimum length eight inches. Selective gear rules. Other game fish: Selective gear rules.

Schneider Creek (Thurston County) from mouth to falls: First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Scootenev Reservoir (Franklin County): Walleye minimum size 12 inches, limit 8. Anglers may retain no more than one walleye over 22 inches in length.

Sedge Lake (Grant County): All species: Selective gear rules. Trout: Daily limit 1.

Sekiu River (Clallam County):

From mouth to forks: First Saturday in June through January 31 season. All species: Selective gear rules from first Saturday in June through October 31. Release all fish except November 1 through January 31. Trout: Minimum length 14 inches.

From forks upstream: First Saturday in June through October 31 season. Selective gear rules and release all fish.

Serene Lake (Snohomish County): Fourth Saturday in April through October 31 season.

Shady Lake (King County):

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

(2) No more than one trout over 14 inches in length may be retained.

Shannon, Lake (Skagit County): Fourth Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Sherman Creek (Ferry County):

(1) From the mouth at Lake Roosevelt upstream to the hatchery boat dock: Open the Saturday before Memorial Day through October 31.

(2) From the hatchery boat dock to 400 feet upstream of hatchery water diversion dam: Closed.

(3) From 400 feet upstream of the hatchery water diversion dam to headwaters, including all tributaries: Open the Saturday before Memorial Day through October 31.

Sherman Creek (Thurston County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Sherry Lake (Stevens County): Fourth Saturday in April through October 31 season.

Sherwood Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Sherwood Creek Mill Pond (Mason County): The first Saturday in June through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shine Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Shiner Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Fourth Saturday in April through October 31 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): The first Saturday in June through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): All game fish: First Saturday in June through October 31 season. Selective gear rules and release all fish.

Silent Lake (Jefferson County): Fourth Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Silesia Creek (Chiliwack River tributary) (Whatcom County): First Saturday in June through October 31 season.

Silvas Creek (Klickitat County): Trout: Release all trout.

Silver Creek (tributary to Cowlitz River) (Lewis County): Open from the mouth to USFS Road 4778:

- (1) Selective gear rules apply.
- (2) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (3) Trout minimum length 14 inches.

Silver Creek (Skagit County) (Samish River tributary): First Saturday in June through October 31 season. Selective gear rules.

Silver Creek (Whatcom County) (Nooksack River tributary): First Saturday in June through October 31 season. Selective gear rules.

Silver Lake (Cowlitz County): Crappie: Daily limit ten crappie. Minimum size nine inches in length.

Silver Lake (Pierce County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Silver Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Silver Lake (Whatcom County): Fourth Saturday in April through October 31 season.

Silver Nail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

- (1) Barbless hooks required for salmon and steelhead.
- (2) Rules by river section:
  - (a) From the mouth to Enloe Dam:
    - (i) Closed from Enloe Dam downstream 400 feet.
    - ~~((+))~~ (ii) Anti-snagging rule and night closure in effect July 1 through September 15.
    - ~~((+))~~ (iii) Salmon:
      - ~~((+))~~ (A) Open July 1 through September 15.
      - ~~((+))~~ (B) Limit 6 ~~((Chinook and 6 sockeye only));~~ no more than ~~((3))~~ 2 adult hatchery Chinook ~~((may be retained, and only one may be a wild adult Chinook)).~~
      - (C) Release all wild salmon.
    - ~~((+))~~ (iv) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.
  - ~~((+))~~ (b) From Enloe Dam to the Canadian border:
    - ~~((+))~~ (i) Open the Saturday before Memorial Day through October 31.
    - ~~((+))~~ (ii) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

Sinlahekin Creek (Okanogan County):

- (1) From Palmer Lake to Cecile Creek Bridge:
  - (a) Open the Saturday before Memorial Day 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) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.
- (2) From Cecile Creek Bridge upstream, including all tributaries: Open the Saturday before Memorial Day through October 31.

Sitkum River (Clallam County) (Calawah River tributary):

- (1) Open the first Saturday in June through October 31.
- (2) Selective gear rules apply.
- (3) 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.

Siwash Creek (Clallam County), outside of Olympic National Park:

- (1) Open the first Saturday in June through October 15.

(2) Selective gear rules apply.

(3) Trout:

(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) Release all kokanee.

Sixteen Lake (Skagit County): Fourth Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

(1) From the mouth to Cascade River Road:

(a) Trout (except Dolly Varden/Bull Trout) minimum length is 14 inches.

(b) It is permissible to retain Dolly Varden/Bull Trout with a minimum length of 20 inches as part of the trout limit.

(2) From the mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon):

(a) Open March 1 through May 31 for trout only:

(i) Selective gear rules apply.

(ii) ~~((Maximum hook gap of 1/2 inch required))~~ The hook must measure 1/2 inch or less from point to shank from March 1 through May 31.

(iii) Release all fish other than trout.

(b) Open June 1 through January 31.

(c) The hook must measure 1/2 inch or less from point to shank from July 1 through July 31.

(d) Salmon:

(i) In years ending in even numbers:

(A) Open September 1 through December 31.

(B) Limit ((2)) 4 salmon; no more than 2 wild coho.

(C) Release Chinook and chum.

(ii) In years ending in odd numbers:

(A) Open August 1 through December 31.

(B) Limit ((3)) 4 salmon ((plus 1 additional pink)); no more than 2 wild coho.

(C) Release Chinook and chum.

(3) From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek:

(a) Open June 1 through January 31.

(b) Night closure and anti-snagging rule in effect ~~((June 16))~~ July 1 through November 30.

(c) Hook must measure 1/2 inch or less from point to shank from July 1 through July 31.

(d) Salmon:

(i) ~~((Open June 16 through July 15; limit 3 sockeye only; (ii)))~~ In years ending in even numbers:

(A) Open September 1 through December 31.

(B) Limit ((2)) 4 salmon; no more than 2 wild coho.

(C) Release Chinook and chum.

~~((iii))~~ (ii) In years ending in odd numbers:

(A) Open August 1 through December 31.

(B) Limit ((3)) 4 salmon ((plus 1 additional pink)); no more than 2 wild coho.

(C) Release Chinook and chum.

(4) From Gilligan Creek to The Dalles Bridge at Concrete:

(a) Open June 1 through January 31.

(b) Anti-snagging rule and night closure in effect July 1 through November 30.

(c) Hook must measure 1/2 inch or less from point to shank from June 1 through August 15.

(d) Salmon:

(i) In years ending in even numbers:

(A) Open September 16 through December 31.

(B) Limit ((2)) 4 salmon; no more than 2 wild coho.

(C) Release Chinook and chum.

(ii) In years ending in odd numbers:

(A) Open August 16 through December 31.

(B) Limit ((3)) 4 salmon ((plus 1 additional pink)); no more than 2 wild coho.

(C) Release Chinook and chum.

(5) From The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport:

(a) Open June 1 through January 31, except closed June 1 through August 31, between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River.

(b) Anti-snagging rule and night closure in effect July 1 through November 30.

(c) Hook must measure 1/2 inch or less from point to shank from June 1 through August 31.

(d) Salmon ~~((open September 16 through December 31))~~:

(i) In years ending in even numbers:

(A) Open September 16 through December 31.

(B) Limit ((2)) 4 salmon; no more than 2 wild coho.

~~((B))~~ (C) Release Chinook and chum.

(ii) In years ending in odd numbers:

(A) Open September 1 through December 31.

(B) Limit ((3)) 4 salmon ((plus 1 additional pink)); no more than 2 wild coho.

~~((B))~~ (C) Release Chinook and chum.

(6) From the Highway 530 Bridge at Rockport to the Cascade River Road:

(a) Open June 1 through February 15.

(b) Anti-snagging rule and night closure in effect June 1 through November 30.

(c) Hook must measure 1/2 inch or less from point to shank from July 16 through August 31.

(d) Salmon:

(i) Open June 1 through July 15:

(A) Limit 4 hatchery Chinook only.

(B) Only 2 adult hatchery Chinook may be retained.

(ii) ~~((Open September 16 through December 31))~~ In years ending in even numbers:

(A) Open September 16 through December 31.

(B) Limit 4 salmon; no more than 2 wild coho.

(C) Release Chinook and chum.

~~((B))~~ In years ending in even numbers, limit 2:

~~((C))~~ (iii) In years ending in odd numbers:

(A) Open September 1 through December 31.

(B) Limit ((3)) 4 salmon ((plus 1 additional pink)); no more than 2 wild coho.

(C) Release Chinook and chum.

(7) From Cascade River Road to the Gorge Powerhouse:

(a) Open June 1 through January 31.

(b) Selective gear rules apply.

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

(d) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(8) From Gorge Dam to Ross Dam and all tributaries to this section except Stetattle Creek: Open the first Saturday in June through October 31.

Skamokawa Creek (Wahkiakum County): Mouth to forks just below Oatfield and Middle Valley Road: Barbless hooks required for steelhead. June 1 through October 31 season. Trout: Release all trout except up to two hatchery steelhead may be retained.

Skate Creek (tributary to Cowlitz River) (Lewis County): Release all cutthroat.

Skokomish River (Mason County): Mouth to ~~((Highway 106 Bridge))~~ Bonneville power lines (upstream of Highway 101, approximately 47°18.188'N, 123°11.26'W): ~~((Night closure, anti-snagging rule and single-point barbless hooks required August 10 through November 30. The first Saturday in June through July 31 and October 1 through December 15 season. All game fish: Release all fish. Salmon: Open August 10 through September 5 and September 16 through December 15. Terminal gear restricted to no closer than 25 feet of a tribal gillnet. August 1 through September 5: Daily limit 2 salmon, except release chum and wild Chinook. Only fish hooked inside the mouth may be retained; and anglers must keep the first 2 salmon, if legal to do so and stop fishing for the day. September 16 through December 15: Daily limit 6 salmon, of which no more than 4 adult fish may be retained. Release Chinook. October 1 through October 15 release chum salmon.~~

~~From Highway 106 Bridge to Highway 101 Bridge: Night closure, anti-snagging rule and single-point barbless hooks required August 10 through November 30. The first Saturday in June through July 31 and October 1 through December 15 season. All game fish: Release all fish. Salmon: Open Fridays, Saturdays, Sundays, and Labor Day, August 10 through September 3. Terminal gear restricted to no closer than 25 feet of a tribal gillnet. August 10 through September 3: Daily limit 2 salmon, except release chum and wild Chinook; only fish hooked inside the mouth may be retained; and anglers must keep the first 2 salmon, if legal to do so and stop fishing for the day. October 1 through December 15, daily limit 6 salmon, except daily limit may contain no more than 4 adult fish and release Chinook. October 1 through October 15 release chum salmon)) Closed.~~

From ~~((Highway 101 Bridge))~~ Bonneville power lines (upstream of Highway 101, approximately 47°18.188'N, 123°11.26'W) to forks: First Saturday in June through October 31 season. Selective gear rules and release all fish. Unlawful to fish from a floating device equipped with an internal combustion motor.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: The first Saturday in June through October 31 season. All species: Release all fish. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Above Lake Cushman: Mouth to Olympic National Park boundary: The first Saturday in June through August 31 season. Selective gear rules. Unlawful to fish from a floating

device equipped with an internal combustion motor. Release all fish.

Skokomish River, South Fork (Mason County):

From mouth to mouth of LeBar Creek: First Saturday in June through October 31 season. All species: Release all fish. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

From mouth of Rule Creek to headwaters: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Skookum Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Skookum 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.

Skookum Lake, North (Pend Oreille County): Fourth Saturday in April through October 31 season.

Skookum Lake, South (Pend Oreille County): Unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

Skookumchuck Creek (Klickitat County): Trout: Release all trout.

Skookumchuck Reservoir (Thurston County): The first Saturday in June through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

(1) From the mouth to 100 feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam:

(a) August 16 through November 30:

(i) Night closure in effect.

(ii) Single-point barbless hooks only.

(b) Open the first Saturday in June through April 30:

(i) 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.

(ii) From April 1 through April 30, trout minimum length 14 inches.

(c) Salmon open October 1 through the last day in February:

(i) From October 1 through November 30:

(A) Limit 6; no more than 3 adults may be retained, and only 2 may be wild adult coho.

(B) Release Chinook and chum.

(ii) From December 1 through the last day in February:

(A) Limit 6; no more than 2 adults may be retained, and only one may be a wild adult coho.

(B) Release Chinook and chum.

(2) From Skookumchuck Reservoir upstream, selective gear rules apply.

## Skykomish River (Snohomish County):

From mouth to mouth of Wallace River: June 1 through January 31 season. Anti-snagging rule and night closure August 1 through November 30 mouth to Lewis Street Bridge in Monroe and June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River. Fishing from any floating device prohibited November 1 through January 31 from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open June 1 through July 31 from mouth to Wallace River. Limit 4 hatchery Chinook; no more than 2 adult hatchery Chinook. In years ending in even numbers, open September 1 through December 31 mouth to Wallace River. Daily limit three. Release Chinook and pink. In years ending in odd numbers, open August 16 through December 31 mouth to Lewis Street Bridge in Monroe and open September 1 through December 31 Lewis Street Bridge to Wallace River. Daily limit 3 salmon plus 1 additional pink. Release Chinook and chum.

From the mouth of the Wallace River to the forks: June 1 through January 31 of the following year with an additional season, February 1 through February 15 from the Highway 2 Bridge at the Gold Bar/Big Eddy Access to the confluence of the North and South forks. Anti-snagging rule and night closure August 1 through November 30. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Reiter Ponds June 1 through February 15 of the following year. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open September 1 through December 31. In years ending in even numbers, daily limit three. Release Chinook and pink. In years ending in odd numbers, daily limit 3 salmon plus 1 additional pink. Release Chinook and chum.

## Skykomish River, North Fork (Snohomish County):

(1) From the mouth to 1,000 feet downstream of Bear Creek Falls:

- (a) Open the first Saturday in June through January 31.
- (b) Selective gear rules apply.
- (c) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

(2) Waters 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.

## Skykomish River, South Fork (King/Snohomish counties):

(1) From the mouth to 600 feet downstream from the Sunset Falls fishway:

- (a) Open the first Saturday in June through January 31.
- (b) Trout minimum length 14 inches.
- (c) August 1 through November 30:
  - (i) Anti-snagging rule applies.
  - (ii) Night closure in effect.

(2) From Sunset Falls to the source, including all tributaries and their tributaries:

(a) Open the first Saturday in June through November 30.

(b) Selective gear rules apply.

(c) Trout minimum length 14 inches.

(d) Open for whitefish (except in the tributaries of this river section) December 1 through the last day in February; release all fish other than whitefish.

## Slate Creek and tributaries (Pend Oreille County):

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

(2) Eastern brook trout limit 10.

(3) Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken.

## Sloan Creek (Snohomish County) (Sauk River tributary):

First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

## Smith Creek (near North River) (Pacific County):

(1) From the mouth to the Highway 101 Bridge:

(a) Single-point barbless hooks required and night closure in effect August 16 through November 30.

(b) Open the first Saturday in June through the last day in February; release all fish except anglers may retain up to 2 hatchery steelhead.

(c) Salmon open September 1 through December 31:

(i) From September 1 through November 30:

(A) Limit 6; no more than 3 adults may be retained, and only 2 adults may be wild coho.

(B) Release wild Chinook and chum.

(ii) From December 1 through December 31:

(A) Limit 6; no more than 2 adults may be retained, and only one adult may be a wild coho.

(B) Release wild Chinook and chum.

(d) Sturgeon:

(i) Open year-round in 2013.

(ii) Effective January 1, 2014, it is unlawful to retain sturgeon (catch and release only).

(2) From Highway 101 Bridge upstream:

(a) Selective gear rules apply.

(b) Open the first Saturday in June through the last day in February; release all fish except anglers may retain up to 2 hatchery steelhead.

## Smith Creek (Pacific County) (Chehalis River tributary):

From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

## Smith Creek (Whatcom County) (Nooksack River tributary):

First Saturday in June through October 31 season. Selective gear rules.

## Snahapish River (Jefferson County) (Clearwater River tributary):

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

(2) Selective gear rules apply.

(3) 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.

## Snake River:

(1) Open year-round except the following waters are closed:

- (a) Within 400 feet of the base of any dam;
- (b) Within a 400 foot radius around the fish ladder entrance at Lyons Ferry Hatchery;
- (c) Within a 200 foot radius upstream of the fish ladder exit above Lower Granite Dam; and
- (d) Within an area 1,200 feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and 100 feet out into the river from the south river bank.

(2) Trout:

- (a) Release all trout April 1 through June 15.
- (b) Limit 6; minimum length 10 inches, and no more than 3 hatchery steelhead may be retained.
- (c) Barbless hooks are required when fishing for steelhead.

(3) Sturgeon:

- (a) From the mouth to Ice Harbor Dam:
  - (i) Closed to fishing for sturgeon from May 1 through July 31 from the downstream end of Goose Island up to Ice Harbor Dam.
  - (ii) Release all sturgeon from August 1 through January 31.

(b) From Ice Harbor Dam to the Oregon border; release all sturgeon in waters upstream from Lower Granite Dam, including all tributaries.

- (4) Walleye: No size restrictions, and no limit.
- (5) Channel catfish: No limit.
- (6) Bass: No size restrictions, and no limit.

Snipe Lake (Grant County): April 1 through September 30 season.

Snipes Creek (Benton County): Selective gear rules.

Snohomish River (Snohomish County): From Burlington-Northern Railroad bridges, including all channels, sloughs, and interconnected waterways, but excluding all tributaries, to Highway 9 Bridge: The first Saturday in June through January 31 season(, except sturgeon). Anti-snagging rule and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: In years ending in even numbers, open only September 1 through December 31. Daily limit three. Release Chinook and pink. In years ending in odd numbers, open August ((+6)) 1 through December 31. Daily limit 3 salmon plus 1 additional pink. Release Chinook and chum. ((~~Sturgeon: Seasons, days of the week, daily limits, and size limits same as in Puget Sound Estuary (WAC 220-56-282).~~))

From Highway 9 Bridge to confluence of the Skykomish and Snoqualmie rivers (all channels): The first Saturday in June through January 31 season. Anti-snagging rule and night closure, August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit; minimum length twenty inches. Salmon: In years ending in even numbers, open only September 1 through December 31. Daily limit three. Release Chinook and pink. In years ending

in odd numbers, open August 16 through December 31. Daily limit 3 salmon plus 1 additional pink. Release Chinook and chum.

## Snoqualmie River (King County):

(1) From the mouth to Snoqualmie Falls:

(a) 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).

(b) Selective gear rules apply the first Saturday in June through November 30.

(c) Night closure in effect September 1 through November 30.

(d) From the mouth to the boat ramp at the Plum access: Open the first Saturday in June through January 31.

(e) From the boat ramp at the Plum access to the falls: Open the first Saturday in June through February 15.

(f) It is unlawful to fish from any floating device November 1 through February 15 from the boat ramp at the Plum access to the mouth of Tokul Creek (about 1/4 mile).

(g) Trout minimum length 14 inches.

(h) Salmon:

(i) Open September 1 through December 31.

(ii) In years ending in even numbers:

(A) Limit 3(±).

(B) Release all Chinook and pink.

(iii) In years ending in odd numbers(~~(, from the mouth to the Plum access)~~):

(A) Limit 3 salmon plus 1 additional pink.

(B) Release Chinook and chum.

(2) From Snoqualmie Falls upstream, including the North and South Forks:

(a) Selective gear rules apply.

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

(c) Open the Saturday before Memorial Day through October 31; trout minimum length 10 inches.

(d) Open November 1 through the Friday before the first Saturday in June; catch and release only.

(3) Snoqualmie River upstream of the falls, and the tributaries of the North and South Forks (except Tate, Sunday and Phillapa creeks), are open the Saturday before Memorial Day through October 31.

(4) Snoqualmie River Middle Fork from the mouth to the source, including all tributaries except Pratt and Taylor rivers:

(a) Open year-round.

(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.

Snyder Creek (Klickitat County): Trout: Release all trout.

Solberg Creek (Clallam County) (Big River tributary):

(1) Open the first Saturday in June through October 15.

(2) Selective gear rules apply.

(3) Trout:

(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) Release kokanee.

Sol Duc River (Clallam County):

(1) From the mouth to the concrete pump station at the Sol Duc Hatchery, open year-round:

(a) From May 1 through the Friday before the first Saturday in June: Catch and release only, except anglers may retain up to 2 hatchery steelhead.

(b) From the first Saturday in June through April 30:

(i) 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.

(ii) From April 1 through April 30; trout minimum length 14 inches.

(iii) From November 1 through the last day in February, trout limit may include 1 additional hatchery steelhead.

(iv) From February 16 through April 30, it is permissible to retain wild steelhead.

(c) Salmon open February 1 through November 30:

(i) From February 1 through August 31:

(A) Limit 6; no more than 2 adults may be retained.

(B) Release wild adult Chinook and wild adult coho.

(ii) From September 1 through November 30:

(A) Limit 6.

(B) Two adult salmon, plus 2 additional adult hatchery coho may be retained.

(2) From the concrete pump station at Sol Duc Hatchery to the Highway 101 Bridge upstream of Klahowya Camp Ground:

(a) Open the first Saturday in June through April 30.

(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.

(3) From the Highway 101 Bridge upstream of Klahowya Camp Ground to the Olympic National Park boundary:

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

(b) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

(c) Selective gear rules apply.

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

Solleks River (Jefferson County) (Clearwater River tributary):

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

(2) Selective gear rules apply.

(3) 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.

Sooes River (Tsoo-Yess River) (Clallam County), outside of Makah Indian Reservation:

(1) Open the first Saturday in June through the last day in February.

(2) From the first Saturday in June through October 31:

(a) Selective gear rules apply.

(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.

(3) 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.

Soos Creek (King County): From mouth to hatchery rack: The first Saturday in June through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Creek (Clallam County), outside of Olympic National Park:

(1) Open the first Saturday in June through October 15.

(2) Selective gear rules apply.

(3) Trout:

(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) Release all kokanee.

South Lewis County Park Pond (Lewis County): Closed the Monday before Thanksgiving Day through Thanksgiving Day.

South Prairie Creek (Pierce County), from the city of Buckley diversion dam upstream: Open the Saturday before Memorial Day through October 31.

South Skookum Lake (Pend Oreille County): Unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

South Salmo River (Pend Oreille County), including tributaries: Open the Saturday before Memorial Day through October 31.

Spada Lake (Reservoir) (Snohomish County): Fourth Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year-round season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Spearfish Lake (Klickitat County): Fourth Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): April 1 through September 30 season.

Spencer Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

(1) From SR 25 Bridge upstream to 400 feet below Little Falls Dam:

(a) Two pole fishing is permissible so long as the angler possesses a two-pole endorsement.

(b) Open year-round:

(i) Trout: Limit 5; no minimum size and no more than 2 over 20 inches in length may be retained.

(ii) Kokanee: Limit 6; no minimum size and no more than 2 with intact adipose fins may be retained.

(iii) Walleye: No size restriction; limit 16 fish.

(iv) Salmon: Open year-round; landlocked salmon rules apply.

(v) Sturgeon: It is unlawful to fish for or retain sturgeon.

(2) From the Little Falls Dam to the upstream boundary of the Plese Flats Day Use Area (Riverside State Park), except Long Lake, formed by Long Lake Dam (see also Long Lake):

(a) Open year-round.

(b) Trout: Limit 5, no more than 2 over 20 inches in length may be retained.

(c) Salmon: Open year-round; landlocked salmon rules apply.

(d) Sturgeon: It is unlawful to fish for or retain sturgeon.

(3) From the upstream boundary at Plese Flats Day Use Area (Riverside State Park) upstream to the Monroe Street Dam:

(a) Selective gear rules apply.

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

(c) Open June 1 through March 15:

(i) Trout: Limit one. Release wild trout (adipose fin intact).

(ii) Salmon: Open June 1 through March 15; landlocked salmon rules apply.

(iii) Sturgeon: It is unlawful to fish for or retain sturgeon.

(4) From Monroe Street Dam upstream to Upriver Dam:

(a) Open year-round.

(b) Salmon: Open year-round; landlocked salmon rules apply.

(5) From Upriver Dam upstream to the Idaho/Washington state line:

(a) Selective gear rules apply.

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

(c) Catch and release only.

(6) All tributaries to the Spokane River, not otherwise listed in this section, are open the Saturday before Memorial Day through October 31.

Sprague Lake (Adams/Lincoln counties): Closed waters: Waters of Cow Creek, the marsh at the southwest end of the lake from the lakeside edge of the reeds to Danekas Road, the small bay at the southeast end of the lake, and those waters within 50 feet of Harper Island. All other waters southwest of the southwest tip of Harper Island: Closed waters from October 1 through April 30. Trout: No more than two over twenty inches in length may be retained. Crappie and bluegill: Combined daily limit twenty-five fish. Crappie: Minimum length nine inches.

Spring Creek (Benton County): Selective gear rules.

Spring Creek (Goldendale Hatchery) (Klickitat County):

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

(2) Trout limit 5.

Spring Hill Reservoir (Black Lake, Lower Wheeler Reservoir) (Chelan County): Fourth Saturday in April through October 31 season. July 5 through October 31, selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Creek (Whatcom County): First Saturday in June through October 31 season. Selective gear rules.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Squire Creek (Snohomish County) (NF Stillaguamish River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Fourth Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Stearns Creek (Lewis County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Steel Lake (King County): Fourth Saturday in April through October 31 season.

Stehekin River (Chelan County): From the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fifteen inches. Release cutthroat. Additional March 1 through June 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Steilacoom Lake (Pierce County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Stetattle Creek (Whatcom County): Above the mouth of Bucket Creek (one and one-half miles upstream): First Saturday in June through October 31 season.

Stevens Creek (Grays Harbor County):

(1) From the mouth to Highway 101 Bridge:

(a) Closed from the WDFW hatchery outlet downstream 400 feet.

(b) Open the first Saturday in June through September 30 and December 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.

(2) From the Highway 101 Bridge upstream to the Newbury Creek Road Bridge:

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

(b) Selective gear rules apply.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Steves Lake (Mason County): Fourth Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Fourth Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Marine Drive, including all sloughs: Year-round season. Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open September 1 through December 31. In years ending in even numbers, daily limit 2 coho only. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook and chum.

From Marine Drive to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters. The first Saturday in June through November 30. Selective gear rules. Night closure from August 1 through November 30. All game fish: First Saturday in June through November 30 season. Release all fish except up to 2 hatchery steelhead per day may be retained. December 1 through January 31: Trout: Minimum length fourteen inches. Salmon: Open September 1 through December 31. In years ending in even numbers, daily limit 2 coho only. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook and chum.

Stillaguamish River, North Fork (Snohomish County):

(1) From the North Fork mouth to the mouth of French Creek:

(a) Anti-snagging rule and night closure in effect August 1 through November 30.

(b) It is unlawful to fish from any floating device upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).

(c) It is unlawful to fish from any floating device equipped with a motor downstream from the Highway 530 Bridge.

(d) Open the first Saturday in June through January 31:

(i) From the first Saturday in June through November 30:

(A) Fly fishing only.

(B) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

(ii) From December 1 through January 31: Trout minimum length 14 inches.

(2) From the mouth of French Creek to Swede Heaven Bridge:

(a) Anti-snagging rule and night closure in effect August 1 through November 30.

(b) Open the first Saturday in June through February 15:

(i) From the first Saturday in June through November 30:

(A) Fly fishing only.

(B) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

(ii) From December 1 through February 15: Trout minimum length 14 inches.

(3) From Swede Heaven Bridge to the falls approximately one mile upstream of Cascade Creek:

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

(b) Selective gear rules apply.

(c) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

(4) Upstream of the falls, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

Stillaguamish River, South Fork (Snohomish County):

(1) From the mouth to 400 feet downstream of the outlet to Granite Falls fishway:

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

(b) Anti-snagging rule and night closure in effect August 1 through November 30.

(c) Trout minimum length 14 inches.

(2) From Mountain Loop Highway Bridge above Granite Falls upstream to the source:

(a) Open the first Saturday in June through November 30.

(b) Selective gear rules apply.

(c) Anti-snagging rule and night closure in effect August 1 through November 30.

Stillman River (Lewis County) (Chehalis River tributary): From mouth to water supply pipeline at Mill Creek: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Stimson Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Storm Lake (Snohomish County): Fourth Saturday in April through October 31 season.

Stowe Creek (Lewis County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Straight Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Fourth Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout daily limit 5, no more than 2 over 15 inches in length.

Suiattle River (Skagit County): First Saturday in June through October 31 season. Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County):

(1) From the mouth upstream, including the tributaries from Mill Pond upstream: Open the Saturday before Memorial Day through October 31.

(2) From Mill Pond upstream and tributaries:

(a) Selective gear rules apply.

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

(c) Eastern brook trout limit 10.

(d) Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken.

Sullivan Lake (Pend Oreille County): Trout: Daily limit 2 trout, except kokanee not counted in daily trout limit. Kokanee daily limit ten.

Sullivan Lake Tributaries (Pend Oreille County), except as otherwise provided in this section: Open the Saturday before Memorial Day through October 31.

Sulphur Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Sultan River (Snohomish County): From its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: The first Saturday in June through January 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Upstream of the diversion dam to Culmback Dam: First Saturday in June through October 31 season.

Sumas River (Whatcom County): Including all tributaries except Johnson Creek: First Saturday in June through October 31 season.

Summit Lake (Stevens County): Fourth Saturday in April through October 31 season.

Summit Lake (Thurston County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Susan Lake (Thurston County): Selective gear rules and release all fish.

Sutherland Lake (Clallam County): Fourth Saturday in April through October 31 season. Trout: Minimum length six inches and maximum length eighteen inches.

Swale Creek (Klickitat County): Trout: Release all trout.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): The first Saturday in June through August 31 season. Juveniles only.

Swan Lake (Ferry County): Fourth Saturday in April through October 31 season. Unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

Swan's Mill Pond (Stossel Creek) (King County): The first Saturday in June through October 31 season.

Swauk Creek (Kittitas County), including tributaries: Selective gear rules apply.

Swift Reservoir (Skamania County):

(1) Open the first Saturday in June through November 30.

(2) Selective gear rules apply from the posted markers approximately 3/8 mile below Eagle Cliff Bridge to the bridge.

(3) From September 1 through November 30, trout limit 10 from the dam to the markers approximately 3/8 mile below Eagle Cliff Bridge.

(4) Salmon:

(a) Open the first Saturday in June through November 30.

(b) Landlocked salmon rules apply.

(c) Maximum length 15 inches.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Sylvia Creek (Grays Harbor County) (Wynoochee River tributary): From mouth upstream: First Saturday in June through October 31 season. Trout: Minimum length eight inches. All species: Selective gear rules.

Sylvia Lake (Grays Harbor County): No more than 2 trout over 15 inches in length may be retained.

Symington Lake (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Tacoma Creek and tributaries (Pend Oreille County):

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

(2) Eastern brook trout limit 10.

(3) Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken.

Tahuya River (Mason County): From mouth to steel bridge approximately 1 mile upstream of North Shore Road Bridge: First Saturday in June through August 15 and October 1 through October 31 season. Selective gear rules, unlawful to fish from a floating device equipped with an internal combustion motor, and release all fish except salmon. Night closure October 1 through October 31. Salmon: Open only October 1 through October 31. Daily limit 2 coho salmon.

From steel bridge approximately one mile upstream of North Shore Road Bridge upstream: First Saturday in June through August 15 and October 1 through October 31 season. Selective gear rules, unlawful to fish from a floating device equipped with an internal combustion motor, and release all fish. Night closure October 1 through October 31.

Taneum Creek (Kittitas County), including tributaries: Selective gear rules apply.

Tanwax Creek (Thurston County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Tanwax Lake (Pierce County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee. Crappie: Daily limit ten, minimum length nine inches.

Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year-round season.

Tarboo Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Tarboo Lake (Jefferson County): Fourth Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County):

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

(2) Selective gear rules apply.

(3) Catch and release only.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Fishing from a floating device equipped with an internal combustion engine prohibited. Selective gear rules. Trout daily limit one fish.

Teanaway River (Kittitas County), and tributaries: Selective gear rules apply.

Teanaway River, North Fork (Kittitas County):

(1) From the mouth to Beverly Creek, including all tributaries:

(a) Selective gear rules apply.

(b) Release all trout.

(2) Closed from Beverly Creek to the impassable waterfall at the end of USFS Road 9737 (about 8 river miles).

Tee Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Tenas Creek (Skagit County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Tenas Lake (Mason County): Fourth Saturday in April through October 31 season.

Ten Mile Creek (Whatcom County) (Nooksack River tributary): First Saturday in June through October 31 season. Selective gear rules.

Tennant Lake (Whatcom County): It is unlawful to fish from any floating device from the first Friday in October through January 27.

Tern Lake (Grant County): All species: Selective gear rules. Trout: Daily limit 1.

Terrell Creek (Whatcom County): First Saturday in June through October 31 season. Selective gear rules.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 31 except fishing from floating dock permitted.

Thomas Creek (Skagit County) (Samish River tributary): First Saturday in June through October 31 season. Selective gear rules.

Thomas Lake (Stevens County): Fourth Saturday in April through October 31 season.

Thompson Creek (Thurston County) (Skookumchuck River tributary): From mouth upstream: All Species: Selective gear rules. The first Saturday in June through October 31 season. Trout: Minimum length eight inches.

Thorndyke Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Thornton Creek (tributary to Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Thorton Creek (Skagit County): First Saturday in June through October 31 season. All species: Release all fish except up to two hatchery steelhead may be retained.

Thread Lake (Adams County): April 1 through September 30 season.

Thunder Creek (Clallam County) (Tributary to East Fork Dickey River):

(1) Open the first Saturday in June through April 30.

(2) From D2400 Road upstream: Closed from November 1 through April 30.

(3) Selective gear rules apply.

(4) 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.

Tibbetts Creek (tributary to Lake Sammamish) (King County): The first Saturday in June through August 31 season. Juveniles only.

Tieton River (Yakima County):

(1) It is permissible to fish up to the base of Tieton (Rimrock) Dam.

(2) Open the first Saturday in June through October 31; selective gear rules apply.

(3) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

Tieton River, North Fork (Yakima County):

(1) Closed:

(a) Clear Lake spillway channel.

(b) Within 400 feet of Clear Lake Dam.

(2) The entire river, including that portion of the river that flows through the dry lakebed of Rimrock Reservoir:

(a) Open the Saturday before Memorial Day through August 15.

(b) Selective gear rules apply for the mainstem and the tributaries.

Tieton River, South Fork (Yakima County):

(1) From the bridge on USFS Road 1200 to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed.

(2) From the bridge on USFS Rd. 1070 upstream: Open the Saturday before Memorial Day through October 31.

Tiger Lake (Kitsap/Mason counties): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Tilton River (Lewis County), from the mouth to West Fork:

(1) Barbless hooks required for salmon and steelhead.

~~(2)~~ (2) Open the first Saturday in June through March 31.

~~((2))~~ (3) Night closure and anti-snagging rule in effect September 1 through October 31; when the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

~~((3))~~ (4) Release all cutthroat.

~~((4))~~ (5) Salmon:

(a) Minimum length 8 inches.

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

~~(i) Limit 6; no more than 2 adults may be retained.~~

~~(ii) Release wild coho.~~

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

(i) Limit 6; no more than 2 adult Chinook may be retained.

(ii) Release wild coho and wild Chinook.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Fourth Saturday in April through October 31 season.

Tokul Creek (King County) (Snoqualmie River tributary):

(1) From the mouth to the Fish Hatchery Road Bridge:

(a) Open December 1 through February 15; closed 5:00 p.m. to 7:00 a.m. daily.

(b) Anti-snagging rule applies.

(c) Trout minimum length 14 inches.

(2) From Fish Hatchery Road Bridge to the posted cable boundary marker located approximately 400 feet downstream of the hatchery intake:

(a) Open January 15 through February 15; closed 5:00 p.m. to 7:00 a.m. daily.

(b) Anti-snagging rule applies.

(c) Trout minimum length 14 inches.

(3) From Tokul Road SE upstream, including all tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.

Tolt River (King County):

(1) From the mouth to the USGS trolley cable near the confluence of the North and South Forks:

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

(b) Selective gear rules apply from the first Saturday in June through November 30.

(c) Trout minimum length 14 inches.

(2) From the falls upstream, on the North Fork, including all tributaries:

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

(b) Selective gear rules apply.

(c) Catch and release only.

(3) From the dam upstream, on the South Fork:

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

(b) Selective gear rules apply.

(c) Trout minimum length 10 inches.

Touchet River (Columbia/Walla Walla counties):

(1) From the mouth to confluence of North and South forks, and all tributaries open to game fish angling:

(a) Walleye: No size restrictions and no limit.

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

(c) Channel catfish: No limit.

~~((4))~~ (2) From the mouth to the confluence of North and South forks, additional season from November 1 through April 15:

~~((5))~~ (a) Anglers may only use barbless hooks.

~~((6))~~ (b) From November 1 through March 31: Release all fish except hatchery steelhead and brown trout; limit 3 combined.

~~((7))~~ (c) From April 1 through April 15: Release all fish except anglers may retain up to 3 hatchery steelhead.

~~((8))~~ (3) From the confluence of North and South forks upstream, including Robinson and Wolf Forks:

(a) Closed: Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork.

(b) Selective gear rules apply.

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

(d) Release all steelhead.

~~((9))~~ (4) North Fork, upstream of Spangler Creek: Open the first Saturday in June through August 31.

~~((10))~~ (5) South Fork, upstream from Griffin Creek: Open the first Saturday in June through August 31.

~~((11))~~ (6) Wolf Fork, upstream from Coates Creek: Open the first Saturday in June through August 31.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: Barbless hooks required for salmon and steelhead. The first Saturday in June through November 30 season. Anti-snagging rule and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult Chinook. Release chum, wild coho, and wild Chinook.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County):

(1) Barbless hooks required for steelhead.

(2) All tributaries are closed.

~~((2))~~ (3) From the mouth to 4700 Road Bridge:

(a) Open the last Saturday in May to the first Friday in June.

(b) Selective gear rules apply.

(c) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

~~((3))~~ (4) From the mouth to the 4100 Road Bridge:

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

(b) Selective gear rules apply December 1 through March 15.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor from December 1 through March 15.

(d) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

~~((4))~~ (5) From 4100 Road Bridge upstream:

(a) Open the first Saturday in June through November 30.

(b) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

Trail's End Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Trap Creek (Pacific County) (Willapa River tributary): From mouth upstream: All game fish: First Saturday in June through October 15 season. Selective gear rules.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (Clallam County) (Big River tributary):

(1) Open the first Saturday in June through October 15.

(2) Selective gear rules apply.

(3) Trout:

(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) Release all kokanee.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Fourth Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): The first Saturday in June through October 31 season.

Tucannon River (Columbia/Walla Walla counties):

(1) General River Rules:

(a) All tributaries are closed unless otherwise provided.

(b) For all portions of the Tucannon River open to game fish angling:

(i) Channel catfish: No limit.

(ii) Walleye: No size restrictions and no limit.

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

(2) Rules by river section:

(a) From the mouth upstream to Tucannon Hatchery Bridge:

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

(A) Selective gear rules apply upstream of Turner Road Bridge at Marengo.

(B) It is unlawful to fish from a floating device equipped with an internal combustion motor upstream of Turner Road Bridge at Marengo.

(C) Anglers may retain up to 3 hatchery steelhead.

(ii) Open November 1 through March 31:

(A) Barbless hooks are required.

(B) Catch and release only, except anglers may retain up to 3 hatchery steelhead and 15 whitefish.

(b) From the Tucannon Hatchery Bridge upstream:

(i) Closed:

(A) All tributaries and the mainstem from the Tucannon Hatchery Bridge upstream to 500 feet above the Rainbow Lake intake.

(B) From Cow Camp Bridge upstream.

(ii) Selective gear rules apply.

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

(iv) Release all steelhead.

Tucquala Lake (Kittitas County):

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

(2) No limit on eastern brook trout; eastern brook trout do not count towards the trout limit.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Fourth Saturday in April through October 31 season.

Twin Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County):

(1) From the mouth to War Creek:

(a) Open the Saturday before Memorial Day through August 15.

(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.

(2) From War Creek to South Fork Twisp River: Closed.

Tye River (King County):

(1) From Foss River to Alpine Falls:

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

(b) Selective gear rules apply.

(c) Trout minimum length 14 inches.

(d) Open November 1 through the last day in February for whitefish only; release all other fish.

(2) From Alpine falls upstream, and all tributaries to the Tye River, including their tributaries: Open the first Saturday in June through October 31.

U Lake (Mason County): Fourth Saturday in April through October 31 season.

Umbrella Creek (Clallam County), outside Olympic National Park, including tributaries and Elk Lake:

- (1) Open the first Saturday in June through October 15.
- (2) Selective gear rules apply.
- (3) Trout:

(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) Release all kokanee.

Umtanum Creek (Kittitas County): Selective gear rules apply.

Uncle John Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County): Mouth to North Shore Road Bridge: First Saturday in June through August 15 season. All game fish: Release all fish. Sturgeon: Open June 1 through June 30, 2013. Effective January 1, 2014, it is unlawful to retain sturgeon (catch and release only).

From North Shore Road Bridge to lower bridge on Old Belfair Highway: The first Saturday in June through August 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

From lower bridge on Old Belfair Highway upstream: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): First Saturday in June through October 31 season. Juveniles only.

Vance Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Vance Creek/Elma Ponds (Grays Harbor County), Pond One and Pond Two:

(1) Pond One is open to juvenile anglers, seniors, and anglers with a disability who possess a designated harvester companion card only.

(2) Open the fourth Saturday in April through November 30:

(a) Anglers may retain no more than 2 trout over 15 inches in length.

- (b) Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County):

(1) Vancouver Lake flushing channel and the lake shoreline 400 feet east and west of the channel exit: Closed April 1 through May 31.

(2) Chumming permitted.

(3) Trout: Limit 2; minimum length 12 inches.

(4) Sturgeon: Seasons, days of the week, size restrictions, and limits are the same as in adjacent waters of mainstem Columbia River.

Vanes Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County):

(1) Anti-snagging rule and night closure in effect August 16 through November 30.

(2) From the mouth to 400 feet below the outlet of Lake Aberdeen Hatchery:

(a) Open for game fish 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.

(b) Salmon open September 1 through January 31:

(i) Limit 6; no more than 2 adults may be retained, and only one adult may be a wild coho.

(ii) Release chum and Chinook.

(3) From Lake Aberdeen upstream:

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

(b) Selective gear rules apply.

Vesta Creek and all forks (Grays Harbor County) (North River tributary): From mouth upstream: All game fish: The first Saturday in June through October 31 season. Selective gear rules.

Vic Meyers (Rainbow) Lake (Grant County): Fourth Saturday in April through September 30 season.

Vogler Lake (Skagit County): Fourth Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From the falls under the powerline upstream: Open the Saturday before Memorial Day through October 31.

Waddell Creek (Thurston County) (Black River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Wagners Lake (Snohomish County): Fourth Saturday in April through October 31 season.

Wahkiacus Creek (Klickitat County): Trout: Release all trout.

Waitts Lake (Stevens County): Fourth Saturday in April through last day in February season.

Walker Lake (King County): Fourth Saturday in April through October 31 season.

## Wallace River (Snohomish County):

- (1) From the mouth to 363rd Ave. S.E./Reece Rd:
- (a) Night closure and anti-snagging rule in effect June 1 through November 30.
- (b) It is unlawful to fish from any floating device November 1 through February 15.
- (c) Open the first Saturday in June through February 15.
- (d) Trout (except Dolly Varden/Bull Trout) minimum length 14 inches.
- (e) It is permissible to retain Dolly Varden/Bull Trout as part of the trout limit; minimum length 20 inches.
- (f) Salmon:
- (i) In years ending in even numbers:  
(A) Open September 16 through November 30.  
(~~(B)~~) (B) Limit 3 coho only.
- (ii) In years ending in odd numbers:  
(A) Open September 16 through November 30.  
(B) Limit 3 salmon plus 1 additional pink.  
(C) Release Chinook and chum.
- (2) From 363rd Avenue S.E./Reece Road to 200 feet upstream of the water intake of the salmon hatchery:
- (a) Night closure and anti-snagging rule in effect September 16 through November 30.
- (b) It is unlawful to fish from any floating device November 1 through February 15.
- (c) Open September 16 through February 15.
- (d) Trout (except Dolly Varden/Bull Trout) minimum length 14 inches.
- (e) It is permissible to retain Dolly Varden/Bull Trout as part of the trout limit; minimum length 20 inches.
- (f) Salmon:
- (i) In years ending in even numbers:  
(A) Open September 16 through November 30.  
(~~(B)~~) (B) Limit 3 coho only.
- (ii) In years ending in odd numbers:  
(A) Open September 16 through November 30.  
(B) Limit 3 salmon plus 1 additional pink.  
(C) Release Chinook and chum.
- (3) From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls:
- (a) Open November 1 through January 31.
- (b) It is unlawful to fish from any floating device.
- (c) Trout (except Dolly Varden/Bull Trout) minimum length 14 inches.
- (d) It is permissible to retain Dolly Varden/Bull Trout as part of the trout limit; minimum length 20 inches.
- (4) From Wallace Falls upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

## Walla Walla River (Walla Walla County):

- (1) In the mainstem and tributaries open to game fish angling:
- (a) Channel catfish: No limit.
- (b) Walleye: No size restrictions and no limit.
- (c) Bass: No size restrictions and no limit.
- (2) From the mouth to the Touchet River:
- (a) Open year-round.
- (b) Trout:
- (i) Release trout April 1 through May 31.
- (ii) Limit 3 hatchery steelhead.

- (iii) Barbless hooks are required when fishing for steelhead.
- (3) From the Touchet River upstream to the state line:
- (a) Open from the first Saturday in June through October 31; limit 3 hatchery steelhead.
- (b) From November 1 through March 31:
- (i) Barbless hooks are required when fishing for steelhead.
- (ii) Release all fish, except up to 3 hatchery steelhead may be retained.
- (c) All tributaries are closed, except Mill Creek and the Touchet River as otherwise provided in this section.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Fourth Saturday in April through October 31 season. Selective gear rules. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Fourth Saturday in April through October 31 season.

Wapato Lake (Chelan County): Fourth Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Creek (Pacific County) (Willapa River tributary): From mouth upstream: All game fish: First Saturday in June through October 31 season. Selective gear rules.

Ward Lake (Ferry County): Fourth Saturday in April through October 31 season.

Ward Lake (Thurston County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Warden Lake and Warden Lake, South (Grant County): Fourth Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County):

- (1) Open April 1 through September 30.
- (2) It is unlawful to fish with use of an internal combustion motor. An internal combustion motor may be attached to a floating device, but must not be used.

Washburn Lake (Okanogan County): Fourth Saturday in April through October 31 season. Trout: Daily limit two.

Washington Creek (Mason County): First Saturday in June through October 31 season.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Game fish: Open year-round. Trout: Open July 1 through November 30. Open December 1 through last day in February, daily limit 5, no minimum length. Release steelhead and rainbow trout over twenty inches in length. Open March 1 through June 30, daily limit 5, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye less than fifteen inches in length are kokanee while those fifteen inches and over in length are sockeye salmon. Salmon: Open only Sep-

tember 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit four coho salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary. Game fish: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

~~(1) ((Night closure in effect year-round.~~

~~(2)))~~ From the mouth to the bridge at Salmon Falls:

(a) Barbless hooks required for salmon and steelhead.

(b) Closed waters from 200 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river.

~~((b))~~ (c) Night closure in effect:

(i) Year-round from mouth to Mount Norway Bridge.

(ii) September 1 through October 31 from Mount Norway Bridge upstream.

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

~~((e))~~ (e) Anti-snagging rule ~~((and stationary gear restrictions apply))~~ applies July 1 through October 31 from the mouth to Mount Norway Bridge, and from September 1 through October 31 from Mount Norway Bridge upstream. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

~~((f))~~ (f) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.

~~((g))~~ (g) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; no more than 2 adults may be hatchery Chinook.

(iii) Release chum, wild coho, and wild Chinook.

~~((3))~~ (2) In addition to the season listed in subsection (2) of this definition (Washougal River (Clark County)), the waters from the mouth to Mount Norway Bridge are open April 16 through the Friday before the first Saturday in June:

(a) Selective gear rules apply.

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

(c) Release all trout except anglers may retain up to 2 hatchery steelhead.

~~((4))~~ (3) From the bridge at Salmon Falls to the source, including tributaries: Closed.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: Barbless hooks required for steelhead. The first Saturday in June through March 15 season. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Wauhup Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Wenaha River tributaries within Washington: The first Saturday in June through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all steelhead.

Wenatchee Lake (Chelan County): Selective gear rules. Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

(1) From mouth to 400' below Dryden Dam:

~~((from the mouth to the Highway 2 Bridge at Leavenworth only))~~ (a) Open for whitefish December 1 through March 31 ~~only~~; whitefish gear rules apply.

~~((2))~~ (b) Salmon:

(i) Open August 1 through September 30.

(ii) Selective gear rules apply and night closure in effect.

(iii) Limit 4; no more than 2 adult hatchery Chinook.

(iv) Release all wild salmon.

(2) From the mouth of Peshastin Creek (above Dryden Dam) to Highway 2 Bridge at Leavenworth:

(a) Open for whitefish December 1 through March 31: whitefish gear rules apply.

(b) Salmon:

(i) Open September 1 through September 30.

(ii) Limit 4; no more than 2 adult hatchery Chinook.

(iii) Release all wild salmon.

(iv) Selective gear rules apply and night closure in effect.

(3) Lake Jolanda is closed.

Wentworth Lake (Clallam County): Unlawful to fish from a floating device equipped with an internal combustion engine.

West Evans Pond (Asotin County): Trout: No more than 2 trout over 13 inches in length may be retained.

West Twin River (Clallam County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Whatcom Creek (Whatcom County):

From mouth to markers below footbridge below Dupont Street in Bellingham. Anti-snagging rule and night closure August 1 through December 31. The first Saturday in June through last day in February season. Trout: Minimum length

fourteen inches. Salmon: Open only August 1 through December 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Anglers fishing lawfully, within 50 yards of the Bellingham Technical College Hatchery Collection Tube, and on the hatchery side of the creek, that hook and land chum salmon, may remove those chum salmon from the water and immediately place them unharmed into the Hatchery Collection Tube.

From footbridge below DuPont Street in Bellingham to Woburn Street Bridge. Anti-snagging rule and night closure August 1 through December 31. The first Saturday in June through last day in February season. Trout: Minimum length 14 inches.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Fourth Saturday in April through October 31 season. Juveniles only. Anti-snagging rule and night closure August 1 through October 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Fourth Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

Wheeler Creek (Klickitat County): Trout: Release all trout.

White Creek (Skagit County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

(1) From the mouth to R Street Bridge in Auburn:

(a) Selective gear rules and night closure are in effect October 1 through January 15.

(b) Open October 1 through October 31 for fly fishing only; release all fish.

(c) Open November 1 through January 15; trout minimum length 14 inches.

(2) From R Street Bridge to the Highway 410 Bridge at Buckley:

(a) Puget Power canal, including the screen bypass channel above the screen at Dingle Basin, is closed.

(b) Open October 1 through October 31:

(i) Night closure and selective gear rules are in effect.

(ii) Trout minimum length 14 inches.

(3) From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) upstream to its source:

(a) Open July 1 through October 31:

(i) Night closure in effect October 1 through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(b) Open for whitefish only November 1 through January 31; whitefish gear rules apply.

Whitechuck River (Snohomish County): All species: Selective gear rules. First Saturday in June through October 31

season. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

(1) From the mouth to the county road bridge below the powerhouse:

(a) Barbless hooks required for salmon and steelhead.

(b) From the mouth to the Hwy. 14 Bridge, the limit follows the most liberal regulations of the adjacent mainstem Columbia or White Salmon rivers, when both areas are open concurrently for salmon.

~~((b))~~ (c) Bank fishing only downstream from the Highway 14 Bridge.

~~((c))~~ (d) Open August 1 through March 31:

(i) Anti-snagging rule applies August 1 through December 31.

(ii) Trout minimum length 14 inches.

~~((d))~~ (e) Salmon and steelhead:

(i) From April 1 through July 31, limit 2 salmon or 2 hatchery steelhead or one of each; release wild Chinook.

(ii) Open for salmon only August 1 through March 31:

(A) Limit 6; no more than 2 adults may be retained.

(B) Release wild Chinook and wild coho.

(2) From the county road bridge below the powerhouse upstream to Big Brothers Falls (river mile 16):

(a) Closed from Big Brothers Falls downstream 400 feet.

(b) Open the first Saturday in June 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) Catch and release only, except anglers may retain up to 2 hatchery steelhead.

Wide Hollow Creek (Yakima County): Juveniles only.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Fourth Saturday in April through October 31 season.

Wildcat Creek (Grays Harbor County) (Cloquallum Creek tributary): From mouth to confluence of Middle and East forks: The first Saturday in June through October 31 season. Selective gear rules.

Wildcat Creek, East Fork (Grays Harbor County) (Cloquallum Creek tributary): From mouth to Highway 108 Bridge (Simpson Avenue, in the town of McCleary): The first Saturday in June through October 31 season. Selective gear rules.

Wildcat Lake (Kitsap County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Wilderness Lake (King County): Fourth Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Wilkeson Creek (Pierce County) (South Prairie Creek tributary) upstream of confluence with Gale Creek: First Saturday in June through October 31 season.

## Willame Lake (Lewis County):

- (1) Selective gear rules apply.
- (2) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (3) Open the fourth Saturday in April through October 31; trout limit 2, minimum length 15 inches.

## Willapa River (Pacific County):

(1) From the mouth (city of South Bend boat launch) to the Highway 6 Bridge approximately 2 miles below the mouth of Trap Creek:

(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) from August 1 through November 30.

(b) Night closure in effect and single-point barbless hooks are required from August 1 through November 30.

(c) Stationary gear restriction applies from August 1 through November 30, except from the mouth of the Willapa River to the WDFW access site at the mouth of Ward/Wilson creek.

(d) Open the first Saturday in June through March 31; release all fish except anglers may retain up to 2 hatchery steelhead.

(e) Salmon open August 1 through January 31:

(i) From August 1 through November 30:

(A) Limit 6; no more than 3 adults may be retained, and only 2 adults may be wild coho.

(B) Release wild Chinook and chum.

(ii) From December 1 through January 31:

(A) Limit 6; no more than 2 adults may be retained, and only one adult may be a wild coho.

(B) Release wild Chinook and chum.

(f) Sturgeon:

(i) Open year-round until December 31, 2013.

(ii) Effective January 1, 2014, it is unlawful to retain sturgeon (catch and release only).

(2) From Highway 6 Bridge to Fork Creek:

(a) October 1 through November 30:

(i) Night closure in effect.

(ii) Single-point barbless hooks are required.

(iii) Stationary gear restriction applies.

(b) Open the first Saturday in June through July 15 and from October 1 through March 31; release all fish except anglers may retain up to 2 hatchery steelhead.

(c) Salmon open October 1 through January 31:

(i) From October 1 through November 30:

(A) Limit 6; no more than 3 adults may be retained, and only ~~(one)~~ 2 adults may be a wild coho.

(B) Release wild Chinook and chum.

(ii) From December 1 through January 31:

(A) Limit 6; no more than 2 adults may be retained, and only one adult may be a wild coho.

(B) Release wild Chinook and chum.

(3) From Fork Creek upstream:

(a) Night closure in effect and single-point barbless hooks are required August 16 through October 31.

(b) Open the first Saturday in June through October 31; release all fish except anglers may retain up to 2 hatchery steelhead.

## Willapa River, South Fork (Pacific County):

(1) From the mouth to the bridge on Pehl Road:

(a) Closed from the falls/fish ladder downstream 400 feet in Section 6, Township 13 North, and Range 8 West.

(b) Selective gear rules apply from the first Saturday in June through July 31.

(c) Night closure in effect ~~((and))~~, anti-snagging rule ~~((applies))~~, and barbless hooks required August 1 through November 30.

(d) Open the first Saturday in June through the last day in February; release all fish except anglers may retain up to 2 hatchery steelhead.

(e) Salmon:

(i) Open August 1 through January 31.

(ii) Limit 6; no more than 3 adults may be retained.

(iii) Release wild Chinook, wild coho, and chum.

(2) From Pehl Road upstream:

(a) Open the first Saturday in June through the last day in February.

(b) Release all fish except anglers may retain up to 2 hatchery steelhead.

Williams Creek (Pacific County) (Nemah River North Fork tributary): First Saturday in June through October 15 season. Trout: Minimum length eight inches and daily limit two fish. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Williams Lake (Spokane County): Fourth Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season. All species: Catch and release except up to five rainbow trout may be retained.

Wilson Creek (Pacific County) (Willapa River tributary): All game fish: First Saturday in June through October 31 season. Selective gear rules.

Wilson Creek, North Fork (Pacific County): All game fish: First Saturday in June through October 31 season. Selective gear rules.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Juveniles only.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

## Wind River (Skamania County):

(1) Barbless hooks required for salmon and steelhead.

(2) From the mouth to 100 feet above Shipherd Falls:

(a) Closed from 400 feet below to 100 feet above Shipherd Falls fish ladder, including all tributaries.

(b) Night closure in effect March 16 through June 30.

(c) Anti-snagging rule applies August 1 through October 31.

(d) Anti-snagging rule applies from Burlington Northern Railroad Bridge upstream May 1 through June 30.

(e) ~~((Fishing two poles is permissible from the mouth to Burlington Northern Railroad Bridge from May 1 through June 30, so long as the angler possesses a two-pole endorsement.~~

~~(f))~~ When anti-snagging rule is in effect, only fish hooked inside the mouth may be retained. Open for game fish other than trout July 1 through March 15.

~~((g))~~ (f) Open for trout August 1 through March 15; trout minimum length 14 inches.

~~((h))~~ (g) Salmon and steelhead:

(i) Open March 16 through July 31:

(A) Limit ~~((2))~~ one salmon or ~~((2))~~ one hatchery steelhead, or one of each.

(B) Release wild Chinook.

(ii) Open August 1 through October 31 for salmon ~~((only from the mouth to the Highway 14 Bridge))~~:

(A) From the mouth to the Highway 14 Bridge, when the adjacent mainstem Columbia and the Wind rivers are open concurrently for salmon, the limit follows the most permissive regulations.

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

(C) Release wild coho and wild Chinook.

~~((2))~~ (3) From 100 feet above Shipherd Falls to ~~((boundary marker approximately 800 yards downstream of Carson National Fish Hatchery))~~ Moore Bridge:

(a) Closed:

(i) All tributaries; and

(ii) From 400 feet below to 100 feet above the Coffey Dam.

~~(b) ~~((Night closure in effect and anti-snagging rule applies from May 1 through June 30.~~~~

~~(e))~~ Open September 16 through November 30:

(i) Catch and release only;

(ii) Selective gear rules apply; and

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

~~((d) Open May 1 through June 30 for salmon and steelhead: Limit 2 salmon or 2 hatchery steelhead, or one of each.~~

~~(3) From boundary marker approximately 800 yards downstream of Carson National Fish Hatchery to Moore Bridge:~~

~~(a) Open September 16 through November 30.~~

~~(b) Catch and release only;~~

~~(c) Selective gear rules apply; and~~

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

(4) Closed from Moore Bridge upstream to the river source, including all tributaries.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County):

(1) Single-point barbless hooks are required August 16 through November 30.

(2) From the mouth to West Fork:

(a) Open the first Saturday in June through the last day in February.

(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.

(c) Salmon open ~~((October 1))~~ September 16 through January 31:

(i) From ~~((October 1))~~ September 16 through November 30:

(A) Limit 6; no more than 2 adults may be retained, and only one adult may be a wild coho.

(B) Release Chinook and chum.

(ii) From December 1 through January 31:

(A) Limit 6; no more than 2 adults may be retained.

(B) Release Chinook, wild coho, and chum.

(3) From the mouth of West Fork to 200 feet below the weir at the Wishkah Rearing Ponds:

(a) Closed from ~~((200 feet downstream of the weir at the Wishkah Rearing Ponds, upstream to the weir))~~ 150 feet upstream to 150 feet downstream of the Wishkah adult attraction channel/outfall structure (within the posted fishing boundary), except for anglers with disabilities who permanently use a wheelchair and have a designated harvester companion card.

(b) Open the first Saturday in June through the last day in February.

(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) Salmon open October 1 through December 31:

(i) Limit 6; no more than 2 adults may be retained.

(ii) Release chum, Chinook, and wild coho.

(4) From the weir upstream:

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

(b) Selective gear rules apply.

Wishkah River, East and West forks (Grays Harbor County): All species: The first Saturday in June through the last day in October season. Selective gear rules.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Woodard Creek (Thurston County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length 14 inches.

Wood Lake (Mason County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Woodland Creek (Thurston County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Woods Creek, East Fork (Snohomish County) (Skykomish River tributary) upstream of Old Pipeline Road above Woods Creek Falls, including all tributaries and beaver ponds: Open the first Saturday before Memorial Day through October 31.

Wooten Lake (Mason County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Wye Lake (Kitsap County): Fourth Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

## Wynoochee River (Grays Harbor County):

(1) From the mouth to the WDFW White Bridge Access Site:

(a) Single-point barbless hooks are required August 16 through November 30.

(b) ~~((Bait prohibited September 16 through November 30.~~

~~(c))~~ 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.

~~((c))~~ (c) Salmon:

(i) Open September 16 through November 30.

(ii) Limit 6; no more than 2 adults may be retained, and only one adult may be a wild coho.

(iii) Release Chinook ~~((and chum))~~.

(2) From the WDFW White Bridge Access Site to the 7400 line bridge ~~((above the mouth of Schafer Creek))~~:

(a) Single-point barbless hooks required August 16 through November 30.

(b) Bait is prohibited September 16 through November 30.

(c) 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.

(3) From the 7400 line bridge to 400 feet below Wynoochee Dam, including the confluence of the reservoir upstream to Wynoochee Falls:

(a) Closed from 400 feet downstream of Wynoochee Dam and from the barrier dam near Grisdale.

(b) Open the first Saturday in June through October 31 and from December 1 through March 31:

(i) 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.

(ii) From December 1 through March 31:

(A) Selective gear rules apply.

(B) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(4) From Wynoochee Falls upstream:

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

(b) Selective gear rules apply.

(c) Eastern brook trout limit 5. Eastern brook trout do not count toward the trout limit. However, once the daily 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.

Wynoochee Reservoir (Grays Harbor County) upstream to head waters: The first Saturday in June through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

## Yakima River (Yakima County):

(1) General river rules:

(a) Release all steelhead in the mainstem and tributaries.

(b) In the mainstem or tributaries open to game fish angling:

(i) Channel catfish: No limit.

(ii) Walleye: No size restrictions and no limit.

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

(2) Rules by river section:

(a) From the mouth to 400 feet below Prosser Dam:

(i) Closed from the WDFW white markers 200 feet downstream of the USBR Chandler Powerhouse/Pumping Station spillway chute to the powerline crossing immediately upstream of the powerhouse from September 1 through October 22.

(ii) Anti-snagging rule and night closure in effect September 1 through October 22.

(iii) Open March 1 through October 22.

(iv) Chumming is permitted.

(v) Release all trout.

(vi) Salmon:

(A) Open September 1 through October 22.

(B) Night closure in effect.

(C) Barbless hooks required.

(D) Limit 6; no more than 2 adults may be retained.

(b) From Prosser Dam to Highway 223 Bridge:

(i) Open May 1 through October 31.

(ii) Release all trout.

(c) From Highway 223 Bridge to 400 feet below Sunnyside Dam:

(i) Trout minimum length is 12 inches, maximum length is 20 inches.

(ii) Open December 1 through the last day in February for whitefish only; whitefish gear rules apply.

(d) From Sunnyside Dam to 3,500 feet below Roza Dam:

(i) Closed from Yakima Avenue-Terrace Heights Bridge upstream 400 feet.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor from the I-82 Bridge at Selah Gap to 3,500 feet below Roza Dam.

(iv) Trout minimum length is 12 inches, maximum length is 20 inches.

(v) Open December 1 through the last day in February for whitefish only; whitefish gear rules apply.

(e) From 3,500 feet below Roza Dam to 400 feet below Roza Dam:

(i) Open December 1 through the last day in February for whitefish only; whitefish gear rules apply.

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

(f) From Roza Dam to 400 feet below Easton Dam and from Lake Easton to the base of Keechelus Dam:

(i) Open year-round.

(ii) It is permissible to fish from floating devices equipped with motors only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately 0.5 mile).

(iii) Selective gear rules apply, except December 1 through the last day in February.

(iv) Trout:

(A) From Roza Dam to 400 feet below Easton Dam, release all trout.

(B) From Lake Easton to the base of Keechelus Dam, release all trout except eastern brook trout; eastern brook trout have no limit and no minimum size restriction.

(v) Open December 1 through the last day in February, for whitefish only; whitefish gear rules apply.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Landlocked salmon rules.

Yellowhawk Creek (Walla Walla County): Closed waters.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Yocum Lake (Pend Oreille County):

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

(2) It is unlawful to use lead weights or lead jigs that measure 1.5 inches or less along the longest axis.

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

Youngs Creek (Snohomish County) (Skykomish River tributary) and its tributaries and beaver ponds above Potson Road (299th Avenue S.E. Bridge) (Elwell Creek tributary, Skykomish River tributary near town of Sultan): Open the Saturday before Memorial Day through October 31.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 12-18-006, filed 8/23/12, effective 9/23/12)

**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 June ((8)) 7: Closed.

(b) June ((9)) 8 through June ((22)) 21:

(i) Daily limit of 2 salmon.

(ii) Release coho and wild Chinook.

(c) June ((23)) 22 through September 30:

(i) Daily limit of 2 salmon(~~(, of which not)~~); no more than one may be a Chinook salmon.

(ii) Release wild coho.

(d) October 1 through April 30: Closed.

(e) Closed in the Columbia River Mouth Control Zone 1 during all open periods. See WAC 220-56-195.

**(3) Catch Record Card Area 2:**

(a) May 1 through June ((8)) 7: Closed.

(b) June ((9)) 8 through June ((23)) 22:

(i) Daily limit of 2 salmon.

(ii) Release coho and wild Chinook.

(c) June ((24)) 23 through September ((23)) 30:

(i) Open Sundays through Thursdays only.

(ii) Daily limit of 2 salmon(~~(, of which not)~~); no more than one may be a Chinook salmon.

(iii) Release wild coho.

(d) (~~(September 24))~~ October 1 through April 30 - Closed.

**(4) Willapa Bay (Catch Record Card Area 2-1):**

(a) May 1 through June ((8)) 7: Closed.

(b) June ((9)) 8 through July 31: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 1 through January 31:

(i) Daily limit of 6 salmon(~~(, not)~~); no more than 3 (~~(of which)~~) may be adult salmon.

(ii) Release chum and wild Chinook.

(iii) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(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 September 15: Closed.

(b) September 16 through (~~(October 7))~~ September 22: (~~((+))~~) Daily limit of 3 salmon(~~(, of which not)~~); no more than one may be a Chinook salmon (~~(and not more than 2 may be wild coho salmon.~~

(ii) Release chum).

(c) (~~(October 8))~~ September 23 through November 30:

(i) Daily limit of 3 salmon(~~(, of which not more than 2 may be wild coho salmon)~~).

(ii) Release Chinook (~~(and chum)~~).

(d) December 1 through April 30: Closed.

(e) 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(~~(, not)~~); no more than 4 (~~(of which)~~) may be adult salmon.

(ii) Release wild 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) May 1 through June ((8)) 7: Closed.

(b) June ((9)) 8 through (~~(September 23))~~ August 10: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) (~~(September 24))~~ August 11 through April 30: Closed.

**(7) Catch Record Card Area 3:**

(a) May 1 through June ((45)) 28: Closed(~~(,~~

~~(b) June 16 through June 30),~~ except May 10 through May 11, May 17 through May 18, and June 22 through June 28:

(i) Daily limit of 2 salmon.

(ii) Release coho and wild Chinook.

(~~((e) July 1))~~ (b) June 29 through September ((23)) 22:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

(iii) In years ending in odd numbers, (~~(one))~~ two additional pink salmon may be retained as part of the daily limit.

(~~((+))~~) (c) September ((24)) 23 through April 30: Closed.

(~~((e))~~) (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 ~~((29))~~ 28 through October ~~((14))~~ 13:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

~~((iii) In years ending in odd numbers, one additional pink salmon may be retained as part of the daily limit.)~~

(8) **Catch Record Card Area 4:**

(a) May 1 through June ~~((15))~~ 28: Closed.

~~(b) June 16 through June 30), except May 10 through May 11, May 17 through May 18, and June 22 through June 28:~~

(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.

~~((e) July 1) (b) June 29~~ through September ~~((23))~~ 22:

(i) Daily limit of 2 salmon.

(ii) Release wild coho salmon.

(iii) In years ending in odd numbers, ~~((one))~~ 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 east of the Bonilla-Tatoosh line beginning August 1.

(vi) Release chum salmon beginning August 1.

~~((e)) (c) September ((24)) 23~~ through April 30: Closed.

(9) 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 12-18-006, filed 8/23/12, effective 9/23/12)

**WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits.** (1) It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas and during the seasons, in the quantities, and for the species designated in this section, and in the sizes as defined in WAC 220-56-180. An area is open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters under WAC 232-28-620.

(2) **Catch Record Card Area 5:**

(a) May 1 through June 30: Closed.

(b) July 1 through August 15:

(i) Daily limit of 2 salmon.

(ii) Release chum, wild Chinook and wild coho.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) August 16 through September 14:

(i) Daily limit of 2 salmon.

(ii) Release chum, Chinook and wild coho.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(d) September 15 through September 30:

(i) Daily limit of 2 salmon.

(ii) Release chum and Chinook.

(e) October 1 through October 31: Daily limit of 2 salmon ~~((,not))~~; no more than one ~~((of which))~~ may be a Chinook salmon.

(f) November 1 through ~~((November 30))~~ February 15: Closed.

~~(g) ((December 1 through February 15): Closed.~~

~~(h))~~ February 16 through April 10: Daily limit of one salmon.

~~((i)) (h) April 11 through April 30: Closed.~~

(3) **Catch Record Card Area 6:**

(a) May 1 through June 30: Closed.

(b) July 1 through August 15:

(i) Daily limit of 2 salmon.

(ii) Release chum, wild Chinook and wild coho.

(iii) Release all Chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.

(iv) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) August 16 through September 30:

(i) Daily limit of 2 salmon.

(ii) Release chum, Chinook and wild coho.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(d) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through October 31.

(e) October 1 through October 31:

(i) Daily limit of 2 salmon ~~((,not))~~; no more than one ~~((of which))~~ may be a Chinook salmon, except that waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy, and then to the Port Williams Boat Ramp, are open with a daily limit of 2 coho salmon only.

~~(ii) ((Release all other salmon.~~

~~(iii))~~ Waters inside the line described in this subsection are closed at all times except during October.

(f) November 1 through November 30: Closed.

(g) December 1 through April 10:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(h) April 11 through April 30: Closed.

(4) **Catch Record Card Area 7:**

(a) May 1 through June 30: Closed.

(b) July 1 through July 31:

(i) Daily limit of 2 salmon ~~((,not))~~; no more than one ~~((of which))~~ may be a Chinook salmon.

(ii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(iii) Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(c) August 1 through September 30:

(i) Daily limit of 2 salmon ~~((,not))~~; no more than one ~~((of which))~~ may be a Chinook salmon.

(ii) Release chum and wild coho.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(iv) Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(d) October 1 through October 31: Daily limit of 2 salmon(~~(, not)~~); no more than one (~~(of which)~~) may be a Chinook salmon. Release wild coho.

(e) Waters of Samish Bay described in WAC 220-56-195(4): Closed April 1 through April 30 and July 1 through October 15.

(f) November 1 through November 30: Closed.

(g) December 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(h) Waters of Bellingham Bay described in WAC 220-56-195(1):

(i) Closed April 1 through April 30 and July 1 through August 15.

(ii) August 16 through October 31: Daily limit of 4 salmon(~~(, not)~~); no more than 2 (~~(of which)~~) may be Chinook salmon.

(iii) November 1 through March 31 and June 1 through June 30: Same rules as Area 7.

(i) Waters east of a line from Gooseberry Point to Sandy Point: Closed September ((4)) 3 through October ((34)) 15.

**(5) Catch Record Card Area 8-1:**

(a) May 1 through July 31: Closed.

(b) August 1 through September 30:

(i) Daily limit of 2 salmon.

(ii) Release Chinook.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) October 1 through October 31:

(i) Daily limit of 2 salmon.

(ii) Release Chinook.

(d) November 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

**(6) Catch Record Card Area 8-2:**

(a) May 1 through July 31 are closed, except: Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point are open only from Friday through 11:59 a.m. the following Monday of each week, May ((48)) 31 through June ((8)) 14 and June ((40)) 16 through July 31:

(i) Daily limit of 2 salmon.

(ii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(iii) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing(~~(, beginning June 10))~~).

(b) August 1 through September 30:

(i) Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort, to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point:

(A) August 1 through September ((3)) 2: Open only from Friday through 11:59 a.m. the following Monday of each week.

(I) Daily limit of 2 salmon.

(II) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(III) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(B) September ((8)) 3 through September ((23)) 22, open only Saturday and Sunday of each week:

(I) Daily limit of 2 salmon.

(II) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(III) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(C) September ((24)) 23 through September 30: Same rules as remainder of Area 8-2.

(ii) All other waters of Area 8-2:

(A) Daily limit of 2 salmon.

(B) Release Chinook.

(C) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) October 1 through October 31:

(i) Daily limit of 2 salmon.

(ii) Release Chinook.

(d) November 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

**(7) Catch Record Card Area 9:**

(a) May 1 through June 30: Closed.

(b) July 1 through July 15:

(i) Daily limit of 2 salmon.

(ii) Release Chinook and chum.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) July 16 through August 31:

(i) Daily limit of 2 salmon.

(ii) Release chum and wild Chinook.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(iv) Closed south of a line from Foulweather Bluff to Olele Point, except it is permissible to fish from shore between the ((Hood Canal Bridge)) southern and ((the)) northern ((boundary)) boundaries of Salsbury Point Park:

(A) Daily limit of 2 salmon.

(B) Release Chinook and chum.

(C) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(d) September 1 through September 30:

(i) Daily limit of 2 salmon.

(ii) Release chum and Chinook.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(e) October 1 through October 31:

(i) Daily limit of 2 salmon.

(ii) Release Chinook.

(f) November 1 through November 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(g) December 1 through January 15: Closed.

(h) January 16 through April 15:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(i) April 16 through April 30: Closed.

- (j) Edmonds Fishing Pier:
  - (i) Open year-round.
  - (ii) Daily limit of 2 salmon(~~(, not)~~); no more than one (~~(of which)~~) may be a Chinook salmon.
  - (iii) Release chum from August 1 through September 30.
  - (iv) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.
- (8) **Catch Record Card Area 10:**
  - (a) May 1 through May 31: Closed.
  - (b) June 1 through June 30: Open only north of a line from Point Monroe to Meadow Point. Catch and release.
  - (c) July 1 through July 15:
    - (i) Daily limit of 2 salmon.
    - (ii) Release Chinook.
    - (iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.
  - (d) July 16 through August 31:
    - (i) Daily limit of 2 salmon.
    - (ii) Release wild Chinook, and beginning August 1, release chum.
    - (iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.
  - (e) September 1 through September 30:
    - (i) Daily limit of 2 salmon.
    - (ii) Release chum through September 15.
    - (iii) Release Chinook.
    - (iv) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.
  - (f) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point: Closed July 1 through August 31.
    - (g) Waters of Elliott Bay east of a line from West Point to Alki Point: Closed July 1 through August 31, except: In years ending in odd numbers: Those waters north of a line from Jack Block Park through the north tip of Harbor Island to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W), open August 16 through August 31 from Friday through Sunday of each week only.
      - (i) Daily limit of 2 salmon plus 2 additional pink salmon.
      - (ii) Release Chinook and chum.
      - (iii) Bait prohibited, and only one single-point barbless hook measuring one-half inch or less from point to shank may be used.
    - (h) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White:
      - (i) Daily limit of ~~((2))~~ 3 salmon, July 1 through September 30. Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.
      - (ii) Release wild Chinook.
      - (iii) Release chum from August 1 through September 15.
      - (iv) In years ending in odd numbers, ~~((2))~~ one additional pink salmon may be retained as part of the daily limit.
        - (i) October 1 through January 31:
          - (i) Daily limit of 2 salmon.
          - (ii) Release wild Chinook.
        - (j) Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle

- Point: Fly fishing only, lead core lines prohibited, and catch and release from January 1 through January 31.
- (k) February 1 through April 30: Closed.
- (l) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier, open year-round:
  - (i) Daily limit of 2 salmon(~~(, not)~~); no more than one (~~(of which)~~) may be a Chinook salmon.
  - (ii) Release chum from August 1 through September 15.
  - (iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.
  - (m) Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line projected through Southwest Hanford Street on Harbor Island, from July 1 through October 31 night closure, anti-snagging rule, and only fish hooked inside the mouth may be retained.
- (9) **Catch Record Card Area 11:**
  - (a) May 1 through May 31: Closed.
  - (b) June 1 through June 30:
    - (i) Daily limit of 2 salmon.
    - (ii) Release wild Chinook.
    - (iii) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock are closed.
      - (c) July 1 through September 30:
        - (i) Daily limit of 2 salmon.
        - (ii) Release wild Chinook.
        - (iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.
      - (iv) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock, closed July 1 through July 31.
        - (d) October 1 through October 31: Daily limit of 2 salmon.
        - (e) November 1 through December 31: Daily limit of 2 salmon(~~(, not)~~); no more than one (~~(of which)~~) may be a Chinook salmon.
        - (f) January 1 through January 31: Closed.
        - (g) February 1 through April 30:
          - (i) Daily limit of 2 salmon.
          - (ii) Release wild Chinook.
          - (iii) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock, closed from April 1 through April 30.
        - (h) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier, and Point Defiance Boathouse Dock are open year-round:
          - (i) Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.
          - (ii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.
    - (10) **Catch Record Card Area 12:**
      - (a) May 1 through June 30: Closed.
      - (b) July 1 through October 15, in waters south of Ayock Point:
        - (i) Daily limit of 4 salmon(~~(, of which)~~); no more than 2 may be Chinook salmon.
        - (ii) Release chum and wild Chinook.

(c) July 1 through August 15, in waters north of Ayock Point: Closed.

(d) August 16 through October 15:

(i) Waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula, and south of a line true east from Broad Spit: Daily limit 4 coho salmon. Release all salmon except coho.

(ii) Waters north of a line true east from Broad Spit: Closed September 16 through October 15.

(iii) All other waters north of Ayock Point:

(A) August 16 through August 31: Closed.

(B) September 1 through October 15: Daily limit of 4 coho salmon. Release all salmon except coho.

(e) October 16 through December 31:

(i) Waters north of a line true east from Broad Spit - Closed.

(ii) All other waters except Hoodspport Hatchery Zone:

(A) Daily limit of 4 salmon(~~(, of which)~~); no more than 2 may be Chinook salmon.

(B) Release wild Chinook.

(f) January 1 through January 31: Closed.

(g) February 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(h) July 1 through December 31, the Hoodspport Hatchery Zone is managed separately from the remainder of Area 12. See WAC 220-56-124.

**(11) Catch Record Card Area 13:**

(a) May 1 through June 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(b) July 1 through September 30:

(i) Daily limit of 2 salmon.

(ii) Release wild coho and wild Chinook.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) October 1 through October 31:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

(d) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed April 16 through September 30.

(e) Waters of Budd Inlet south of the Fourth Avenue Bridge are closed.

(i) Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 16 through October 31.

(ii) Waters north of the Thriftway Market-railroad bridge line and south of a line projected due west from the KGY radio tower: Night closure and anti-snagging rule from July 16 through October 31.

(f) November 1 through December 31: Daily limit of 2 salmon(~~(, not)~~); no more than one (~~(of which)~~) may be a Chinook salmon.

(g) January 1 through April 30: Daily limit of one salmon.

(h) Fox Island Public Fishing Pier, open year-round:

(i) Daily limit 2 salmon(~~(, not)~~); no more than one (~~(of which)~~) may be a Chinook salmon.

(ii) Release wild coho from July 1 through October 31.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit July 1 through September 30.

(12) 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 13-11-125, filed 5/21/13, effective 6/21/13)

**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       |   |
| Lake Wenatchee          | Chelan       |   |
| Aldwell Lake            | Clallam      |   |
| Beaver Lake             | Clallam      |   |
| Carrie Blake Pond       | Clallam      |   |
| Dickey Lake             | Clallam      |   |
| Lake Pleasant           | Clallam      |   |
| Lincoln Pond            | Clallam      |   |
| Sutherland Lake         | Clallam      |   |
| Vancouver Lake          | Clark        | Includes all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River. |
| Big Four Lake           | Columbia     |   |
| Dayton Pond             | Columbia     |   |
| Blue Lake               | Cowlitz      |   |
| Castle Lake             | Cowlitz      |   |
| Coldwater Lake          | Cowlitz      |   |
| Lewis River Power Canal | Cowlitz      | Includes old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse.   |
| 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.  |

| Water Body                   | County          |   | Water Body                    | County      |                              |
|------------------------------|-----------------|---|-------------------------------|-------------|------------------------------|
| Vance Creek Pond #1          | Grays Harbor    |   | Ebey Lake                     | Snohomish   | Little Lake <sub>2</sub>     |
| Gibbs Lake                   | Jefferson       |   | Fortson Mill Pond #2          | Snohomish   |                              |
| Horseshoe Lake               | Jefferson       |   | Jennings Park Pond            | Snohomish   |                              |
| Teal Lake                    | Jefferson       |   | Monte Cristo Lake             | Snohomish   |                              |
| Lake Sammamish               | King            |   | North Gissburg Pond           | Snohomish   |                              |
| Lake Union                   | King            |   | Spada Lake                    | Snohomish   |                              |
| Lake Washington              | King            | Including that portion of Sammamish River from 68th Ave. NE bridge downstream <sub>2</sub>  | Bear Lake                     | Spokane     |                              |
| 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 <sub>2</sub> | North Silver Lake             | Spokane     |                              |
| Mill Pond                    | King            | Auburn <sub>2</sub>   | Lucky Duck Pond               | Stevens     |                              |
| Old Fishing Hole Pond        | King            | Kent <sub>2</sub>   | Long's Pond                   | Thurston    |                              |
| Portage Bay                  | King            |   | Munn Lake                     | Thurston    |                              |
| Salmon Bay                   | King            |   | Jefferson Park Pond           | Walla Walla |                              |
| Swans Mill Pond              | King            |   | Lions Park Pond               | Walla Walla | College Place <sub>2</sub>   |
| Koeneman Lake                | Kitsap          | Formerly Fern Lake <sub>2</sub>   | Diablo Lake                   | Whatcom     |                              |
| Kachess Lake                 | Kittitas        |   | Gorge Lake                    | Whatcom     |                              |
| Keechelus Lake               | Kittitas        |   | Lake Whatcom                  | Whatcom     |                              |
| Kiwanis Pond                 | Kittitas        |   | Ross Lake                     | Whatcom     |                              |
| Naneum Pond                  | Kittitas        |   | Squalicum Lake                | Whatcom     |                              |
| Cowlitz Falls Reservoir      | Lewis           |   | Garfield Juvenile Pond        | Whitman     |                              |
| Mayfield Lake                | Lewis           | Mayfield Dam to Mossyrock Dam <sub>2</sub>  | Bumping Lake                  | Yakima      |                              |
| Packwood Lake                | Lewis           |   | Clear Lake                    | Yakima      |                              |
| Scanewa Lake                 | Lewis           | Cowlitz Falls Reservoir <sub>2</sub>  | Leech Lake                    | Yakima      | White Pass area <sub>2</sub> |
| Walupt Lake                  | Lewis           |   | Mud Lake                      | Yakima      |                              |
| Willame Lake                 | Lewis           |   | Myron Lake                    | Yakima      |                              |
| Cady Lake                    | Mason           |   | Rimrock Lake                  | Yakima      |                              |
| Cushman Reservoir            | Mason           |   | Sarge Hubbard Park Pond       | Yakima      |                              |
| Prices Lake                  | Mason           |   | Yakima Sportsmen's Park Ponds | Yakima      |                              |
| Stump Lake                   | Mason           |   |                               |             |                              |
| Silvernail Lake              | Okanogan        |   |                               |             |                              |
| Cases Pond                   | Pacific         |   |                               |             |                              |
| South Bend Mill Pond         | Pacific         |   |                               |             |                              |
| Bradley Lake                 | Pierce          |   |                               |             |                              |
| De Coursey Pond              | Pierce          |   |                               |             |                              |
| Ohop Lake                    | Pierce          |   |                               |             |                              |
| Tanwax Lake                  | Pierce          |   |                               |             |                              |
| Wapato Lake                  | Pierce          |   |                               |             |                              |
| Granite Lakes                | Skagit          | Near Marblemount <sub>2</sub>   |                               |             |                              |
| Northern State Hospital Pond | Skagit          |   |                               |             |                              |
| Pass Lake                    | Skagit          |   |                               |             |                              |
| Vogler Lake                  | Skagit          |   |                               |             |                              |
| <u>Drano Lake</u>            | <u>Skamania</u> | <u>January 1 through May 11 and July 1 through September 14.</u>  |                               |             |                              |
| Swift Reservoir              | Skamania        | From dam to Eagle Cliff Bridge <sub>2</sub>   |                               |             |                              |

Note: The two-pole endorsement is not valid in the Columbia and Snake rivers except as noted in Lake Roosevelt and Rufus Woods Lake.

Anglers who possess a valid two-pole endorsement may fish with two lines in the following river sections:

| River        | County              | Section  |
|--------------|---------------------|--|
| Spokane      | Spokane and Stevens | Lower Spokane River from mouth (SR 25 bridge) to 400' below Little Falls Dam <sub>2</sub>  |
| Pend Oreille | Pend Oreille        |  |
| Columbia     |                     | <u>Camas Slough: August 1 through December 31.</u><br><u>From Highway 395 to Priest Rapids Dam: June 16 through July 31.</u><br>From Priest Rapids Dam to Wanapum Dam: <u>July 1 through August 31.</u><br>From Wanapum Dam to Wells Dam: <u>July 1 through August 31.</u> |

| River                   | County            | Section   |
|-------------------------|-------------------|---|
|                         |                   | From Wells Dam to Highway 173 Bridge at Brewster; <u>July 16 through August 31.</u>       |
|                         |                   | From Highway 173 Bridge at Brewster to Chief Joseph Dam; <u>July 1 through August 31.</u> |
| Cowlitz River           | Lewis             | Lexington Bridge Drive in Kelso upstream to the Highway 505 Bridge in Toledo.             |
| Lewis                   | Clark/Skamania    | From mouth to <del>((Colvin Creek))</del> <u>mouth of East Fork Lewis.</u>                |
| <del>((Wind</del>       | Skamania          | <del>Mouth to Burlington-Northern Railroad Bridge))</del>                                 |
| <u>North Fork Lewis</u> | Clark/Cowlitz     | <u>Mouth to Johnson Creek.</u>  |
| <u>Naselle</u>          | Pacific/Wahkiakum | <u>From Highway 101 Bridge to Highway 401: August 1 through January 31.</u>               |
| <u>Okanogan</u>         | Okanogan          | <u>July 1 through October 15.</u>   |

Anglers who possess a valid two-pole endorsement may fish with two lines in the following marine areas:

| Description                   | Marine Area  |
|-------------------------------|--|
| Willapa                       | 2-1. East of a line from Cape Shoalwater to Ledbetter Point. |
| Port Susan and Port Gardner   | Tulalip Terminal Area; <u>May 31 through September 22.</u>   |
| <u>Seattle/Bremerton Area</u> | <u>Sinclair Inlet: July 1 through September 30.</u>          |

**AMENDATORY SECTION** (Amending WSR 12-18-006, filed 8/23/12, effective 9/23/12)

**WAC 220-56-124 Seasons and areas—Hoodspout Hatchery.** (1) During the period of July 1 through December 31, those waters of Catch Record Card Area 12 within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at the Hoodspout Salmon Hatchery are regulated as follows:

(2) These waters are open to salmon angling regardless of the status of the surrounding waters of Area 12.

(3) Limits:

(a) Special daily limit of 4 salmon, of which no more than 2 salmon may be Chinook salmon greater than 24 inches in length.

(b) Release wild Chinook.

(c) Release chum salmon July 1 through October 15.

(4) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

(5) Hoodspout Salmon Hatchery ~~((ADA-accessible))~~ ADA-access site((-

~~((+)))~~; Persons with disabilities who permanently use a wheelchair and~~((+))~~ who have a designated harvester card

under WAC 220-55-065 may fish from the ~~((ADA-accessible))~~ ADA-access site at the Hoodspout Salmon Hatchery, ~~((provided))~~ as long as such persons follow all applicable department rules.

~~((b) Designated harvesters may fish from the ADA-accessible site with persons with disabilities who permanently use a wheelchair and/or who have a designated harvester card, if room allows. However, persons with disabilities who permanently use a wheelchair have priority over other anglers if the ADA-accessible site becomes overcrowded.))~~

(6) 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 12-18-006, filed 8/23/12, effective 9/23/12)

**WAC 220-56-195 Closed areas—Saltwater salmon angling.** The following areas are closed to salmon angling during the times indicated:

(1) Bellingham Bay: Those waters of Bellingham, Samish, and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley, thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island, thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island, thence to Yellow Bluff Reef range marker, thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough: Closed to salmon angling April 1 through April 30 and July 1 through August 15.

(2) Carr Inlet: Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek: Closed to salmon angling April 16 through September 30.

(3) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red Buoy, and then to the Port Williams boat ramp: Closed to salmon angling May 1 through September 30 and November 1 through April 30.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point: Closed to salmon angling April 1 through April 30 and ~~((August))~~ July 1 through October 15.

(5) Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as an area at the Columbia River mouth bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line, which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7

to the tip of the north jetty (46°14'48" N/124°05'20" W), and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W), and then along the south jetty to the point of intersection with the Buoy #10 line: Closed to salmon angling at all times, except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling, or when the Buoy 10 fishery is open.

(6) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay: Closed to fishing for salmon April 1 through April 30 and June 1 through July 31.

(7) Southern Rosario Strait and the eastern Strait of Juan de Fuca: Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to Bird Rocks, then westerly from Bird Rocks to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south-southwest to the Salmon Bank Buoy, and then true south from the Salmon Bank Buoy to the Area 7 boundary: Closed to fishing for salmon July 1 ((--)) through September 30.

(8) Kydaka Point - Waters south of a line from Kydaka Point to Shipwreck Point - Closed to fishing for salmon July 1 through ((~~September 30~~)) October 31.

(9) Port Angeles Harbor - Waters westerly of a line from the tip of Ediz Hook to the I.T.T. Rayonier Dock: Closed to fishing for salmon from July 1 through ((~~August~~)) October 31.

(10) 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 10-07-105, filed 3/19/10, effective 5/1/10)

**WAC 220-56-128 Food fish fishing—Closed areas.** It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) It is unlawful at all times to fish for or possess food fish taken for personal use in waters lying within 400 feet below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed at all times, and all contiguous waters lying between the Fourth Avenue Bridge and a line from the northwesterly corner of the Thriftway Market Build-

ing to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Thriftway Market Building are closed during the period July 16 through October 31.

(3) The waters of Percival Cove are closed at all times.

(4) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek and waters within the channel created when tidelands are exposed are closed the entire year.

(5) Waters within a radius of 100 yards from the Enetair Hatchery Outfall Creek where it enters saltwater are closed at all times.

(6) Those waters of Sinclair Inlet inside a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton are closed at all times.

(7) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed August 1 through November 30.

(8) In Shilshole Bay waters east of a line 175 feet west of the Burlington Northern Railroad Bridge are closed to fishing.

(9) Those waters of the Chinook River upstream from tide gate at the Highway 101 Bridge are closed at all times.

(10) Those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) are closed October 23 through June 15.

(11) Those waters of the Columbia River between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse are closed at all times.

(12) Waters of the Lake Washington Ship Canal west of a north-south line 400 feet east of the eastern end of the north wing wall of Chittenden Locks to the mouth of the Lake Washington Ship Canal are closed to food fish angling at all times.

(13) Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to food fish angling from January 1 through March 31 except it is lawful to fish with gear meeting the fly fishing only requirements of WAC 220-56-210 except it is unlawful to use lead core fly line. Use of gear other than fly fishing gear or use of a lead core line in violation of this subsection is an infraction, punishable under RCW 77.15.160. It is unlawful to retain any fish taken during the period January 1 through March 31.

(14) Chief Joseph Dam - Closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device downstream of Chief Joseph Dam to the Corps of Engineers Safety Zone Marker.

(15) Wells Dam - Waters between the upstream line of Wells Dam to boundary markers 400 feet below the spawning channel discharge on the Chelan County side and the fish ladder on the Douglas County side.

(16) Rocky Reach, Rock Island and Wanapum Dams - Waters between the upstream lines of these dams and boundary markers 400 feet downstream of the fish ladders at Rocky Reach and Rock Island Dams and boundary markers at

Wanapum Dam 750 feet below the east fish ladder and 500 feet below the west fish ladder.

(17) Priest Rapids Dam - Waters between the upstream line of Priest Rapids Dam and boundary markers 650 feet below the fish ladders.

(18) Jackson (Moran) Creek - All waters of the Priest Rapids hatchery system including Columbia River waters out to midstream between markers located 100 feet upstream and 400 feet downstream of the mouth of the hatchery outlet.

(19) McNary Dam - Waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(20) John Day Dam - Waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(21) The Dalles Dam - Waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(22) Spring Creek - Waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(23) The waters of Catch Area 12 are closed at all times to the taking of food fish other than salmon (~~(except~~

~~(a))~~. However, persons with disabilities who permanently use a wheelchair and~~(/or))~~ who have a designated harvester card under WAC 220-55-065 may fish from the ~~((ADA-accessible))~~ ADA-access site at the Hoodport Salmon Hatchery, ~~((provided))~~ as long as such persons follow all ~~((applicable))~~ department rules ~~((and regulations of))~~ that apply to the adjoining waters of Marine Area 12.

~~((b) Designated harvesters may fish from the ADA-accessible site with persons with disabilities who permanently use a wheelchair and/or who have a designated harvester card, if room allows. However, persons with disabilities who permanently use a wheelchair have priority over others if the ADA-accessible site becomes overcrowded.))~~

(24) Freshwater Bay - Waters south of a line from Angeles Point to Observatory Point (Bachelor Rock) are closed July 1 through ~~((August))~~ October 31.

(25) Tulalip Bay - Waters east of line from Mission Point to Hermosa Point are closed at all times.

(26) Waters of Catch Record Card Area 13 within 500 yards of the Toliva Shoal buoy are closed to fishing for food fish June 16 through April 30 and closed to rockfish year-round.

#### NEW SECTION

**WAC 220-56-136 Puget Sound public fishing piers—Restricted fishing areas.** (1) Dash Point Dock public fishing pier: It is unlawful to take, fish for or possess food fish or shellfish taken within 100 yards of the Dash Point Dock public fishing pier, except while fishing from the Dash Point Dock public fishing pier.

(2) Des Moines public fishing pier: It is unlawful to take, fish for or possess food fish or shellfish taken within 100

yards of the Des Moines public fishing pier, except while fishing from the Des Moines public fishing pier.

(3) Edmonds public fishing pier:

(a) It is unlawful to take, fish for or possess food fish or shellfish taken from the following waters, except while fishing from the Edmonds public fishing pier: Waters inside a line from a boundary marker on the north breakwater to the southernmost marker buoy, then to the north end of the city of Edmonds public beach.

(b) It is unlawful to take, fish for or possess food fish or shellfish taken by any means from within the boundaries of the underwater artificial reef surrounding the Edmonds public fishing pier as defined in this subsection, except while fishing from the Edmonds public fishing pier. The underwater artificial reef area is defined as waters lying northerly and easterly of the north breakwater of the port of Edmonds marina inside of a line from a boundary marker on the north breakwater, northwesterly 275 feet to a marker buoy, thence northeasterly 1350 feet to a marker buoy, thence southeasterly to the northeastern end of the city of Edmonds public beach.

(4) Elliot Bay public fishing pier: It is unlawful to take, fish for or possess food fish or shellfish taken within 100 yards of the Elliot Bay public fishing pier, except while fishing from the Elliot Bay public fishing pier.

(5) Les Davis public fishing pier: It is unlawful to take, fish for or possess food fish or shellfish taken within 100 yards of the Les Davis public fishing pier, except while fishing from the Les Davis public fishing pier.

(6) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested fish. If the person has harvested fish, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15-370, Unlawful recreational fishing in the first degree—Penalty.

AMENDATORY SECTION (Amending WSR 12-18-006, filed 8/23/12, effective 9/23/12)

**WAC 220-56-500 Game fish seasons—General rules.** It is unlawful to fish for game fish except during the seasons and times below.

(1) Freshwater lakes, ponds and reservoirs: Open year round except as provided for in WAC 232-28-619.

(2) Freshwater rivers, streams, and beaver ponds:

(a) Rivers, streams, and beaver ponds that drain into Puget Sound, the Strait of Juan de Fuca, Pacific Ocean (excluding the Columbia River), Grays Harbor, and Willapa Bay are closed to fishing for game fish unless otherwise provided for.

(b) All other rivers, streams, and beaver ponds: Open the first Saturday in June through October 31 except as provided for in WAC 232-28-619.

(3) Saltwater (all waters downstream and seaward of the mouths of rivers and streams generally defined in WAC 220-16-245 and specifically defined in WAC 220-56-105): Open year-round, except:

(a) Lake Washington Ship Canal - Those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(b) Toliva Shoal - Waters within 500 yards of the Toliva Shoal buoy are closed waters from June 16 through April 30.

(c) Freshwater Bay - Waters south of a line from Angeles Point westerly to Observatory Point are closed July 1 through ~~(August)~~ October 31.

(d) Tulalip Bay - Waters of Tulalip Bay east of a line from Hermosa Point to Mission Point are closed waters.

(e) Agate Pass - Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to game fish angling from January 1 through March 31; however, a person can fish with gear meeting the fly-fishing-only requirements of WAC 220-56-210 as long as he or she does not use lead-core fly line. It is unlawful to retain any fish taken during the period January 1 through March 31.

(f) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek, and waters within the channel created when tidelands are exposed, are closed the entire year ~~(, except:~~

~~(i)).~~

However, persons with disabilities who permanently use a wheelchair and ~~(/or)~~ who have a designated harvester card under WAC 220-55-065 may fish from the ~~((ADA-accessible))~~ ADA-access site at the Hoodsport Salmon Hatchery, ~~((provided))~~ as long as such persons follow all ~~((applicable))~~ department rules ~~((and regulations of))~~ that apply to the adjoining waters of Marine Area 12.

~~((ii) Designated harvesters may fish from the ADA-accessible site with persons with disabilities who permanently use a wheelchair and/or who have a designated harvester card, if room allows. However, persons with disabilities who permanently use a wheelchair have priority over others if the ADA-accessible site becomes overcrowded.))~~

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-56-131 Elliott Bay public fishing pier under-water artificial reef area.
- WAC 220-56-132 Les Davis public fishing pier under-water artificial reef area.
- WAC 220-56-133 Des Moines public fishing pier.
- WAC 220-56-134 Edmonds public fishing pier.

**WSR 13-15-102**  
**PROPOSED RULES**  
**HEALTH CARE AUTHORITY**

(Medicaid Program)

[Filed July 22, 2013, 9:40 a.m.]

Continuance of WSR 13-13-049.

Preproposal statement of inquiry was filed as WSR 13-09-060.

Title of Rule and Other Identifying Information: WAC 182-501-0160 Exception to rule—Request for a noncovered health care service, 182-530-1050 Definitions, 182-530-2100 Noncovered—Outpatient drugs and pharmaceutical supplies, 182-530-2200 How the medicaid agency develops and maintains the formulary, 182-530-2300 The medicaid agency's nonformulary justification process, and 182-531-0100 Scope of coverage for physician-related and health care professional services—General.

Hearing Location(s): Health Care Authority (HCA), Cherry Street Plaza Building, Sue Crystal Conference Room 106A, 626 8th Avenue, Olympia, WA 98504 (metered public parking is available street side around building. A map is available at <http://maa.dshs.wa.gov/pdf/CherryStreetDirectionsNMap.pdf> or directions can be obtained by calling (360) 725-1000), on August 27, 2013, at 10:00 a.m.

Date of Intended Adoption: Not sooner than August 28, 2013.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, delivery 626 8th Avenue, Olympia, WA 98504, e-mail [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax (360) 586-9727, by 5:00 p.m. on August 27, 2013.

Assistance for Persons with Disabilities: Contact Kelly Richters by August 19, 2013, TTY (800) 848-5429 or (360) 725-1307 or e-mail [kelly.richters@hca.wa.gov](mailto:kelly.richters@hca.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The original notice did not get distributed to interested parties so the hearing is being continued.

HCA has concluded that implementing a drug formulary for fee-for-service medicaid client[s] who remain after the transition of SSI clients to managed care is not the most effective use of state resources at this time.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 41.05.021.

Statute Being Implemented: RCW 41.05.021.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Kevin Sullivan, P.O. Box 42716, Olympia, WA 98504-2716, (360) 725-1344; Implementation and Enforcement: Charles Agte, P.O. Box 45506, Olympia, WA 98504-5506, (360) 725-1301.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The joint administrative rules review committee has not requested the filing of a small business economic impact statement, and these rules do not impose a disproportionate cost impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules

unless requested by the joint administrative rules [review] committee or applied voluntarily.

July 22, 2013  
Kevin M. Sullivan  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 12-18-062, filed 8/31/12, effective 10/1/12)

**WAC 182-501-0160 Exception to rule—Request for a noncovered health care service.** A client and/or the client's provider may request the medicaid agency or its designee to pay for a noncovered health care service. This is called an exception to rule (ETR). ~~((ETR does not apply to nonformulary drugs (see WAC 182-530-2300).))~~

(1) The agency or its designee cannot approve an exception to rule if the requested service is excluded under state statute.

(2) The item or service(s) for which an exception is requested must be of a type and nature which falls within accepted standards and precepts of good medical practice;

(3) All exception requests must represent cost-effective utilization of medical assistance program funds as determined by the agency or its designee;

(4) A request for an exception to rule must be submitted to the agency or its designee in writing within ninety days of the date of the written notification denying authorization for the noncovered service. For the agency or its designee to consider the exception to rule request:

(a) The client and/or the client's health care provider must submit sufficient client-specific information and documentation to the agency's medical director or designee which demonstrate the client's clinical condition is so different from the majority that there is no equally effective, less costly covered service or equipment that meets the client's need(s).

(b) The client's health care professional must certify that medical treatment or items of service which are covered under the client's medical assistance program and which, under accepted standards of medical practice, are indicated as appropriate for the treatment of the illness or condition, have been found to be:

(i) Medically ineffective in the treatment of the client's condition; or

(ii) Inappropriate for that specific client.

(5) Within fifteen business days of receiving the request, the agency or its designee sends written notification to the provider and the client:

(a) Approving the exception to rule request;

(b) Denying the exception to rule request; or

(c) Requesting additional information.

(i) The additional information must be received by the agency or its designee within thirty days of the date the information was requested.

(ii) The agency or its designee approves or denies the exception to rule request within five business days of receiving the additional information.

(iii) If the requested information is insufficient or not provided within thirty days, the agency or its designee denies the exception to rule request.

(6) The agency's medical director or designee evaluates and considers requests on a case-by-case basis. The agency's medical director has final authority to approve or deny a request for exception to rule.

(7) Clients do not have a right to a fair hearing on exception to rule decisions.

AMENDATORY SECTION (Amending WSR 12-18-062, filed 8/31/12, effective 10/1/12)

**WAC 182-530-1050 Definitions.** In addition to the definitions and abbreviations found in chapter 182-500 WAC, Medical definitions, the following definitions apply to this chapter.

**"Active ingredient"** - The chemical component of a drug responsible for a drug's prescribed/intended therapeutic effect. The medicaid agency or its designee limits coverage of active ingredients to those with an eleven-digit national drug code (NDC) and those specifically authorized by the agency or its designee.

**"Actual acquisition cost (AAC)"** - The net cost a provider paid for a drug, device, or drug-related supply marketed in the package size purchased. The AAC includes discounts, rebates, charge backs and other adjustments to the price of the drug, device or drug-related supply, but excludes dispensing fees.

**"Administer"** - Includes the direct application of a prescription drug or device by injection, insertion, inhalation, ingestion, or any other means, to the body of a patient by a practitioner, or at the direction of the practitioner.

**"Appointing authority"** - For the evidence-based prescription drug program of the participating agencies in the state-operated health care programs, the following persons acting jointly: The director of the health care authority (HCA), the secretary of the department of social and health services (DSHS), and the director of the department of labor and industries (L&I).

**"Automated authorization"** - Adjudication of claims using submitted NCPDP data elements or claims history to verify that the medicaid agency's or its designee's authorization requirements have been satisfied without the need for the medicaid agency or its designee to request additional clinical information.

**"Automated maximum allowable cost (AMAC)"** - The rate established by the medicaid agency or its designee for a multiple-source drug that is not on the maximum allowable cost (MAC) list and that is designated by two or more products at least one of which must be under a federal drug rebate contract.

**"Average manufacturer price (AMP)"** - The average price paid to a manufacturer by wholesalers for drugs distributed to retail pharmacies.

**"Average sales price (ASP)"** - The weighted average of all nonfederal sales to wholesalers net of charge backs, discounts, rebates, and other benefits tied to the purchase of the drug product, whether it is paid to the wholesaler or the retailer.

**"Average wholesale price (AWP)"** - The average price of a drug product that is calculated from wholesale list prices

nationwide at a point in time and reported to the medicaid agency or its designee by the agency's drug file contractor.

**"Combination drug"** - A commercially available drug including two or more active ingredients.

**"Compendia of drug information"** includes the following:

(1) The American Hospital Formulary Service Drug Information;

(2) The United States Pharmacopeia Drug Information; and

(3) DRUGDEX Information System.

**"Compounding"** - The act of combining two or more active ingredients or adjusting therapeutic strengths in the preparation of a prescription.

**"Deliver or delivery"** - The transfer of a drug or device from one person to another.

**"Dispense as written (DAW)"** - An instruction to the pharmacist forbidding substitution of a generic drug or a therapeutically equivalent product for the specific drug product prescribed.

**"Dispensing fee"** - The fee the medicaid agency or its designee sets to pay pharmacy providers for dispensing agency-covered prescriptions. The fee is the agency's maximum reimbursement for expenses involved in the practice of pharmacy and is in addition to the agency's reimbursement for the costs of covered ingredients.

**"Drug evaluation matrix"** - The criteria-based scoring sheet used to objectively and consistently evaluate the food and drug administration (FDA) approved drugs to determine drug coverage status.

**"Drug file"** - A list of drug products, pricing and other information provided to the medicaid agency or its designee and maintained by a drug file contractor.

**"Drug file contractor"** - An entity which has been contracted to provide regularly updated information on drugs, devices, and drug-related supplies at specified intervals, for the purpose of pharmaceutical claim adjudication. Information is provided specific to individual national drug codes, including product pricing.

**"Drug rebates"** - Reimbursements provided by pharmaceutical manufacturers to state medicaid programs under the terms of the manufacturers' agreements with the Department of Health and Human Services (DHHS).

**"Drug-related supplies"** - Nondrug items necessary for the administration, delivery, or monitoring of a drug or drug regimen.

**"Drug use review (DUR)"** - A review of covered outpatient drug use that assures prescriptions are appropriate, medically necessary, and not likely to result in adverse medical outcomes.

**"Effectiveness"** - The extent to which a given intervention is likely to produce beneficial results for which it is intended in ordinary circumstances.

**"Efficacy"** - The extent to which a given intervention is likely to produce beneficial effects in the context of the research study.

**"Emergency kit"** - A set of limited pharmaceuticals furnished to a nursing facility by the pharmacy that provides prescription dispensing services to that facility. Each kit is specifically set up to meet the emergency needs of each nurs-

ing facility's client population and is for use during those hours when pharmacy services are unavailable.

**"Endorsing practitioner"** - A practitioner who has reviewed the Washington preferred drug list (PDL) and has enrolled with the health care authority (HCA), agreeing to allow therapeutic interchange (substitution) of a preferred drug for any nonpreferred drug in a given therapeutic class on the Washington PDL.

**"Estimated acquisition cost (EAC)"** - The medicaid agency's estimate of the price providers generally and currently pay for a drug marketed or sold by a particular manufacturer or labeler.

**"Evidence-based"** and **"evidenced-based medicine (EBM)"** - The application of a set of principles and a method for the review of well-designed studies and objective clinical data to determine the level of evidence that proves to the greatest extent possible, that a health care service is safe, effective and beneficial when making population-based coverage policies or individual medical necessity decisions.

**"Evidence-based practice center"** - A research organization that has been designated by the Agency for Healthcare Research and Quality (AHRQ) of the U.S. government to conduct systematic reviews of all the evidence to produce evidence tables and technology assessments to guide health care decisions.

**"Federal upper limit (FUL)"** - The maximum allowable reimbursement set by the Centers for Medicare and Medicaid Services (CMS) for a multiple-source drug.

~~("Formulary" - All drugs covered under WAC 182-530-2000 and not removed from the formulary by the DUR board (see WAC 182-530-2200).)~~

~~"Formulary drug" - A drug covered under WAC 182-530-2000 and not removed from the formulary by the DUR board with respect to the treatment of a specific disease or condition for an identified population (see WAC 182-530-2200).)~~

**"Four brand name prescriptions per calendar month limit"** - The maximum number of paid prescription claims for brand name drugs that the medicaid agency or its designee allows for each client in a calendar month without a complete review of the client's drug profile.

**"Generic drug"** - A nonproprietary drug that is required to meet the same bioequivalency tests as the original brand name drug.

**"Inactive ingredient"** - A drug component that remains chemically unchanged during compounding but serves as the:

(1) Necessary vehicle for the delivery of the therapeutic effect; or

(2) Agent for the intended method or rate of absorption for the drug's active therapeutic agent.

**"Ingredient cost"** - The portion of a prescription's cost attributable to the covered drug ingredients or chemical components.

**"Innovator multiple source drug"** - As set forth in Section 1927 (k)(7)(A)(ii) of the Social Security Act, includes all covered outpatient drugs approved under a new drug application (NDA), product license approval (PLA), establishment license approval (ELA), or antibiotic drug approval (ADA). A covered outpatient drug marketed by a cross-licensed producer or distributor under the approved

new drug application will be included as an innovator multiple source drug when the drug product meets this definition.

**"Less than effective drug" or "DESI"** - A drug for which:

(1) Effective approval of the drug application has been withdrawn by the Food and Drug Administration (FDA) for safety or efficacy reasons as a result of the drug efficacy study implementation (DESI) review; or

(2) The secretary of the Department of Health and Human Services (DHHS) has issued a notice of an opportunity for a hearing under section 505(e) of the federal Food, Drug, and Cosmetic Act on a proposed order of the secretary to withdraw approval of an application for such drug under such section because the secretary has determined the drug is less than effective for some or all conditions of use prescribed, recommended, or suggested in its labeling.

**"Long-term therapy"** - A drug regimen a client receives or will receive continuously through and beyond ninety days.

**"Maximum allowable cost (MAC)"** - The maximum amount that the medicaid agency or its designee reimburses for a drug, device, or drug-related supply.

**"Medically accepted indication"** - Any use for a covered outpatient drug:

(1) Which is approved under the federal Food, Drug, and Cosmetic Act; or

(2) The use of which is supported by one or more citations included or approved for inclusion in any of the compendia of drug information, as defined in this chapter.

**"Modified unit dose delivery system"** (also known as blister packs or "bingo/punch cards") - A method in which each patient's medication is delivered to a nursing facility:

(1) In individually sealed, single dose packages or "blisters"; and

(2) In quantities for one month's supply, unless the prescriber specifies a shorter period of therapy.

**"Multiple-source drug"** - A drug marketed or sold by:

(1) Two or more manufacturers or labelers; or

(2) The same manufacturer or labeler:

(a) Under two or more different proprietary names; or

(b) Under a proprietary name and a generic name.

**"National drug code (NDC)"** - The eleven-digit number the FDA and manufacturer or labeler assigns to a pharmaceutical product and attaches to the product container at the time of packaging. The NDC is composed of digits in 5-4-2 groupings. The first five digits comprise the labeler code assigned to the manufacturer by the Food and Drug Administration (FDA). The second grouping of four digits is assigned by the manufacturer to describe the ingredients, dose form, and strength. The last grouping of two digits describes the package size.

**"Noncontract drugs"** - Are drugs manufactured or distributed by manufacturers/labelers who have not signed a drug rebate agreement with the federal Department of Health and Human Services.

~~("Nonformulary drug" - A drug:~~

~~(a) Removed from the formulary by the DUR board with respect to treatment of a specific disease or condition for an identified population (see WAC 182-530-2200);~~

~~(b) Prescribed for the treatment of the specific disease or condition identified in (a) of this definition nonformulary drug;~~

~~(c) Prescribed for a client in the identified population in (a) of this definition nonformulary drug; and~~

~~(d) Included on the agency's nonformulary list with a written explanation of the basis for the drug's removal from the formulary.~~

~~**"Nonformulary justification" or "NFJ"** - See WAC 182-530-2300.~~

~~**"Nonformulary list"** - The agency's list of nonformulary drugs and the reasons for removal from the formulary by the DUR board.)~~

**"Nonpreferred drug"** - A drug that has not been selected as a preferred drug within the therapeutic class(es) of drugs on the preferred drug list.

**"Obsolete NDC"** - A national drug code replaced or discontinued by the manufacturer or labeler.

**"Over-the-counter (OTC) drugs"** - Drugs that do not require a prescription before they can be sold or dispensed.

**"Peer reviewed medical literature"** - A research study, report, or findings regarding the specific use of a drug that has been submitted to one or more professional journals, reviewed by experts with appropriate credentials, and subsequently published by a reputable professional journal. A clinical drug study used as the basis for the publication must be a double blind, randomized, placebo or active control study.

**"Pharmacist"** - A person licensed in the practice of pharmacy by the state in which the prescription is filled.

**"Pharmacy"** - Every location licensed by the state board of pharmacy in the state where the practice of pharmacy is conducted.

**"Pharmacy and therapeutic (P&T) committee"** - The independent Washington state committee created by RCW 41.05.021 (1)(a)(iii) and 70.14.050. At the election of the medicaid agency or its designee, the committee may serve as the drug use review board provided for in WAC 182-530-4000.

**"Point-of-sale (POS)"** - A pharmacy claims processing system capable of receiving and adjudicating claims online.

**"Practice of pharmacy"** - The practice of and responsibility for:

(1) Accurately interpreting prescription orders;

(2) Compounding drugs;

(3) Dispensing, labeling, administering, and distributing of drugs and devices;

(4) Providing drug information to the client that includes, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices;

(5) Monitoring of drug therapy and use;

(6) Proper and safe storage of drugs and devices;

(7) Documenting and maintaining records;

(8) Initiating or modifying drug therapy in accordance with written guidelines or protocols previously established and approved for a pharmacist's practice by a practitioner authorized to prescribe drugs; and

(9) Participating in drug use reviews and drug product selection.

**"Practitioner"** - An individual who has met the professional and legal requirements necessary to provide a health

care service, such as a physician, nurse, dentist, physical therapist, pharmacist or other person authorized by state law as a practitioner.

**"Preferred drug"** - Drug(s) of choice within a selected therapeutic class that are selected based on clinical evidence of safety, efficacy, and effectiveness.

**"Preferred drug list (PDL)"** - The medicaid agency's list of drugs of choice within selected therapeutic drug classes.

**"Prescriber"** - A physician, osteopathic physician/surgeon, dentist, nurse, physician assistant, optometrist, pharmacist, or other person authorized by law or rule to prescribe drugs. See WAC 246-863-100 for pharmacists' prescriptive authority.

**"Prescription"** - An order for drugs or devices issued by a practitioner authorized by state law or rule to prescribe drugs or devices, in the course of the practitioner's professional practice, for a legitimate medical purpose.

**"Prescription drugs"** - Drugs required by any applicable federal or state law or regulation to be dispensed by prescription only or that are restricted to use by practitioners only.

**"Prospective drug use review (Pro-DUR)"** - A process in which a request for a drug product for a particular client is screened, before the product is dispensed, for potential drug therapy problems.

**"Reconstitution"** - The process of returning a single active ingredient, previously altered for preservation and storage, to its approximate original state. Reconstitution is not compounding.

**"Retrospective drug use review (Retro-DUR)"** - The process in which drug utilization is reviewed on an ongoing periodic basis to identify patterns of fraud, abuse, gross overuse, or inappropriate or not medically necessary care.

**"Risk/benefit ratio"** - The result of assessing the side effects of a drug or drug regimen compared to the positive therapeutic outcome of therapy.

**"Single source drug"** - A drug produced or distributed under an original new drug application approved by the Food and Drug Administration (FDA).

**"Substitute"** - To replace a prescribed drug, with the prescriber's authorization, with:

- (1) An equivalent generic drug product of the identical base or salt as the specific drug product prescribed; or
- (2) A therapeutically equivalent drug other than the identical base or salt.

**"Systematic review"** - A specific and reproducible method to identify, select, and appraise all the studies that meet minimum quality standards and are relevant to a particular question. The results of the studies are then analyzed and summarized into evidence tables to be used to guide evidence-based decisions.

**"Terminated NDC"** - An eleven-digit national drug code (NDC) that is discontinued by the manufacturer for any reason. The NDC may be terminated immediately due to health or safety issues or it may be phased out based on the product's shelf life.

**"Therapeutic alternative"** - A drug product that contains a different chemical structure than the drug prescribed, but is in the same pharmacologic or therapeutic class and can

be expected to have a similar therapeutic effect and adverse reaction profile when administered to patients in a therapeutically equivalent dosage.

**"Therapeutic class"** - A group of drugs used for the treatment, remediation, or cure of a specific disorder or disease.

**"Therapeutic interchange"** - To dispense a therapeutic alternative to the prescribed drug when an endorsing practitioner who has indicated that substitution is permitted, prescribes the drug. See therapeutic interchange program (TIP).

**"Therapeutic interchange program (TIP)"** - The process developed by participating state agencies under RCW 69.41.190 and 70.14.050, to allow prescribers to endorse a Washington preferred drug list, and in most cases, requires pharmacists to automatically substitute a preferred, equivalent drug from the list.

**"Therapeutically equivalent"** - Drug products that contain different chemical structures but have the same efficacy and safety when administered to an individual, as determined by:

- (1) Information from the Food and Drug Administration (FDA);
- (2) Published and peer-reviewed scientific data;
- (3) Randomized controlled clinical trials; or
- (4) Other scientific evidence.

**"Tiered dispensing fee system"** - A system of paying pharmacies different dispensing fee rates, based on the individual pharmacy's total annual prescription volume and/or the drug delivery system used.

**"True unit dose delivery"** - A method in which each patient's medication is delivered to the nursing facility in quantities sufficient only for the day's required dosage.

**"Unit dose drug delivery"** - True unit dose or modified unit dose delivery systems.

**"Usual and customary charge"** - The fee that the provider typically charges the general public for the product or service.

**"Washington preferred drug list (Washington PDL)"** - The list of drugs selected by the appointing authority to be used by applicable state agencies as the basis for purchase of drugs in state-operated health care programs.

**"Wholesale acquisition cost"** - The price paid by a wholesaler for drugs purchased from a manufacturer.

AMENDATORY SECTION (Amending WSR 12-18-062, filed 8/31/12, effective 10/1/12)

**WAC 182-530-2100 Noncovered—Outpatient drugs and pharmaceutical supplies.** (1) The medicaid agency does not cover:

- (a) A drug that is:
  - (i) Not approved by the Food and Drug Administration (FDA); or
  - (ii) Prescribed for a nonmedically accepted indication, including diagnosis, dose, or dosage schedule that is not evidenced-based.
- (b) A drug prescribed:
  - (i) For weight loss or gain;
  - (ii) For infertility, frigidity, impotency;
  - (iii) For sexual or erectile dysfunction;

(iv) For cosmetic purposes or hair growth; or  
 (v) For treatment of cough or cold symptoms, except as listed in WAC 182-530-2000 (1)(i).

(c) Drugs used to treat sexual or erectile dysfunction, in accordance with section 1927 (d)(2)(K) of the Social Security Act, unless such drugs are used to treat a condition other than sexual or erectile dysfunction, and these uses have been approved by the Food and Drug Administration.

(d) Drugs listed in the federal register as "less-than-effective" ("DESI" drugs) or which are identical, similar, or related to such drugs.

(e) Outpatient drugs for which the manufacturer requires as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or manufacturer's designee.

(f) A product:

(i) With an obsolete national drug code (NDC) for more than two years;

(ii) With a terminated NDC;

(iii) Whose shelf life has expired; or

(iv) Which does not have an eleven-digit NDC.

(g) Over-the-counter (OTC) drugs, vitamins, and minerals, except as allowed under WAC 182-530-2000 (1)(i).

(h) Any drug regularly supplied by other public agencies as an integral part of program activity (e.g., immunization vaccines for children).

(i) Free pharmaceutical samples.

(j) Over-the-counter or prescription drugs to promote smoking cessation unless the client is eighteen years old or older and participating in a medicaid agency-approved cessation program.

~~((k) A nonformulary drug except as allowed by WAC 182-530-2300(4).))~~

(2) A noncovered drug can be requested(=

~~(a) As described in WAC 182-530-2300 for a nonformulary drug; or~~

~~(b)) through the exception to rule process as described in WAC 182-501-0160 ((for all other noncovered drugs)).~~

(3) If a noncovered drug is prescribed through the early and periodic screening, diagnosis, and treatment (EPSDT) process, an authorization request may be submitted indicating that the request is EPSDT related, and the request will be evaluated according to the process in WAC 182-501-0165. (See WAC 182-534-0100 for EPSDT rules).

**AMENDATORY SECTION** (Amending WSR 13-04-095, filed 2/6/13, effective 3/9/13)

**WAC 182-531-0100 Scope of coverage for physician-related and health care professional services—General and administrative.** (1) The medicaid agency covers health care services, equipment, and supplies listed in this chapter, according to agency rules and subject to the limitations and requirements in this chapter, when they are:

(a) Within the scope of an eligible client's medical assistance program. Refer to WAC 182-501-0060 and 182-501-0065; and

(b) Medically necessary as defined in WAC 182-500-0070.

(2) The agency evaluates a request for a service that is in a covered category under the provisions of WAC 182-501-0065.

(3) The agency evaluates requests for covered services that are subject to limitations or other restrictions and approves such services beyond those limitations or restrictions as described in WAC 182-501-0169.

(4) The agency covers the following physician-related services and health care professional services, subject to the conditions in subsections (1), (2), and (3) of this section:

(a) Allergen immunotherapy services;

(b) Anesthesia services;

(c) Dialysis and end stage renal disease services (refer to chapter 182-540 WAC);

(d) Emergency physician services;

(e) ENT (ear, nose, and throat) related services;

(f) Early and periodic screening, diagnosis, and treatment (EPSDT) services (refer to WAC 182-534-0100);

(g) Reproductive health services (refer to chapter 182-532 WAC);

(h) Hospital inpatient services (refer to chapter 182-550 WAC);

(i) Maternity care, delivery, and newborn care services (refer to chapter 182-533 WAC);

(j) Office visits;

(k) Vision-related services (refer to chapter 182-544 WAC for vision hardware for clients twenty years of age and younger);

(l) Osteopathic treatment services;

(m) Pathology and laboratory services;

(n) Psychiatry and other rehabilitation services (refer to chapter 182-550 WAC);

(o) Foot care and podiatry services (refer to WAC 182-531-1300);

(p) Primary care services;

(q) Psychiatric services, provided by a psychiatrist;

(r) Psychotherapy services for children as provided in WAC 182-531-1400;

(s) Pulmonary and respiratory services;

(t) Radiology services;

(u) Surgical services;

(v) Cosmetic, reconstructive, or plastic surgery, and related services and supplies to correct physiological defects from birth, illness, or physical trauma, or for mastectomy reconstruction for post cancer treatment;

(w) Oral health care services for emergency conditions for clients twenty-one years of age and older, except for clients of the division of developmental disabilities (refer to WAC 182-531-1025); and

(x) Other outpatient physician services.

(5) The agency covers physical examinations for medicaid assistance clients only when the physical examination is one or more of the following:

(a) A screening exam covered by the EPSDT program (see WAC 182-534-0100);

(b) An annual exam for clients of the division of developmental disabilities; or

(c) A screening pap smear, mammogram, or prostate exam.

(6) By providing covered services to a client eligible for a medical assistance program, a provider who meets the requirements in WAC 182-502-0005(3) accepts the agency's rules and fees which includes federal and state law and regulations, billing instructions, and agency issuances.

~~((7) Outpatient drugs are not subject to the rules in this chapter. For rules about outpatient drugs see chapter 182-530 WAC.))~~

### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 182-530-2200 How the medicaid agency develops and maintains the formulary.

WAC 182-530-2300 The medicaid agency's nonformulary justification process.

**WSR 13-15-119**  
**PROPOSED RULES**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed July 22, 2013, 2:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-11-132.

Title of Rule and Other Identifying Information: Amends WAC 181-85-107, permitting electronic records to meet the requirements for retaining certification records and adds requirements for the professional growth plan, the new criteria for meeting renewal requirements.

Hearing Location(s): Red Lion at the Park, 303 West North River Drive, Spokane, WA 99201, on September 19, 2013, at 8:30.

Date of Intended Adoption: September 19, 2013.

Submit Written Comments to: David Brenna, Old Capitol Building, 600 Washington Street, Room 400, Olympia, WA 98504, e-mail david.brenna@k12.wa.us, fax (360) 586-4548, by September 12, 2013.

Assistance for Persons with Disabilities: Contact David Brenna by September 12, 2013, (360) 725-6238.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Requires educators to retain records, electronically or paper, of the information contained in their professional growth plans used for renewal of their license.

Reasons Supporting Proposal: Adds use of electronic records, requires retention of documents for licensure.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

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

Name of Proponent: Professional educator standards board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Brenna, P.O. Box 42736 [47236], Olympia, WA 98504, (360) 725-6238.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No fiscal impact.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

July 22, 2013

David Brenna

Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

**WAC 181-85-107 Documentation requirement.** Each certificate holder filing a report with the superintendent of public instruction shall be responsible for retaining records which document compliance with the continuing education requirements. Such documents in original or electronic format shall include:

(1) In-service registration forms approved by the superintendent of public instruction and furnished by an approved in-service education agency.

(2) College and university grade sheets or transcripts which indicate completion of courses.

(3) Any official correspondence from an approved in-service agency which verifies completion of three or more clock hours.

(4) Any documents related to annual professional growth plans including plan documents, required signatures, and evidence collected.

**WSR 13-15-129**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order 12-02—Filed July 22, 2013, 4:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 12-15-045.

Title of Rule and Other Identifying Information: This rule making would amend chapter 173-334 WAC, Children's safe products—Reporting rule, to add Tris(1,3-dichloro-2-propyl)phosphate (TDCPP) (CAS # 13674-87-8) to the reporting list of chemicals, and to remove n-Butanol (CAS # 71-36-3) from the reporting list of chemicals. This rule making is in response to new information associated with petitions to the agency. The Washington department of health has also confirmed that TDCPP meets the toxicity and exposure criteria to be included on the chemicals of high concern for children (CHCC) list.

Hearing Location(s): Washington State Department of Ecology Headquarters, 300 Desmond Drive, Lacey, WA, on August 27, 2013, at 6:00 p.m.

Date of Intended Adoption: October 16, 2013.

Submit Written Comments to: Josh Grice, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail

csparule@ecy.wa.gov, fax (360) 407-6102, must be received by 12:00 midnight on September 6, 2013.

**Assistance for Persons with Disabilities:** Contact waste 2 resources reception at (360) 407-6900, by August 20, 2013. Persons with hearing loss, call 711 for Washington relay service. Persons with a speech disability, call 877-833-6341.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The purpose of this rule making is to add Tris(1,3-dichloro-2-propyl)phosphate (TDCPP) (CAS # 13674-87-8) to the current list of reporting chemicals in chapter 173-334 WAC, Children's safe products—Reporting rule. As a result manufacturers of children's products will be required to report the presence of this chemical when the product is being offered for sale in Washington.

**Reasons Supporting Proposal:** This rule making is in response to new information associated with petitions ecology received from the Washington Toxics Coalition (WTC) and the American Chemistry Council (ACC). The WTC petition demonstrated that TDCPP met the criteria that are required to add a chemical to the reporting list of chemicals. Additional information has also indicated that there is a need to better understand the use of flame retardants in children's products. The ACC information demonstrated that n-Butanol no longer meets the criteria used to put a chemical on the reporting list of chemicals.

**Statutory Authority for Adoption:** Chapter 70.240 RCW, Children's safe products.

**Statute Being Implemented:** Chapter 70.240 RCW, Children's safe products.

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

**Name of Proponent:** Department of ecology, governmental.

**Name of Agency Personnel Responsible for Drafting:** John Williams Jr., Ecology Headquarters, Lacey, Washington, (360) 407-6940; **Implementation and Enforcement:** Josh Grice, Ecology Headquarters, Lacey, Washington, (360) 407-6786.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

**Executive Summary:** Ecology first adopted the rule called the Children's safe products—Reporting rule (CSP-RR) in July 2011, as a result of the Children's Safe Products Act (CSPA) chapter 70.240 RCW passage in 2008. This law specifically allows ecology to "adopt rules as necessary for the purpose of implementing, administering, and enforcing" chapter 70.240 RCW.

Ecology created a CHCC list in 2009 to meet these requirements. Ecology selected chemicals to be placed on the CHCC list that met both the following criteria:

- Toxicity and exposure criteria as determined by the Washington state department of health.
- Criteria for prioritization based on specific governmental authoritative sources.

**TDCPP:** The CSPA requires ecology to identify high priority chemicals that are of high concern for children.

When creating the CHCC list in 2009, ecology considered and researched thousands of chemicals, including TDCPP. Taking a conservative approach, even if a chemical met the toxicity and exposure criteria, ecology decided to prioritize the list of potential CHCCs to a manageable number of chemicals. Ecology contracted with Dr. Catherine Karr (University of Washington Pediatric Environmental Health Specialty Unit) to provide scientific and technical advice regarding the development of the process for prioritizing CHCCs. Dr. Karr developed a framework that allowed us to quickly assess and prioritize chemicals. This framework considered both toxicity and potential for exposure. Ecology used this framework to rank the chemicals.

This rule making would amend chapter 173-334 WAC, Children's safe products—Reporting rule to add Tris(1,3-dichloro-2-propyl)phosphate (TDCPP, CAS # 13674-87-8) to the reporting list of chemicals, and to remove n-Butanol (CAS # 71-36-3) from the reporting list of chemicals. This rule making is in response to new information associated with petitions to ecology. If ecology would have had this new information when it originally created the reporting list of chemicals, n-Butanol would not have been on the list, but TDCPP would have been. The Washington state department of health has also confirmed that TDCPP meets both the criteria for exposure and toxicity as defined in RCW 70.240.030(1) and 70.240.010(6) respectively.

TDCPP is a flame retardant used mostly in flexible polyurethane foam, found in upholstered furniture and automotive products such as seat cushions and headrests. This includes foam baby products such as car seats and changing table pads. TDCPP has also been detected in dust and air samples of indoor environments such as homes and day care centers, and in human adipose tissue and the lipids of human milk.

There is scientific evidence showing TDCPP has a potential impact to children's health, and the chemical was eliminated for use in children's pajamas in the 1970s. TDCPP is associated with increased incidence of cancer, nervous system harm, and hormone disruption. Ecology also notes that risk is a function of the level of exposure. The presence of a chemical in a children's product does not necessarily mean that the product is harmful to human health or that there is any violation of existing safety standards or laws.

These proposed rule amendments contain three changes:

- To add the chemical Tris(1,3-dichloro-2-propyl) phosphate (TDCPP) to the CHCC list,
- Establish that the first reports required to include TDCPP are those filed after August 31, 2014, according to the phase-in schedule in WAC 173-334-110(2),
- To remove the chemical n-Butanol from the CHCC list and therefore remove it from the reporting requirements.

The small business economic impact statement (SBEIS) only estimates expected compliance costs incurred by small businesses. The removal of the chemical n-Butanol only results in avoided testing costs, and forgone benefits from information. Please see the cost-benefit analysis for information pertaining to the costs and benefits from removing n-

Butanol; businesses are not expected to incur compliance costs as a result of the removal of n-Butanol.

Ecology's analysis is based on the best available information at the time of this analysis. Ecology welcomes public comments, data, and information during the public comment period that could improve the quality of this analysis.

**Section 1: Background:** CSPA is a law comprised mostly of specific requirements for manufacturers and importers of children's products, including:

- Notification to ecology that a children's product contains an intentionally added chemical on the CHCC list.
- Notification to ecology that a children's product is contaminated with a (not intentionally added) high priority chemical of high concern for children at a level exceeding one hundred parts per million (ppm) unless the manufacturer determines that the presence of any CHCC has been minimized through use of an appropriate due diligence program.
- Actions that must be taken by – and penalties for – manufacturers or importers in violation of the law.

CSP-RR, in chapter 173-334 WAC contains the list of chemicals that are considered a priority because they are of high concern for children. Many reporting requirements, definitions, civil penalties, and notification requirements are explicitly defined in the CSPA law, as illustrated below.

The baseline for comparison is the current CSP-RR, the CSPA law, as well as a number of partially overlapping requirements and mitigating factors, including:

- The Federal Consumer Product Safety Improvement Act of 2008 (CPSIA).
- Interstate toxics rules allowing manufacturers to employ economies of scale in producing a homogeneous product across multiple markets.

**Changes under ecology's proposed rule amendments:**

These proposed rule amendments contain three changes:

- To add the chemical Tris(1,3-dichloro-2-propyl)phosphate (TDCPP) to the CHCC list,
- Establish that the first reports required to include TDCPP are those filed after August 31, 2014, according to the phase-in schedule in WAC 173-334-110(2),
- To remove the chemical n-Butanol from the CHCC list and therefore remove it from the reporting requirements.

We only address the first two changes in this analysis. The SBEIS only estimates expected compliance costs incurred by small businesses. The removal of the chemical n-Butanol only results in avoided testing costs, and forgone benefits from information. Please see the cost-benefit analysis for information pertaining to the costs and benefits from removing n-Butanol; businesses are not expected to incur compliance costs as a result of the removal of n-Butanol.

Changes ecology does not have discretion over are not analyzed. Requirements already in the current CSP-RR (such as all other chemicals on the CHCC list, reporting ranges, etc.) are also not analyzed, as they are a part of the baseline;

regardless of whether these proposed amendments are adopted, parties will need to comply with the existing CSP-RR. The effect of these rule amendments is that to the extent necessary, manufacturers or importers may report on the presence of TDCPP, which may result in additional testing.

**Analytical exemptions:** We also note that certain relevant elements have already been explicitly dictated or defined in the existing CSPA law, including:

- Definitions for:
  - o Children's product.
  - o High priority chemical.
  - o Manufacturer.
  - o Toy.
  - o Trade association.
- Explicit reporting requirements including:
  - o The name of the chemical used or produced and its chemical abstracts service registry number.
  - o A brief description of the product or the product component containing the substance.
  - o A description of the function of the chemical in the product.
  - o The amount of the chemical used in each unit of the product or product component. The amount may be reported in ranges, rather than the exact amount.
  - o The name and address of the manufacturer and the name, address, e-mail, and phone number of a contact person for the manufacturer.
  - o Any other information the manufacturer deems relevant to the appropriate use of the product.
- Civil penalty.

For this rule making, ecology only has discretion on the phasing-in of first reporting time (ecology is not changing reporting ranges in these rule amendments). The inclusion of TDCPP on the reporting list meets the standards set by the authorizing law. If ecology is petitioned to add a chemical to, or remove a chemical from, the list, and the chemical meets the requirements, ecology must consider entering into rule making to include it.

**Section 2: Analysis of Compliance Costs for Washington Businesses:** Ecology quantitatively assessed the likely compliance costs of the proposed rule, and developed appropriate quantitative estimates of the value of those compliance costs for which it was possible. Ecology expects the elements of the proposed rule over which ecology had discretion to result in compliance costs related to:

- The timing of first reporting.
- Additional expected testing of TDCPP.

**Phase-in reporting:** The authorizing law allows ecology to phase-in first reporting, but it does not explicitly dictate the degree of phasing. Ecology's choice of the degree of phasing-in in the reporting schedule only acts to mitigate the costs of reporting on the initial date specified in the law (parties do not need to begin reporting until after August of 2014). Ecology, therefore, does not believe the choice of longer times before first reporting will impose additional costs.

**Quantified costs of ecology's proposed rule:** Ecology estimated the quantitative costs of complying with the pro-

posed rule, including those elements dictated by the authorizing law, based on:

- The number of businesses expected to comply.
- The estimated costs of testing or business practices and reporting.

**Costs of testing for TDCPP:** There is a high degree of uncertainty inherent in this estimation given the purpose of the rule amendments - to learn the presence of the chemicals on the CHCC list in children's products. If ecology already had this knowledge there would be no need for the amendments to the reporting rule. Ecology would already have the information the amendments to the reporting rule seek to provide.

Ecology's analysis is based on the best available information at the time of this analysis. Ecology welcomes public comments, data, and information during the public comment period that could improve the quality of this analysis.

Ecology also notes that testing is not specifically required by the proposed rule or the CSPA. Other means of estimating TDCPP content include supply-chain knowledge and knowledge of the manufacturing process.

These estimates also do not account for economies of scale, non-reporters, or interstate/international regulatory consistency. For example, TDCPP was recently added to California's Proposition 65 list, which requires labeling of products that contain chemicals on the list at the risk of facing civil lawsuits if labeling is not done. Because California is a relatively larger market than Washington state, to some extent we expect companies may already test for TDCPP to meet the reporting requirements of Proposition 65.

Some retailers who act as importers or distributors for products made by companies with no presence in the United States may also need to report, but ecology assumed the number of importing companies will be minimal. Costs also depend on the extent of process knowledge businesses have. Responsible businesses will have some (if not complete) control or knowledge of the manufacturing process and content of their children's products. This is achieved through direct control or contracting. Ecology also expects that some businesses will already have process knowledge to mitigate liability in the event of product recall.

Ecology uses a few different estimates to provide a range of possible costs, particularly given the uncertainty outlined above.

**Estimates based on existing reporting:** We note that from June 1, 2012, to April 8, 2013, there have been eight reports of four different chemicals whose function was listed as flame retardants (these are the only chemicals with the function flame retardant reported since the adoption of the CSPA-RR). Based on this data it appears a single chemical averages two reports in approximately one year. We also note however that not all businesses are required to report certain chemicals on the CHCC list yet (as a function of business size and product tier), as reporting requirements are being phased-in. As businesses are phased-in we might expect a greater number of reports in the future. As a result, we counterbalance this low estimate with a high estimate illustrated below. We note that reports do not necessarily imply testing, and we control for this distinction below.

Table 1: Chemicals with flame retardant as a function reported to ecology from June 1, 2012, to April 8, 2013

| Chemical  | Number of reports |
|---|-------------------|
| 2,2',3,3',4,4',5,5',6,6'-Decabromodiphenyl ether; BED-209 (CAS # 1163-19-5) | 1                 |
| Antimony & Antimony compounds (CAS # 7440-36-0)                             | 2                 |
| Di-n-octyl phthalate (DnOP, CAS # 117-84-0)                                 | 1                 |
| Tetrabromobisphenol A (CAS # 74-94-7)                                       | 4                 |

Under the existing rule parties do not need to report based on an individual product, but rather by product category (specifically by "brick" levels of the GS1 Global Product Classification standard). Children's products containing TDCPP will likely fall in segment codes 75000000 or 54000000; baby care and household/office furniture/furnishings respectively.

From the Washington state employment security department we find all employers in Washington state with North American Industry Classification System (NAICS) codes that correspond with GS1 brick 75000000 or 54000000:

- 337121 Upholstered Household Furniture Manufacturing.
- 337122 Nonupholstered Wood Household Furniture Manufacturing.
- 337124 Metal Household Furniture Manufacturing.
- 337125 Household Furniture (except Wood and Metal) Manufacturing.

These codes were chosen because they include ottomans, upholstered juvenile furniture, cots, cribs, high chairs, dressing tables, nursery furniture, playpens, and car seats. For example, NAICS code "337122 Nonupholstered Wood Household Furniture Manufacturing" includes high chairs, dressing tables, and playpens. TDCPP is a flame retardant used mostly in flexible polyurethane foam, found in upholstered furniture and automotive products such as seat cushions and headrests. This includes foam baby products such as car seats and changing table pads. These codes also likely include businesses not expected to be affected by the rule amendments, as the codes also include bookcases, cabinets, bed frames, and sofas, for example, which are not children's products and not product categories that need to be reported. Further stratification is not possible with the NAICS codes.

There are eighty-four businesses for the NAICS codes identified above.<sup>1</sup> In a given year, some businesses may need to report in more than one product category, and some businesses may not need to report any (for example if they've already reported in previous years). We note that there were fifty-nine businesses total that reported any one of sixty-six chemicals between June 1, 2012, to April 8, 2013. A given chemical had 7.89 businesses report, on average, and we assume that in a given year 13.4 percent of businesses will need to report for a single given chemical.

Given a business needed to report for a chemical, a business averaged 9.038 reports per chemical. Our universe of total businesses, multiplied by the expected percentage of businesses that would report for a single chemical, multiplied by the average reports per chemical for a business, gives us the expected number of reports for a single chemical. This is our medium estimate. We note that reports do not necessarily imply testing, and we control for this distinction below.

Our high estimate is derived from the average number of reports for a given chemical from June 1, 2012, to April 8, 2013, and there were 116.41 reports on average for a single chemical. We note that reports do not necessarily imply testing, and we control for this distinction below.

We note that there may be minimal time costs associated with reporting separate from the testing. We have omitted them here because ecology believes them to be negligible, and consists of using a web form with drop-down fields to report information on product brick, component, chemical, concentration, and the chemical function. Ecology does not believe this will take more than a few seconds.

**No businesses are required to test for any of the chemicals, but some may elect to test for TDCPP:** For businesses currently required to report, we assume 62.8 percent of these businesses will need to test their products. We derive this estimate from historical reporting data that identified the presence of a CHCC in a product as "no function - contaminant," across all reported products. Ecology's assumption is that reports that are able to identify the use of a chemical imply the chemical was used as part of the product design, and businesses are likely to know of the chemical in the product without testing (as it is designed to be there). If a business already knows the product contains TDCPP (for example because they have knowledge of the manufacturing process or already tested for compliance with other regulations such as California's Proposition 65), they will not need to test. For example, a business with many potential products to report may hire a product design engineer to evaluate the product design cycle and identify the likelihood of a CHCC's presence in the product. Then, if a report was submitted to ecology it would be submitted without testing any of the products, but instead be based on that engineer's knowledge of the product design.

We also note that in ecology's experience this is likely a high estimate of the percentage of historical reports that incurred testing costs, because even if businesses report a chemical as a "no function - contaminant," it is possible the chemical is part of the product design. For example, chemicals purposefully used as part of the manufacturing process that no longer serve a use after production may be reported as a "no function - contaminant." We are unable to discern which products reported as a "no function - contaminant" actually required testing. As a result, we believe the estimated 62.8 percent used above is likely an upper bound, and a smaller percentage of businesses will actually test. We emphasize again that no businesses are required to test for any of the chemicals, and the percentage of businesses that will elect to test for TDCPP will likely be much smaller, because ecology believes most businesses know what is in their product.

**Testing costs:** From ecology's experience testing for TDCPP we estimate \$500 per sample tested. This does not take into any economies of scale, and ecology emphasizes that no testing is required. If they already know the product contains TDCPP (for example because they have knowledge of the manufacturing process or already tested the product to comply with other regulations such as California's Proposition 65), they will not need to test and the compliance costs estimated below will be smaller. If a business has multiple products falling in multiple product categories that might need to be tested, the compliance costs estimated below will be larger. Similarly, businesses only need to report per product category or brick, so if multiple products fall in a single product category they only need to report once.

Table 2: Expected testing costs over 20 years

| Year                 | Low      | Medium    | High      |
|----------------------|----------|-----------|-----------|
| 2014                 | \$619    | \$31,423  | \$36,030  |
| 2015                 | \$610    | \$30,974  | \$35,515  |
| 2016                 | \$601    | \$30,532  | \$35,007  |
| 2017                 | \$593    | \$30,095  | \$34,507  |
| 2018                 | \$584    | \$29,665  | \$34,014  |
| 2019                 | \$576    | \$29,241  | \$33,528  |
| 2020                 | \$568    | \$28,823  | \$33,049  |
| 2021                 | \$560    | \$28,411  | \$32,576  |
| 2022                 | \$552    | \$28,005  | \$32,111  |
| 2023                 | \$544    | \$27,605  | \$31,652  |
| 2024                 | \$536    | \$27,210  | \$31,199  |
| 2025                 | \$528    | \$26,821  | \$30,753  |
| 2026                 | \$521    | \$26,438  | \$30,314  |
| 2027                 | \$513    | \$26,060  | \$29,881  |
| 2028                 | \$506    | \$25,688  | \$29,453  |
| 2029                 | \$499    | \$25,321  | \$29,032  |
| 2030                 | \$492    | \$24,959  | \$28,618  |
| 2031                 | \$485    | \$24,602  | \$28,208  |
| 2032                 | \$478    | \$24,250  | \$27,805  |
| 2033                 | \$471    | \$23,904  | \$27,408  |
| <b>20-year total</b> | \$10,835 | \$550,028 | \$630,660 |

**Section 3: Quantification of Costs and Ratios:** Ecology assumed that known businesses operating in Washington state manufacture [manufacturing] or importing children's products may have to comply with this proposed rule. These businesses fall into multiple NAICS<sup>2</sup> categories. We use the eighty-four businesses mentioned above, from the NAICS codes 337121, 337122, 337124, 337125.

These codes were chosen because they include ottomans, upholstered juvenile furniture, cots, cribs, high chairs, dressing tables, nursery furniture, playpens, and car seats. TDCPP is a flame retardant used mostly in flexible polyurethane foam, found in upholstered furniture and automotive prod-

ucts such as seat cushions and headrests. This includes foam baby products such as car seats and changing table pads. These codes also likely include businesses not expected to be affected by the rule amendments, as the codes also include bookcases, cabinets, bed frames, and sofas, for example, which are not children's products and not product categories that need to be reported. Further stratification is not possible with the NAICS codes.

Table 3: Employee distribution from NAICS codes

| Number of employees | Number of businesses | Percentage of businesses |
|---------------------|----------------------|--------------------------|
| 1 to 4              | 70                   | 83.33                    |
| 5 to 9              | 9                    | 10.71                    |
| 10 to 19            | 3                    | 3.57                     |
| 20 to 49            | 1                    | 1.19                     |
| 50 to 99            | 1                    | 1.19                     |

Small businesses are defined as businesses with fewer than fifty employees, compared to the largest ten percent of all businesses, as required under the Regulatory Fairness Act (RCW 19.85.070). Because we assume that the probability of needing to test for TDCPP is not a function of the size of the business, specifically the number of employees a business has, the smallest businesses will experience the greatest per-employee costs on average. However, we might expect that smaller businesses may have fewer products they would potentially need to test for.

Ecology calculates cost-to-employment ratios examining the relative impacts of the proposed rule on small versus large businesses. Ecology also considers the impacts of the proposed rule on local governments and other small public entities. Other measures of business ability to cope with compliance costs (sales, hours of labor) are not sufficiently available for the representative set of affected businesses.

Using the NAICS codes of eighty-four businesses, the weighted average of employment sizes for businesses with less than fifty employees is equal to approximately 3.81 employees per business. We then expect the smallest businesses to experience compliance costs of approximately \$33.86 - \$1,970.57 per employee over twenty years, or \$1.69 - \$98.53 per year. The average employment size of businesses with greater than fifty employees is equal to 74.5 employees. We then expect the largest businesses to experience compliance costs of approximately \$1.73 - \$100.78 over twenty years, or \$0.09 - \$5.04 per year.

We note again the SBEIS only estimates expected compliance costs incurred by small businesses. The removal of the chemical n-Butanol only results in avoided testing costs, and forgone benefits from information. Please see the cost-benefit analysis for information pertaining to the costs and benefits from removing n-Butanol; businesses are not expected to incur compliance costs as a result of the removal of n-Butanol.

As a result, ecology believes the proposed rule imposes disproportionate costs on small businesses. We note however that this relies on the assumption that smaller businesses are just as likely to incur testing costs as larger businesses. We

might expect that smaller businesses may have fewer products they would potentially need to test for. We might also expect however that smaller businesses will have less process knowledge than larger ones.

**Section 4: Actions Taken to Reduce the Impact of the Rule on Small Business:** Based on the statutory authority created by the law, ecology could have done the following:

- Required reporting for additional CHCCs much sooner.

Instead, ecology chose options, within the scope of the authorizing statute, to reduce this disproportionate burden, including:

- Allowing tiered-in reporting, such that businesses do not need to begin reporting products that contain TDCPP until after August 2014.
- Allowing multiple options for determining TDCPP content in children's products, rather than requiring only testing. Testing is not required by the law or the rule.

**Section 5: The Involvement of Small Business in the Development of the Proposed Rule Amendments:** Ecology uses several techniques to involve small business and other interested parties in the rule-making process. The publication of the rule proposal documents includes rule language available for comments, a press release, notice, a public hearing and comment period. Ecology also uses a listserv (which has over five hundred members) to provide the public and small businesses, among others, with regular updates and information related to the proposed rule amendments. Ecology also maintains a web site dedicated to the rule-making effort, that includes a timeline of the rule-making schedule. Ecology has also kept in contact with the Association of Washington Businesses, the American Chemistry Council, Walmart, and Johnson and Johnson and trade associations such as the American Apparel and Footwear Association, about the proposed rule making.

**Section 6: The SIC Codes of Impacted Industries:** Ecology assumed that known businesses operating in Washington state manufacture [manufacturing] or import children's products may have to comply with the law. These businesses fall into multiple NAICS categories:

- 337121 Upholstered Household Furniture Manufacturing.
- 337122 Nonupholstered Wood Household Furniture Manufacturing.
- 337124 Metal Household Furniture Manufacturing.
- 337125 Household Furniture (except Wood and Metal) Manufacturing.

These codes were chosen because they include ottomans, upholstered juvenile furniture, cots, cribs, high chairs, dressing tables, nursery furniture, playpens, and car seats. For example, NAICS code "337122 Nonupholstered Wood Household Furniture Manufacturing" includes high chairs, dressing tables, and playpens. TDCPP is a flame retardant used mostly in flexible polyurethane foam, found in upholstered furniture and automotive products such as seat cushions and headrests. This includes foam baby products such as

car seats and changing table pads. These codes also likely include businesses not expected to be affected by the rule amendments, as the codes also include bookcases, cabinets, bed frames, and sofas, for example, which are not children's products and not product categories that need to be reported. Further stratification is not possible with the NAICS codes.

**Section 7: Impacts on Jobs:** Ecology used the Washington state office of financial management's 2002 Washington input-output model (I-O model) to estimate the proposed rule's first-round impact on jobs across the state. This methodology estimates how the impact of reductions or increases in spending in certain sectors of the state economy flow through to purchases, suppliers, and demand for other goods. Compliance costs incurred by an industry, or industries, are entered in the I-O model as decreases in spending and investment.

Given the above costs of compliance, ecology expects approximately 0.17 - 9.87 jobs lost over twenty years, or 0.009 - 0.493 ongoing positions. We note that these result from the additional compliance costs expected due to the proposed rule amendments. Across Washington state, net compliance costs have actually decreased because of the removal of n-Butanol (please see the cost-benefit analysis for information pertaining to the removal of n-Butanol), and we therefore expect job increases due to the rule amendments as a whole. Given net compliance cost decreases of \$54,176 to \$443,205<sup>3</sup> due to the removal of n-Butanol, ecology would expect approximately 0.55 - 2.06 additional jobs over twenty years or 0.03 - 0.10 ongoing positions.

We note there is likely a subset of businesses that are better off and as well as businesses that are worse off (because some businesses only deal with products with TDCPP and not n-Butanol, and vice versa), so these impacts are likely spread across disparate businesses.

These are jobs directly lost within impacted industries, plus jobs lost in supporting industries (wholesale goods, energy, support services, transportation) and industries where labor income would be spent (retail, services, energy, housing, transportation).

**Works Cited:**

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 WA State. (2011). *RCW 34.05: Administrative Procedure Act*.

- 1 We note in the previous cost-benefit analysis ecology identified two hundred seventy-six potential businesses. We recall that those businesses potentially had to comply with reporting of sixty-six different chemicals, which appeared in a variety of products. TDCPP is primarily found in polyurethane foam, and is unlikely to appear in burial caskets, silverware, children's pajamas, or shampoos. Our selection of NAICS codes reflects this distinction.
- 2 North American Industry Classification System.
- 3 Taking into account avoided compliance costs occur in industries associated with NAICS codes 325620, 339910, 339930, and 316210. See the associated cost-benefit analysis for more information.

A copy of the statement may be obtained by contacting Josh Grice, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6786, fax (360) 407-6102, e-mail [joshua.grice@ecy.wa.gov](mailto:joshua.grice@ecy.wa.gov), downloaded at <https://fortress.wa.gov/ecy/publications/SummaryPages/1307030.html>.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Josh Grice, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6786, fax (360) 407-6102, e-mail [joshua.grice@ecy.wa.gov](mailto:joshua.grice@ecy.wa.gov), downloaded at <https://fortress.wa.gov/ecy/publications/SummaryPages/1307029.html>.

July 22, 2013  
 Polly Zehm  
 Deputy Director

**AMENDATORY SECTION** (Amending WSR 11-16-008, filed 7/21/11, effective 8/21/11)

**WAC 173-334-130 The reporting list of chemicals of high concern to children (CHCC list).**

| CAS                  | Chemical                  |
|----------------------|---------------------------|
| 50-00-0              | Formaldehyde              |
| 62-53-3              | Aniline                   |
| 62-75-9              | N-Nitrosodimethylamine    |
| <del>((71-36-3</del> | <del>n-Butanol)</del>     |
| 71-43-2              | Benzene                   |
| 75-01-4              | Vinyl chloride            |
| 75-07-0              | Acetaldehyde              |
| 75-09-2              | Methylene chloride        |
| 75-15-0              | Carbon disulfide          |
| 78-93-3              | Methyl ethyl ketone       |
| 79-34-5              | 1,1,2,2-Tetrachloroethane |
| 79-94-7              | Tetrabromobisphenol A     |
| 80-05-7              | Bisphenol A               |

| CAS      | Chemical  |
|----------|---|
| 84-66-2  | Diethyl phthalate   |
| 84-74-2  | Dibutyl phthalate   |
| 84-75-3  | Di-n-Hexyl phthalate  |
| 85-44-9  | Phthalic anhydride  |
| 85-68-7  | Butyl benzyl phthalate (BBP)  |
| 86-30-6  | N-Nitrosodiphenylamine  |
| 87-68-3  | Hexachlorobutadiene   |
| 94-13-3  | Propyl paraben  |
| 94-26-8  | Butyl paraben   |
| 95-53-4  | 2-Aminotoluene  |
| 95-80-7  | 2,4-Diaminotoluene  |
| 99-76-3  | Methyl paraben  |
| 99-96-7  | p-Hydroxybenzoic acid   |
| 100-41-4 | Ethylbenzene  |
| 100-42-5 | Styrene   |
| 104-40-5 | 4-Nonylphenol; 4-NP and its isomer mixtures including CAS 84852-15-3 and CAS 25154-52-3 |
| 106-47-8 | para-Chloroaniline  |
| 107-13-1 | Acrylonitrile   |
| 107-21-1 | Ethylene glycol   |
| 108-88-3 | Toluene   |
| 108-95-2 | Phenol  |
| 109-86-4 | 2-Methoxyethanol  |
| 110-80-5 | Ethylene glycol monoethyl ester   |
| 115-96-8 | Tris(2-chloroethyl) phosphate   |
| 117-81-7 | Di-2-ethylhexyl phthalate   |
| 117-84-0 | Di-n-octyl phthalate (DnOP)   |
| 118-74-1 | Hexachlorobenzene   |
| 119-93-7 | 3,3'-Dimethylbenzidine and Dyes Metabolized to 3,3'-Dimethylbenzidine                   |
| 120-47-8 | Ethyl paraben   |
| 123-91-1 | 1,4-Dioxane   |
| 127-18-4 | Perchloroethylene   |
| 131-55-5 | Benzophenone-2 (Bp-2); 2,2',4,4'-Tetrahydroxybenzophenone                               |
| 140-66-9 | 4-tert-Octylphenol; 1,1,3,3-Tetramethyl-4-butylphenol                                   |
| 140-67-0 | Estragole   |
| 149-57-5 | 2-Ethylhexanoic acid  |
| 556-67-2 | Octamethylcyclotetrasiloxane  |
| 608-93-5 | Benzene, pentachloro  |
| 842-07-9 | C.I. solvent yellow 14  |
| 872-50-4 | N-Methylpyrrolidone   |

| CAS         | Chemical  |
|-------------|---|
| 1163-19-5   | 2,2',3,3',4,4',5,5',6,6'-Decabromodiphenyl ether; BDE-209                                       |
| 1763-23-1   | Perfluorooctanyl sulphonic acid and its salts; PFOS   |
| 1806-26-4   | Phenol, 4-octyl-  |
| 5466-77-3   | 2-Ethyl-hexyl-4-methoxycinnamate  |
| 7439-97-6   | Mercury & mercury compounds including methyl mercury (22967-92-6)                               |
| 7439-98-7   | Molybdenum & molybdenum compounds   |
| 7440-36-0   | Antimony & Antimony compounds   |
| 7440-38-2   | Arsenic & Arsenic compounds including arsenic trioxide (1327-53-3) & dimethyl arsenic (75-60-5) |
| 7440-43-9   | Cadmium & cadmium compounds   |
| 7440-48-4   | Cobalt & cobalt compounds   |
| *13674-87-8 | <u>Tris(1,3-dichloro-2-propyl)phosphate</u>   |
| 25013-16-5  | Butylated hydroxyanisole; BHA   |
| 25637-99-4  | Hexabromocyclododecane  |
| 26761-40-0  | Diisodecyl phthalate (DIDP)   |
| 28553-12-0  | Diisononyl phthalate (DINP)   |

\*The presence of Tris(1,3-dichloro-2-propyl)phosphate must be reported in all notices required to be filed after August 31, 2014, according to the phase-in schedule in WAC 173-334-110(2).

**WSR 13-15-137**  
**PROPOSED RULES**  
**WASHINGTON STATE PATROL**  
 [Filed July 23, 2013, 12:47 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-11-114.

Title of Rule and Other Identifying Information: Towing business requirements.

Hearing Location(s): Washington State Patrol, General Administration Building, Room G-3, 210 11th Avenue S.W., Olympia, WA 98504-2600, on August 27, 2013, at 11:30 a.m.

Date of Intended Adoption: August 28, 2013.

Submit Written Comments to: Sergeant John Buma, Motor Carrier Safety Division, P.O. Box 42614, Olympia, WA 98504-2614, e-mail john.buma@wsp.wa.gov, fax (360) 596-3829, by August 23, 2013.

Assistance for Persons with Disabilities: Contact Melissa Van Gorkom by August 23, 2013, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed [changes] include but may not be limited to:

WAC 204-91A-060, to update/clarify operator disqualifications.

WAC 204-91A-070, to address issuance of a letter of appointment with regard to notification of operator disqualifications.

WAC 204-91A-140, to address fees charged for impounds where toll and ferry fares are charged under RCW 46.55.035.

WAC 204-91A-170, to address strap requirements for tow trucks.

WAC 204-91A-180, to clarify the type of identification that is required for a tow truck operator.

Reasons Supporting Proposal: There is a need for updates to some of the tow standards.

Statutory Authority for Adoption: RCW 46.37.005, 46.55.050, 46.55.115.

Statute Being Implemented: RCW 46.37.005, 46.55.050, 46.55.115.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Sergeant John Buma, P.O. Box 42614, Olympia, WA 98504-2614, (360) 596-3804; and Enforcement: WSP Commercial Vehicle Enforcement Bureau, P.O. Box 42614, Olympia, WA 98504-2614, (360) 596-3800.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required for this proposal.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Melissa Van Gorkom, P.O. Box 42600, Olympia, WA 98504-2600, phone (360) 596-4017, fax (360) 596-4015, e-mail WSPRules@wsp.wa.gov. This proposal is implementing federal rules.

July 23, 2013  
John R. Batiste  
Chief

**AMENDATORY SECTION** (Amending WSR 10-24-068, filed 11/30/10, effective 12/31/10)

**WAC 204-91A-060 Application and qualifications for letter of appointment.** (1) An application must be approved and a letter of appointment issued by the patrol before an operator is authorized to provide towing services for the patrol pursuant to this chapter. However, nothing herein prohibits the patrol from calling a towing business upon the specific request of a person responsible for a vehicle or his/her agent.

(2) An application for letter of appointment must be completed by:

| Type of business | Who must complete the application |
|------------------|-----------------------------------|
| Tow company      | Owner/operator                    |
| Partnership      | Each partner                      |

| Type of business | Who must complete the application  |
|------------------|--|
| Corporation      | The patrol may require each of the present and subsequent officers, managers, and stakeholders holding 10% or more of the total issued stock to complete an application. |

(3) To be issued a letter of appointment, the applicant(s) must:

(a) Complete the application form provided by the patrol; and

(b) Attach to the application a signed "letter of contractual agreement" listing the maximum tow rates to be charged for services resulting from state patrol originated calls; and

(c) Satisfy the requirements contained in WAC 204-91A-070; and

(d) Demonstrate through a letter included with the application that they have at least two years of experience within the towing industry, or be granted a waiver if the owner/operator does not have the required two years experience.

(i) The two years of experience must have been acquired within five years of the date of application. The two years of experience may be satisfied by demonstrating any of the following:

(A) He or she has been a registered tow truck operator for a minimum of two years prior to the date of application with at least one approved "A" or "B" class tow truck, additional trucks are optional, and has a working knowledge of the paperwork requirements for impounds; or

(B) He or she has worked as an employee of a tow company on the state patrol's rotational tow list and gained experience within the towing industry including, but not limited to, the operation of vehicles, complying with the state and federal standards and regulations, and processing of paperwork for auditing and other purposes; or

(C) He or she will keep in place the existing management team/employees for a minimum of one year upon purchasing the business.

(ii) If the owner/operator does not have the required two years experience, the owner/operator may be granted a waiver of this requirement. If the owner/operator is granted a waiver, the letter of appointment may be granted on a probationary basis for a period of one year from the date of the waiver.

(4) Upon receipt by the patrol of a completed application:

(a) The district office must:

(i) Complete the tow zone portion of the application form. The district commander or designee will enter "approved" or "disapproved" next to the zone designation and sign the form; and

(ii) Forward the application and letter of contractual agreement to the section.

(b) The section will assign the application a docket number which will be its permanent identification number for all matters relating to appointments, granted or denied, and any other correspondence with the patrol thereafter.

(5) The patrol will refuse to issue or may revoke a letter of appointment or contract if the applicant, partner, corporate

officer involved in daily operations, or any employee who operates a tow truck, assists in vehicle auctions, or is involved in daily operations:

(a) Has been convicted of any of the following:

(i) Any class A felony or any "sex offense" as defined in RCW 9.94A.030, regardless of the date of conviction; or

(ii) Any class B felony within the last ten years; or

(iii) Any class C felony within the last five years; or

(iv) A DUI, as defined in chapter 46.61 RCW, two or more times within the last five years; or

(v) Any gross misdemeanor within the last three years;~~(vi)~~

~~(vi)~~

(b) Must register as a sex offender or kidnapping offender; or

(c) Has been granted a deferred prosecution under chapter 10.05 RCW for any gross misdemeanor within the last three years.

(6) The patrol may refuse to issue or may revoke a letter of appointment or contract if the applicant, partner, corporate officer involved in daily operations, or any employee who operates a tow truck, assists in vehicle auctions, or is involved in daily operations:

(a) Has been convicted of any misdemeanor within the last year; or

(b) Has been granted a deferred prosecution under chapter 10.05 RCW for any misdemeanor within the last year.

(7) The patrol may refuse to issue or may revoke a letter of appointment or contract if any applicant, partner or corporate officer involved in daily operations, or any employee who operates a tow truck or assists in vehicle auctions:

(a) Has demonstrated a willful disregard for complying with ordinances, statutes, administrative rules or court orders, whether at the local, state or federal level; or

(b) Fails to demonstrate character and general fitness sufficient to command the confidence of the patrol and warrant a belief that the business will be operated honestly, fairly and efficiently in the conduct of towing, impound, and vehicle auction activities. In determining character and general fitness, the patrol may consider:

(i) Prior contacts with law enforcement; and

(ii) Criminal record; and

(iii) Reputation in the community; and

(iv) Associations.

(8) A misrepresentation of fact found to have been made by an applicant during the application process or by a letter of appointment holder shall be deemed a lack of good faith and shall constitute good and sufficient cause for the denial of an application or the revocation or suspension of the letter of appointment.

(9) Only one application per year to tow on the patrol's rotational tow list will be accepted and considered for an applicant who has had their previous application denied or had their letter or contract of appointment revoked. The year will run from the date of application denial or the date of revocation of the letter of appointment.

~~((9))~~ (10) The term "conviction" as used in this section will have the same meaning as used in RCW 9.94A.030.

~~((10))~~ (11) Crimes referenced in this section are as defined in the criminal code as they existed at the time of the

violation, as they now exist or may later be amended in the state of Washington. Out-of-state convictions for offenses will be classified according to the comparable offense definitions and sentences provided by Washington law.

AMENDATORY SECTION (Amending WSR 09-09-118, filed 4/21/09, effective 5/22/09)

**WAC 204-91A-070 Issuance of a letter of appointment.** (1) The chief or designee will have the authority to issue a letter of appointment if all qualifications set out in this chapter have either been met by the applicant, or a waiver of those qualifications not met has been granted. In order to issue a letter of appointment the section commander must receive:

(a) Certification from the inspector;

(b) An application for a letter of appointment endorsed by the district commander; and

(c) A notice from the department that the requestor has been licensed as a registered tow truck operator.

(2) The patrol will notify the requestor of its decision in writing.

(a) If all requirements are met, the request will be approved and the patrol will issue a letter of appointment, and the tow company will be admitted to the patrol's call list for the appropriate tow zone on the effective date of the letter.

(b) If all requirements are not met, and the requestor is not qualified for a waiver of the requirements, then such request will be denied.

(c) If the district commander recommends denial of a request, the patrol will notify the applicant and provide an opportunity for the applicant to have a hearing as provided in chapter 34.05 RCW.

(3) A letter of appointment will be valid for one business, in a single tow zone, assigned by the district commander. Requests for additional letters of appointment in the same or another zone must be based on a complete and separate place of business capable of independent operation within the appropriate zone.

To receive a letter of appointment, each business must:

(a) Be operated independently. One company cannot be dependent upon another for any required operation.

(b) If an individual, partnership, corporation, or other business entity owns more than one business, each business must have a different identifiable name, address, and telephone number, which are answered at the business location during normal business hours. There may, however, be a central dispatch center for multiple companies. This dispatch center must be capable of acknowledging each individual company when answering each call.

(c) Have on both sides of the truck a different identifiable name, city of address (even if included in the name of the company), registered tow truck operator license number, and truck number as assigned by the department. All required information must be plainly seen and able to be read at all times. All other required markings must also be located where they can be plainly seen and able to be read at all times and be of the size outlined in WAC 308-61-115(1). Companies must comply by December 31, 2007.

EXAMPLE: A different identifiable name may include the parent company name but must also have an additional name to identify and separate that company. Example: Joe's Towing and Joe's Towing South. Joe's Towing I and Joe's Towing II.

(d) Have adequate staffing for each company with personnel present to answer all incoming calls and who are able to release impounded vehicles during normal business hours 8:00 a.m. to 5:00 p.m. Monday through Friday except for state recognized holidays. Each business must be staffed by a sufficient number of drivers for twenty-four hour day operation.

(e) Have adequate equipment for each company to operate independently. Tow trucks must only be used for the company for which they are registered and within the zone approved/assigned for use in, unless specifically requested by law enforcement. All trucks must be clearly marked with the company's identity as outlined in (b) of this subsection.

(f) Have its own outside entrance, or when the building has one main entrance, the offices must have doors clearly marking and separating each business (not acceptable to walk in the main door and be hit with a counter or one office for the multiple tow companies housed in the building), with a sign at the front door and a sign plainly visible from the street indicating the company's name, phone number, and office hours. Separate businesses in the same tow zone may be housed in one building; however, there must be a solid wall from floor to ceiling physically separating each business.

(g) Maintain their own set of required records and books as outlined in RCW 46.55.150 including, but not limited to, a master log, vehicle transaction file, and billing invoices at its place of business. If there is a corporate accountant/bookkeeper for more than one company, all records and/or files for each company, other than those records, which are required to be maintained at the business location, must be maintained separately.

(h) Have impound/storage areas meeting the requirements of WAC 308-61-026(2) at all times, including proper segregation. All storage areas, primary and secondary for each place of business must be in the tow zone assigned to that place of business.

(i) Maintain at least one truck meeting the minimum class "A," "B," or "C" standards as listed in WAC 204-91A-170.

(4) A tow operator (or a district commander) may petition the section in writing for a waiver of one or more requirements. The section may grant a waiver if it finds that:

(a) The towing service available to the patrol without the waiver is inadequate to meet the needs of the public;

(b) The request is otherwise reasonable; and

(c) The request has the district commander's approval.

In the event a qualified tow operator meeting all requirements and qualifications receives a letter of appointment in the same zone as a tow operator that had earlier been granted a waiver, the tow operator with a waiver will have the letter of appointment rescinded by the section and after notification will not be called for patrol-initiated tows.

(5) Every letter of appointment will be issued in the name of the applicant and the holder thereof must not allow any other person or business to use the letter of appointment.

(6) The letter of appointment will only be valid for the place of business named on the application and will not apply to any other place of business.

(7) A letter of appointment will be valid until suspended, superseded, or revoked by the patrol.

(8) All storage areas, primary and secondary, for each place of business must be in the tow zone assigned to that place of business.

(9)(a) Letter of appointment holders must notify the inspector in writing, within thirty days, of all criminal actions filed against any partner, corporate officer involved in daily operations, or any employee who operates a tow truck, assists in vehicle auctions, or is involved in daily operations.

(b) The patrol may suspend or revoke a letter of appointment if the holder of the letter of appointment fails to provide the information as required in (a) of this subsection.

**AMENDATORY SECTION** (Amending WSR 09-09-118, filed 4/21/09, effective 5/22/09)

**WAC 204-91A-140 Fees.** (1) ~~((A))~~ Towing fees must be based on a flat, hourly rate only and will apply without regard to the hour of day, day of the week or whether the service was performed on a Saturday, Sunday, or state recognized holiday. The hourly rate for each class of truck must be ~~((the only charge))~~ **charged** for services performed for initial tows and secondary tows performed during business hours. Charges for secondary tows performed during nonbusiness hours, on weekends or state recognized holidays, if different from the hourly rate, must be negotiated and agreed upon with the vehicle owner/agent before the tow is made.

The tow inspector will investigate allegations of overcharging. Intentional overcharging or a pattern of overcharging will be cause for suspension. The tow operator's failure to reimburse the aggrieved customer(s) may be cause for suspension, after a tow inspector has determined that overcharging occurred and may result in the suspension or revocation of the tow operators letter of appointment. The suspension will remain in effect until the tow operator has presented to the patrol sufficient proof that the aggrieved customer(s) has been fully reimbursed.

(2) The chief or designee will, prior to October 15th of each year, establish maximum hourly towing rates for each class of tow truck and maximum daily storage rates that tow operators may charge for services performed as a result of state patrol calls. The maximum rates will be determined after consultation with members of the towing industry, review of current private towing rates, and such other economic factors as the chief deems appropriate.

When signed by the chief or designee and the tow operator, a contractual agreement to charge no more than the maximum rates will become part of the operator's letter of appointment. The tow operator may, however, adopt a rate schedule charging less than the maximum rates established by the chief.

The hourly rate must:

~~(a) ((Be the only basis used by the tow operator to compute total charges for towing services.~~

~~(b))~~ Apply when a call for a tow is made by the state patrol, ~~((including))~~ except as outlined under subsection (5)

of this section. This includes, but may not be limited to, collisions and impound requests.

~~((e))~~ (b) Include all ancillary activities including, but not limited to, removal of glass, debris, and vehicle fluids less than one gallon from the roadway and ~~((any other))~~ areas referred to as the "scene or incident location," necessary winching, dolly service, drive line removal, installation of chains on the tow truck, installation of portable lights, vehicle hookup for towing or transporting, tire replacement and standby time. Before leaving any collision or incident location, the tow company must advise the department of transportation, the patrol ~~((or))~~, local law enforcement road department of all fluid spills greater than one gallon remaining.

~~((d))~~ (c) Include the labor of one person per truck. When responding with a class "C" or ~~((a))~~ an S-1 rotator truck to a major collision or incident ~~((:))~~ location; a second person is allowed at the hourly labor rate per contract for an extra RTO employee. Any charges for additional labor or ancillary vehicles, or both, or for removing debris, cargo, or other items must have prior authorization from the legal or registered owner/agent, or a member of the patrol at the scene.

~~((e))~~ (d) Be computed from the actual time the truck departs in response to a call until the truck returns to its ~~((normal area/))~~ tow zone, responds to another call, or ~~((the tow yard))~~ place of business of the registered tow truck operator. The hourly rate must be applied to the resulting net time and, after the first hour, must be rounded to the nearest fifteen minutes. The operator may charge the hourly rate for the first hour or any portion thereof. After the first hour, no more than one-quarter of the hourly rate may be charged for each fifteen minutes of tow or service work performed.

~~((f))~~ (e) Be evenly divided between customer vehicles transported when class "E" trucks are used for multiple towing/recovery services (one on bed, one in tow) from the same service call or incident location.

(3) The basic storage fee:

(a) Must be calculated using bumper to bumper measurements for vehicles, and using tongue to bumper measurements for trailers; and

(b) Must be calculated on a twenty-four-hour basis and must be charged to the nearest half day from the time the vehicle arrives at the secure storage area. Vehicles stored over twelve hours on any given day within the twenty-four-hour period may be charged a full day's storage. Vehicles stored less than twelve hours on any given day, may only be charged for twelve hours of storage; and

(c) Must be the same for all three and four-wheel vehicles twenty feet or less in length; and

(d) For vehicles or combinations exceeding twenty feet, the storage fee must be computed by multiplying each twenty feet of vehicle length, or any portion thereof, by the basic storage fee; and

(e) For motorcycles, operators may charge the basic storage fee for vehicles.

(4) After hours release fee may be assessed if the tow operator or employee must be at the business location specifically for the purpose of releasing the vehicle and/or property on any weekday after 5 p.m. and before 8 a.m.; Saturday or

Sunday; or on any state recognized holiday. After hour fees must:

(a) Be based on a flat, hourly rate;

(b) Be applied to the resulting net time and, after the first hour, must be rounded to the nearest fifteen minutes; and

(c) Be no more than one-half of the class "A" rate;~~(; and~~

~~(d) Apply on any weekday after 5 p.m. and before 8 a.m.; Saturday or Sunday; and state recognized holidays. If the operator or employee is called to the place of business specifically for the purpose of releasing the vehicle and/or property, an "after hours fee," may be assessed).~~

(5)(a) Any tow operator who charges the general public (i.e., private citizens) rates lower than those identified in the contractual agreement for the following services must charge the same lower rate for similar services performed as a result of patrol initiated calls:

(i) Roadside mechanical service, including, but are not limited to, fuel transfer, tire and belt changes;

(ii) Disabled vehicle tow/transportation;

(iii) Storage;

(iv) After hours release fees.

(b) The price requirement in subsection (a)(i) through (ii) of this section does not apply to unoccupied vehicle situations in which the owner/operator has had no prior contact with either the state patrol or the tow operator.

(6) Upon redemption of a vehicle, an additional charge may not be assessed for moving or relocating any stored vehicle from inside a tow operator's storage yard to the front of the business establishment.

(7) Tolls and ferry fares paid by the tow operator or employee as a result of charges attributed to services provided during travel to and from a service call while using the shortest reasonable route, may be added as a separate line item to the tow bill. Added charges must be evidenced by a receipt or highlighted (i.e., "Good to Go" or "Wave to Go") on the transaction document and kept in the vehicle transaction file for inspection purposes.

AMENDATORY SECTION (Amending WSR 10-24-068, filed 11/30/10, effective 12/31/10)

**WAC 204-91A-170 Minimum tow truck equipment standards.** (1) All tow/recovery trucks used by a registered tow operator for public or private impounds or in response to patrol requests must meet the minimum standards listed in this section.

(2) **Minimum standards:**

(a) All equipment used in conjunction with the tow truck winching system must be used in such a way as not to exceed the equipment working load limit. All equipment must comply with the Washington safety and health administration (WSHA) regulation if applicable.

Industry standards set the working load limit of wire rope or equivalent material at one-fifth of the manufacturer's rated nominal or breaking strength.

(b) Each wire rope or equivalent material must be capable of being fully extended from and fully wound onto its drum. Each wire rope or equivalent material must meet the industry standards for specified type of use with equipment.

OSHA (1410.179 (h)(2)(iii)) requires **no less** than two wraps of rope remain on drum when rope is "fully extended." This is to ensure the full load **never** bears on the rope to drum connection.

(c) The wire rope on each recovery class truck must be equivalent to a 6 x 19 or 6 x 37 "extra improved plowed steel" (XIP) independent wire rope center (IWRC), and must meet all industry standards for working load limit.

(i) The operator must retain a receipt of purchase from the manufacturer indicating the type and WLL of wire rope, and document the type and date the wire rope was installed on each vehicle.

(ii) Class "A," "D," and "E" trucks may utilize either IWRC or fiber core wire rope.

(d) All wire rope must be in good working order. The following industry standards for **out-of-service** criteria will apply:

(i) No more than six randomly distributed broken wires in one rope lay, or more than three broken wires in one strand in one rope lay.

(ii) Excessive abrasion causing the loss of more than one-third the original diameter of an outside individual wire.

(iii) Evidence of rope deterioration from corrosion.

(iv) Kinking, crushing, or other damage that results in detrimental distortion of the rope structure.

(v) Any evidence of heat damage.

(vi) Any marked reduction in diameter either along the entire main length or in one section.

(vii) Unlaying or opening up of a tucked splice.

(viii) Core protrusion along the entire length.

(ix) End attachments that are cracked, deformed, worn, or loosened.

(x) Any indication of strand or wire slippage in end attachments.

(xi) More than one broken wire in the vicinity of fittings.

(e) Wire rope end connections shall be swaged or, if clamped, must have a minimum of three forged clamps spaced a minimum of six rope diameters apart and attached with the base or saddle of the clamp against the longer or "live" end of the cable. The "U" bolt will be placed over the short or "dead" end of the rope and will be of the proper size for the cable being clamped.

(i) Recovery or tow hooks must be installed, maintained, and used in the manner in which the manufacturer prescribes.

(ii) Recovery or tow hooks must be replaced if the throat opening has increased beyond the manufacturer recommendations, the load bearing point has been worn by ten percent, or the hook is twisted by more than ten degrees.

(iii) Wire rope clamps must be installed and torqued per manufacturer specifications.

(f) All wire rope related equipment, sheaves, etc., must conform to the diameter of the wire rope being used or to the original tow truck equipment manufacturer specifications.

(g) All winching equipment, booms, snatch blocks, etc., must have permanently affixed durable factory identification, stating the working load limit. If this identification has been removed or is no longer readable, it is criteria for placing the item out-of-service. Equipment may be reinspected by a recognized recertification company. If the equipment is acceptable, it may be reidentified with a working load limit and a

recertification company identifier. It will be deemed acceptable if the operator maintains a copy of the certification of winching equipment provided the serial number on the equipment corresponds with the certification provided by the manufacturer.

(h) Snatch block hooks that were manufactured with a retractable safety retention clip must have a functional clip installed.

(i) All block and tackle equipment used in the winching system which shows signs of permanent deformation, significant wear or damage is criteria for placing the item out-of-service.

(j) All "J" hook chain assemblies must be grade "7" chain or better.

(k) Safety chains must only be used for the securing of vehicles to the truck. Must be minimum grade "7" chain or meet the original manufacturer's recommendations. Safety chain hooks that were manufactured with retractable safety retention clips must have a functional clip installed.

(l) Comply with legal lighting, equipment, and license requirements.

(m) Portable tail, stop, and turn signal lights for vehicles being towed. When in use, the lights must be mounted on the same level and as widely spaced laterally as practicable.

(n) Have department of licensing registration and truck numbers painted or permanently affixed to both sides of the truck. Have firm's name, city of address, and phone number permanently affixed to both sides of the vehicle. Letters must be a minimum of three inches high with one-half inch strokes.

(o) Have a revolving, strobe, or intermittent red light with three hundred sixty degrees visibility. Trucks may also be equipped with flashing amber and/or white lights which may be used in conjunction with the red lamps. Additionally, trucks must also be equipped with a warning light visible from the driver seat which is energized when the red revolving light or flashing amber lights are activated.

(p) Have a broom, minimum twelve inches wide, with a handle at least four feet long.

(q) Have a scoop type shovel, minimum seven inches wide, overall length minimum three feet long and a minimum of a three-gallon hard or solid sided receptacle (trash bags of any type will not meet this requirement) able to contain debris typically found at collision scenes without breaking.

(r) Be maintained in a reasonably clean condition.

(s) Have at least one steel pinch bar four feet long, tapered on one end and flattened on the other with a minimum diameter of three-quarters of an inch.

(t) Have a two-way radio or mobile telephone capable of communicating with a base station. A citizen band radio does not suffice. The communication device must:

(i) Be in proper working order and function correctly throughout the assigned tow areas for all towing operations including on call drivers.

(ii) Be used in a lawful manner.

(u) Have one 20 BC rated or two 10 BC rated fire extinguishers accessible and secured on or in the tow truck.

(v) Axle weight must comply with the requirements of RCW 46.37.351.

(w) Carry two gallons of absorbent material designed to and capable of absorbing a one-gallon liquid spill from a motor vehicle. For the purposes of this chapter, vehicular liquids consist of motor oil, antifreeze, transmission fluid, and gear oil.

(3) **Class "A" tow trucks:** Trucks that are capable of towing and recovery of passenger cars, pickup trucks, small trailers, or equivalent vehicles. Class "A" tow trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A fourteen thousand five hundred pound minimum manufacturer's gross vehicle weight rating (GVWR).

(b) Dual tires on the rear axle.

(c) A minimum of one hundred feet of three-eighths inch continuous length XIP wire rope on each drum, measured from the point of attachment at the drum to the hook.

(d) A minimum eight-ton boom rating with a single hydraulic boom. Dual winches to control a minimum of two service drums.

(e) A minimum of two snatch blocks rated at 4.0 tons each.

(f) A tow sling or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(g) A portable dolly or its equivalent for hauling vehicles not otherwise towable. The transported vehicle must be attached to the dolly or its equivalent with an adjustable tie-down, or as otherwise required by the equipment manufacturer.

(h) If equipped with a wheel lift system, it must have a fully extended working load rating of at least three thousand pounds and a seven thousand pound tow rated capacity. The transported vehicle must be attached to the wheel lift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

(i) A minimum of one ten-foot or two five-foot recovery chains used in the winching system and must be minimum grade "7" chain with matching fittings.

(j) Permanently affixed safety chains.

(4) **Class "B" tow trucks:** Trucks that are capable of towing and/or recovery of medium size trucks, trailers, motor homes, or equivalent vehicles. Class "B" tow trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) Eighteen thousand pounds minimum manufacturer's gross vehicle weight rating (GVWR).

(b) A minimum of one twelve-ton single hydraulic boom with two independent winches and drums.

(c) A minimum of one hundred feet of seven-sixteenths inch continuous length XIP IWRC wire rope on each drum, measured from points of attachment at the drum to the hook.

(d) A minimum of four standard release tools (caging stud assemblies).

(e) A minimum of two snatch blocks rated at 4.0 tons each.

(f) A tow sling or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(g) A portable dolly or its equivalent for hauling vehicles not otherwise towable when the class "B" tow truck is being

used for class "A" tows. The transported vehicle must be attached to the dolly or its equivalent with an adjustable tie-down, or as otherwise required by the equipment manufacturer.

(h) If equipped with a wheel lift system, it must have a fully extended working load limit of at least six thousand pounds and a twenty thousand pound tow rated capacity. The transported vehicle must be attached to the wheel lift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

(i) A minimum of one ten-foot or two five-foot one-half inch diameter recovery chains used in the winching system and must be grade "8" chain with matching fittings.

(j) Permanently affixed safety chains.

(5) **Class "B-2" tow trucks:** Trucks that are rated at over 30,000 GVWR with air brakes. Class "B-2" tow trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A minimum of one hundred fifty feet of seven-sixteenths inch continuous length XIP IWRC wire rope on each drum, measured from points of attachment at the drum to the hook.

(b) A minimum of one fourteen-ton single hydraulic boom with two independent winches and drums.

(c) A minimum of two snatch blocks rated at 6.0 tons each.

(d) Air brakes and a system capable of supplying air to towed vehicles.

(e) Permanently affixed safety chains.

(f) Class "B-2" tow trucks must also meet the requirements of subsection (4)(d), (f), (g), (h), and (i) of this section.

(6) **Class "C" tow trucks and class "C" rotator trucks:** Trucks that are capable of towing and/or recovery of large trucks, trailers, buses, motor homes, or similar vehicles. Class "C" trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A forty-six thousand pound manufacturer's gross vehicle weight rating (GVWR).

(b) Tandem rear axle truck chassis (both drive axles).

(c) A minimum of thirty-ton boom rating with a hydraulic boom. Dual winches to control a minimum of two service drums.

(d) A minimum of two hundred feet of five-eighths inch continuous length XIP IWRC wire rope on each drum measured from the point of attachment at the drum to the hook.

(e) Air brakes and a system capable of supplying air to towed vehicles.

(f) A minimum of four standard release tools (caging stud assemblies).

(g) A wheel lift or underlift system, it must have a fully extended working load limit of at least twelve thousand pounds. The transported vehicle must be attached to the wheel lift or underlift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

(h) A minimum of one ten-foot or two five-foot five-eighths inch recovery chains used in the winching system and must be a minimum grade "8" chain with matching fittings.

(i) Permanently affixed safety chains.

(j) All chains must be a minimum of grade "7," except as otherwise specified in this section.

(k) A tow sling or other comparable device used in such a manner as to protect the vehicle being towed or recovered.

(l) A minimum of two snatch blocks rated at 8.0 tons each.

(7) **Class "D" tow trucks:** Trucks that are equipped for and primarily used as "wheel lift" or nonrecovery trucks. Class "D" tow trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A portable dolly or its equivalent for hauling vehicles not otherwise towable. The transported vehicle must be attached to the dolly or its equivalent with an adjustable tie-down, or as otherwise required by the equipment manufacturer.

(b) A wheel lift assembly with a fully extended manufacturer's working load limit of three thousand pounds and a seven thousand pound tow rated capacity. The transported vehicle must be attached to the wheel lift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

(c) One winch and drum with one hundred feet of three-eighths inch XIP wire rope meeting class "A" requirements.

(d) One snatch block rated at 3.5 tons.

(e) A minimum of one five-foot recovery chain for use in the winching system and must be a minimum of grade "7" chain with matching fittings.

(f) Permanently affixed safety chains.

(8) **Class "E" tow trucks:** Trucks that are primarily designed and intended to transport other vehicles by loading and carrying the transported vehicle entirely on the truck. These vehicles may be a flatbed, slide back, tilt bed, or rail design truck. Class "E" trucks, unless specifically factory equipped with a side recovery system, are not designed for vehicle recovery and therefore must not be used as a replacement for a class "A" truck unless specifically requested by the patrol.

(a) Class "E" trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(i) Four tiedowns with a minimum working load limit of three thousand (~~four~~) three hundred pounds. The tiedowns must be grade "7" or stronger chain, wire rope, nylon strap, or steel strap.

All four tiedowns must be used when securing a vehicle. The tiedowns must be affixed to the axle, tires, or frame of the transported vehicle both front and rear. All tiedown ends must be affixed to the truck bed or rail in a manner that will prevent movement of the transported vehicle. Factory style "T" hook tiedowns may be used for front and rear securement.

(ii) One snatch block rated at 4.0 tons.

(iii) Dual tires on the rear axle.

(iv) Fourteen thousand five hundred pound gross vehicle weight rating (GVWR).

(v) Current licensing and tonnage equal to the maximum combination GVWR.

(vi) Four-ton winch rating.

(vii) Fifty feet three-eighths inch XIP fiber core or IWRC wire rope.

(viii) One five-foot grade "7" chain with matching fittings for use in winching.

(ix) Nineteen feet of usable bed capable of carrying vehicles.

(x) Portable lights when the truck is used in towing mode. When in use, the lights must be mounted on the same level and as widely spaced laterally as practicable.

(b) Class "E" tow trucks may be equipped with a sling, tow bar, and/or a wheel lift system.

(i) If equipped with a towing system:

(A) The system must have a manufacturer's rating appropriate to the vehicle being towed. If used in a towing mode (as opposed to carrying), a sling, tow bar, and/or wheel lift assembly can be used and must have a manufacturer's rating appropriate to the vehicle being towed.

(B) The tow truck must have permanently affixed safety chains.

(ii) If using a wheel lift system, the transported vehicle must be attached to the wheel lift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

(c) If factory equipped with a side vehicle recovery system, such system must meet all the winch and wire rope minimum requirements listed for a class "A" truck.

(9) **Class "S" tow/recovery trucks:** Tow/recovery trucks that cannot meet the requirements of class "A," "B," "C," "D," or "E" and are not eligible for appropriate waiver as outlined in WAC 204-91A-070(4), may be approved as class "S" (special).

(a) To be designated as a class "S" truck, the operator must submit a request for approval through the district commander to the section that must include:

(i) Why the truck is needed;

(ii) What the truck will be used for;

(iii) The vehicle size;

(iv) Purchased tonnage if required;

(v) Capability; and

(vi) The equipment carried or used with the truck.

(b) The gross vehicle weight rating of the class "S" truck will determine the appropriate equipment required.

(c) If the district commander approves the request, the request will be forwarded with recommendations for equipment and/or operation instructions or limitations to the section for review and final approval. If approval is granted, the equipment must be inspected as outlined in WAC 204-91A-040 with reports forwarded in the normal manner.

(10) **Class "S-1 rotator" trucks:** Trucks that are capable of recovery, towing, or both of large trucks, trailers, buses, motor homes, or similar vehicles. Class "S-1 rotator" trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A fifty-two thousand pound manufacturer's GVWR.

(b) Tandem or triple rear axle truck chassis with at least two drive axles.

(c) A minimum of forty ton rotating boom rating with a single boom.

(d) A minimum of two hundred feet of five-eighths inch continuous length XIP IWRC wire rope on two drums measured from the point of attachment at the drum to the hook.

(e) Air brakes and a system capable of supplying air to towed vehicles.

(f) A minimum of four standard release tools (caging stud assemblies).

(g) A wheel lift system that has a fully extended working load limit of at least twelve thousand pounds. The transported vehicle must be attached to the wheel lift or underlift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

(h) A minimum of one ten-foot or two five-foot five-eighths inch recovery chains used in the winching system and must be a minimum grade "8" chain with matching fittings.

(i) All chains must be a minimum of grade "7," except as otherwise specified in this section.

(j) A tow sling or other comparable device used in such a manner as to protect the vehicle being towed or recovered.

(k) A minimum of two snatch blocks rated at eight tons each.

(l) Permanently affixed safety chains.

(11) Tow trucks rated as class "A," "B," "B-2," "C," or "E" that are currently in-service with operators holding a current letter of appointment issued by the patrol, not meeting the criteria for classification listed in this section will be allowed to remain on the rotation with those companies.

(12) This section shall be effective on March 1, 2011.

AMENDATORY SECTION (Amending WSR 13-11-112, filed 5/21/13, effective 6/21/13)

**WAC 204-91A-180 Additional vehicle towing/operator qualifications, restrictions, and requirements.** In addition to the requirements contained in WAC 204-91A-170, tow truck operators appointed pursuant to this chapter must conform to all laws and administrative rules pertaining to the tow industry and must observe the following practices and procedures:

(1) When called by the patrol during normal business hours, the tow truck operator must dispatch a tow truck, from within the assigned zone within five minutes after receiving the call. Tow trucks must be registered to and belong to the particular tow business that is called and assigned only to that tow zone. If an officer at the scene deems it necessary, the officer may authorize additional assistance from a registered tow truck operator outside of the tow zone.

(2) When called by the patrol after normal business hours, the tow truck operator must dispatch a tow truck from within the assigned zone within fifteen minutes after receiving the call.

(3) The tow truck that is dispatched must arrive at the stated location within a reasonable time considering distance, traffic, and weather conditions.

(4) If for any reason a tow operator is unable to dispatch a tow truck within the stated time or if the dispatched truck will be delayed for any reason, the operator must advise the patrol stating the reason and estimated time of arrival. In the event the tow truck fails to arrive at the scene within a reasonable time, the patrol will contact another tow operator to respond to the scene and will cancel the original tow.

(5) A tow operator on rotation who is unable to dispatch or arrive within the times stated in subsections (1), (2), (3), and (4) of this section will forfeit the operator's turn and be

placed at the bottom of the rotation list as if the operator had responded.

(6) Consistent refusal or failure of the appointee to respond to calls from the patrol for towing services or to provide the requested services may result in the suspension or revocation of the tow operator's letter of appointment.

(7) The tow operator must advise the appropriate patrol office when the tow company is temporarily unavailable to respond to rotational calls with a class "A," "B," or "C" tow truck. Unavailability may occur due to conditions including, but not limited to, other tow truck commitments, tow truck disabled and/or under repair, unforeseen driver shortage due to illness. The period of unavailability may last less than an hour or much longer. The tow operator will give the reason for unavailability and approximately when the company will be available to respond to calls.

The tow company will be removed from the rotational list and will not be called until the operator advises the patrol that the company is once again able to respond to calls with an "A," "B," or "C" class truck. In all such cases, the tow company will resume its normal position on the rotational list without regard to any missed calls or its position prior to being unavailable.

(8) The tow operator must advise the patrol whenever a private call is received for a tow with circumstances that indicate that the tow is for a vehicle that has been involved in a collision, incident, or equipment breakdown on the public roadway. The tow operator also must advise the patrol of all private calls to motor vehicle collisions on private property resulting in bodily injury or death.

(9) The tow operator must notify the patrol before moving any vehicle involved in a collision on a public highway under the jurisdiction of the patrol as defined in the motor vehicle code, Title 46 RCW, or where it appears that the driver of the vehicle to be moved is under the influence of intoxicants or drugs, or is otherwise incapacitated.

(10) Other than a service patrol established and funded by the department of transportation, a tow operator must not solicit tow or roadside services by patrolling the public roadways searching for disabled vehicles or vehicles involved in a traffic collision.

(11) When the patrol is in charge of a collision scene or other such incident, a tow operator must not respond to such scene unless his services have been specifically requested by the patrol, the driver/owner, or his agent.

(12) The tow operator must be available, or will ensure that specific employees are available, twenty-four hours a day for the purpose of receiving calls or arranging for the release of vehicles. Business hours will be posted conspicuously at the operator's place of business so they can be seen during business hours and nonbusiness hours. A copy will also be sent to the section and patrol district commander of the district in which the tow operator does business. Changes of business hours will be sent to the department, the section, and the patrol district commander ten days before their effective date.

(13) The operator must post a current copy of tow and storage rates, on a form approved by the department and the patrol, in the following locations:

(a) At the entrance to the place of business, in a conspicuous location, plainly visible and capable of being read by the public, whether the business is open or closed. If, in order to meet this requirement, the rate sheets must be placed in a location, exposed to the elements, they must be protected so as to remain legible.

(b) Inside the business location, where business is commonly transacted. The rate sheets must be posted in such manner as to be clearly and plainly visible and read at all times by customers of the business.

(c) A copy of the current rates will be sent to the department, the section, and the patrol district commander of the district in which the tow operator has applied for a letter of appointment. Notice of any change(s) in service rates will be forwarded to the department, the section, and the district commander of the area ten days before the effective date of the changes. Charges made for towing services arising from calls initiated by the patrol must be consistent with current posted towing rates and must be based only upon services listed on the prescribed form.

(d) In the event that an operator has only a class "B" truck and utilizes it for class "A" and "B" type tows, the operator must file a rate sheet that specifies the rates charged for the different types of tows.

(e) Whenever any operator utilizes a larger truck than the towed vehicle warrants, the operator must charge fees based on the size of the towed vehicle not the size of the truck used.

(14) Charges made for towing services arising from calls initiated by the patrol must not exceed the maximum rates established by the chief.

(15) Unless other arrangements are made with commissioned patrol personnel at the scene, all impounded vehicles must be taken to the tow operators nearest approved storage location.

(16) The tow operator will maintain, for three years, records on towed and released vehicles which were towed at the request of the patrol. Such records will be available for inspection by the patrol during normal business hours at the operator's place of business. Records will include, but not be limited to:

(a) An itemized receipt of all charges for the services provided.

(b) A tow impound record inventory or copy thereof made out by the trooper at the scene of the tow and signed by the operator.

(c) All other records required by the department.

(17) The name of the registered tow truck operator will be placed on the tow impound inventory record made out by the patrol officer at the scene upon verification of their driver's license; except that the signature may be provided on existing forms with form number 3000-110-076 (R 7/11) until current stock is depleted.

(18) Tow operators will obtain and maintain current registration as a licensed tow truck operator pursuant to RCW 46.55.020.

(19) Tow operators must perform towing tasks competently. The standard of competence will be that quality of work which is accepted as efficient and effective within the towing industry. The tow operator must ensure tow truck drivers responding to calls initiated by the patrol have com-

pleted a minimum of one four-hour tow truck driver training course every five years. The operator must keep a file documenting training.

(20) No tow operator, employee, or agent will misappropriate, wrongfully convert to his/her own use, or abuse property belonging to another and entrusted to his/her care or storage.

(21) Tow truck operators must use emergency lights to warn other motorists only when at the scene of collisions, disabled vehicles, and/or recoveries. Such lighting must not be used when traveling to or from the scene.

(22) Tow truck operators are required to clean collision/incident scenes of all vehicle glass, debris, and vehicle liquid spills of one gallon or less.

(23) Specific operating restrictions and/or requirements, by truck class, are as follows:

(a) The standard air brake release tools (caging stud assemblies) required to be carried in the class "B," "B-2," and "C" trucks must be used, whenever necessary, to preserve potential evidence involving brake equipment or adjustment settings. When an operator is attempting to move a vehicle equipped with locked spring parking brakes that cannot be released by external air supply, the caging assemblies must be used to release the brake tension. Under no circumstances will the towed vehicle's brake assemblies or adjustments be moved or disturbed in any way that will prevent later determination of the precollision or incident settings.

(b) Class "B" or "B-2" trucks in excess of twenty-three thousand pounds gross vehicle weight rating need not carry dollies when towing or recovering heavy vehicles.

(24) Whenever a "special event or overflow" storage lot is approved by the department, the patrol and appropriate city/county jurisdictions, the following must apply:

(a) The operator must maintain personnel at the lot twenty-four hours per day for security and vehicle and/or personal property release. If necessary, reimbursement for such labor must be part of the contract for the "special event" if appropriate or by amended storage rates with a waiver of the ten-day rate change notice requirement approved by the department and the patrol.

(b) At the conclusion of a "special event or overflow" situation, all vehicles not reclaimed by the owner must be towed to the operator's regular storage facility and processed in the normal fashion. No additional fee must be charged for towing the vehicle from the overflow lot to the regular storage facility.

(25) All work performed by the operator and/or employee must be in the most professional and expeditious manner. Tow operators and employees must refrain from any unprofessional actions while towing for or conducting towing business at the request of the patrol. The actions include, but are not limited to, any of the following:

(a) Lack of service, selective service, or refusal to provide service which the operator should be capable of performing;

(b) Exhibiting any signs of either alcohol, drug use, or both;

(c) Displaying any objects, logos, slogans, or graphic material within the view of the public that contains any form

of pornography, profanity, or prejudice toward any person or group of persons.

(26) Tow operators must, when required by the patrol or the department, cause to be displayed on each approved truck, decals indicating truck class, patrol district, and/or assigned tow zone.

(27) When responding to a patrol call, tow truck operators must wear clothing identifying the company and driver's name.

(28) Tow truck operators performing recovery, impounding, or towing must wear work vests of highly visible materials, or equivalent distinguishing apparel when outside of the towing vehicle as outlined in WAC 296-155-200(5) and Code of Federal Regulations, Title 23 Part 634.3.

(29) Tow truck operators must not display any sign, shield, marking, accessory, or insignia on uniforms or vehicles indicating the equipment or vehicle marking are similar to or belong to any public law enforcement agency. Tow truck operators must not engage in any advertisement indicating an official connection with the patrol or other law enforcement agency.

**WSR 13-15-138**  
**PROPOSED RULES**  
**WASHINGTON STATE PATROL**

[Filed July 23, 2013, 12:56 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-11-115.

Title of Rule and Other Identifying Information: Audit of reporting compliance.

Hearing Location(s): Washington State Patrol, General Administration Building, Room G-3, 210 11th Avenue S.W., Olympia, WA 98504-2600, on August 27, 2013, at 10:00 a.m.

Date of Intended Adoption: August 28, 2013.

Submit Written Comments to: Deborah Collinsworth, Criminal Records Division, 3000 Pacific Avenue S.E., Suite 204, Olympia, WA 98504-2633, e-mail Deborah.collinsworth@wsp.wa.gov, fax (360) 534-2070, by August 23, 2013.

Assistance for Persons with Disabilities: Contact Melissa Van Gorkom by August 23, 2013, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal is to repeal this WAC chapter [section].

Reasons Supporting Proposal: With the passage of SB 5466 in the 2013 regular legislative session, the language in this section is no longer necessary as it is already outlined in RCW 10.98.100.

Statutory Authority for Adoption: Chapters 10.97 and 43.43 RCW.

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

Name of Agency Personnel Responsible for Drafting and Implementation: Deborah Collinsworth, 3000 Pacific Avenue S.E., Suite 204, Olympia, WA, (360) 534-2102.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required for this proposal.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal is not a significant rules change.

July 23, 2013  
John R. Batiste  
Chief

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 446-16-120 Audit of reporting compliance.

**WSR 13-15-139**  
**PROPOSED RULES**  
**WASHINGTON STATE PATROL**

[Filed July 23, 2013, 12:58 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-11-116.

Title of Rule and Other Identifying Information: Transportation of hazardous materials.

Hearing Location(s): Washington State Patrol, General Administration Building, Room G-3, 210 11th Avenue S.W., Olympia, WA 98504-2600, on August 27, 2013, at 9:00 a.m.

Date of Intended Adoption: August 28, 2013.

Submit Written Comments to: CVEO 4 William Balcom, Motor Carrier Safety Division, P.O. Box 42614, Olympia, WA 98504-2614, e-mail William.balcom@wsp.wa.gov, fax (360) 596-3829, by August 23, 2013.

Assistance for Persons with Disabilities: Contact Melissa Van Gorkom by August 23, 2013, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed changes include but may not be limited to:

WAC 446-50-010, amend the language to update references to the committee originally created in RCW 46.48.190 but now under RCW 46.48.170.

WAC 446-50-080, amend language to update references as well as adopt new C.F.R. references regarding hazardous materials regulations.

Amendments are also necessary within the chapter to update references to RCW.

Reasons Supporting Proposal: Washington state patrol is in need of updating the regulations in order to align state rules with state and federal regulations.

Statutory Authority for Adoption: RCW 46.48.170.

Statute Being Implemented: RCW 46.48.170.

Rule is necessary because of federal law, 49 C.F.R. 350.201, 49 C.F.R. 107, and 49 C.F.R. 108.

Name of Proponent: Federal Motor Carrier Administration, Washington utilities and transportation commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: CVEO 4 William Balcom, P.O. Box 42614, Olympia, WA 98504-2614, (360) 596-3807; and Enforcement: WSP Commercial Vehicle Enforcement Bureau, P.O. Box 42614, Olympia, WA 98504-2614, (360) 596-3800.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required for this proposal.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal is implementing federal rules.

July 23, 2013  
John R. Batiste  
Chief

AMENDATORY SECTION (Amending WSR 81-03-008, filed 1/8/81)

**WAC 446-50-010 Authority.** Chapter 46.48 RCW authorizes the Washington state patrol acting by and through its chief after conferring with the ~~((committee created by RCW 46.48.190))~~ emergency management council under RCW 38.52.040 to adopt regulations concerning the safe transportation of hazardous materials, hazardous waste, and radioactive waste materials upon the public highways of this state. Chapter 46.32 RCW permits the inspection of vehicles traveling on the highways of this state.

AMENDATORY SECTION (Amending WSR 80-01-009, filed 12/11/79)

**WAC 446-50-050 Inspection.** All carriers of radioactive waste materials within the state ~~((shall))~~ will submit to a comprehensive safety equipment inspection conducted by members of the Washington state patrol. These equipment inspections ~~((shall))~~ must be conducted under the authority of ~~((RCW 46.48.170 through 46.48.190))~~ chapter 46.48 RCW.

AMENDATORY SECTION (Amending WSR 85-20-070, filed 9/30/85)

**WAC 446-50-080 Transportation requirements.** (1) The Washington state patrol acting by and through the chief of the Washington state patrol after conferring with the ~~((committee created by RCW 46.48.190))~~ emergency management council under RCW 38.52.040 hereby adopts the following parts of Title 49 Code of Federal Regulations, ~~((as they exist during 1985, subject to any appendices and amendments in the future))~~ in effect on the effective date of this section:

(a) The following sections of part 107 Hazardous materials program procedures:

(i) Subpart F - Registration of cargo tank and cargo tank motor vehicle manufacturers, assemblers, repairers, inspectors, testers, and design certifying engineers; and

(ii) Subpart G - Registration of persons who offer or transport hazardous materials.

(b) Part 170 (Reserved)(-);

(c) Part 171 General information, regulations, and definitions(-);

(d) Part 172 Hazardous materials table ~~((and))~~, special provisions, hazardous materials communications ~~((regulations))~~, emergency response information and training requirements.

(e) Part 173 Shippers—General requirements for shipments and packaging(-);

(f) Part 177 Carriage ~~((on))~~ by public highway(-);

(g) Part 178 ~~((Shipping container))~~ Specifications~~((-180-189))~~ for packagings.

(h) Part 180 Continuing qualification and maintenance of packagings.

(i) Part 189 (Reserved).

(2) Title 49 C.F.R., parts 100 through 199, relates to safety in the transportation of hazardous materials upon the public highways. This regulation is intended to apply only to the transportation of hazardous materials by highway in Washington, to the handling and storage operations incident to such transportation, and to the highway portion of an intermodal shipment of hazardous materials.

~~((2))~~ (3) Copies of Title 49 C.F.R., parts 100 through 199, now in force are on file at ~~((the code reviser's office, Olympia, and at))~~ the Washington state patrol headquarters, commercial vehicle enforcement section, Olympia. ~~((Additional copies may be available for review at Washington state patrol district headquarters offices, public libraries, Washington utilities and transportation ~~((commission offices and at the United States Department of Transportation))~~, bureau of motor carrier safety office, Olympia.))~~ Copies of the C.F.R. may be purchased through the Superintendent of Documents, United States Government Printing Office, 732 N. Capitol Street N.W., Washington, D.C. 20402.

## WSR 13-15-140

### PROPOSED RULES

#### WASHINGTON STATE PATROL

[Filed July 23, 2013, 1:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-11-117.

Title of Rule and Other Identifying Information: Commercial motor vehicle regulations.

Hearing Location(s): Washington State Patrol, General Administration Building, Room G-3, 210 11th Avenue S.W., Olympia, WA 98504-2600, on August 27, 2013, at 9:30 a.m.

Date of Intended Adoption: August 28, 2013.

Submit Written Comments to: CVEO 4 William Balcom, Motor Carrier Safety Division, P.O. Box 42614, Olympia, WA 98504-2614, e-mail William.balcom@wsp.wa.gov, fax (360) 596-3829, by August 23, 2013.

Assistance for Persons with Disabilities: Contact Melissa Van Gorkom by August 23, 2013, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed changes include but may not be limited to:

WAC 446-65-010, specifying specific version of C.F.R. referenced by rule and clarify language under the rule to address incompatibilities with federal standards. The agency

will also be adopting new C.F.R. requirements and providing cleanup to other language within the section.

WAC 446-65-030, amend the language regarding intrastate high risk carriers to be more in-line with the current federal process for identifying high risk carriers.

Reasons Supporting Proposal: Washington state patrol is in need of updating the regulations in order to align state rules with federal regulations.

Statutory Authority for Adoption: RCW 46.32.020.

Statute Being Implemented: RCW 46.32.020.

Rule is necessary because of federal law, 49 C.F.R. 172, 49 C.F.R. 173, 49 C.F.R. 180, 49 C.F.R. 395, and 49 C.F.R. 397.

Name of Proponent: Federal Motor Carrier Administration, Washington utilities and transportation commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: CVEO 4 William Balcom, P.O. Box 42614, Olympia, WA 98504-2614, (360) 596-3807; and Enforcement: WSP Commercial Vehicle Enforcement Bureau, P.O. Box 42614, Olympia, WA 98504-2614, (360) 596-3800.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required for this proposal.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal is implementing federal rules.

July 23, 2013  
John R. Batiste  
Chief

AMENDATORY SECTION (Amending WSR 12-03-080, filed 1/13/12, effective 2/13/12)

**WAC 446-65-010 Transportation requirements.** (1)

The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations (C.F.R.), (~~and any amendments thereto~~) in effect on the effective date of this section, for motor carriers used in intrastate or interstate commerce in their entirety:

(a) Part 40 Procedures for transportation workplace drug and alcohol testing programs.

(b) Part 325 Compliance with interstate motor carrier noise emission standards.

(c) Part 350 Commercial motor carrier safety assistance program.

(d) Part 355 Compatibility of state laws and regulations affecting interstate motor carrier operations.

(e) Part 365 Rules governing applications for operating authority.

(f) Part 367 Standards for registration with states.

(g) Part 372 Exemptions, commercial zones and terminal areas.

(h) Part 373 Receipts and bills.

(i) Part 376 Lease and interchange of vehicles.

(j) Part 379 Preservation of records.

(k) Part 380 Special training requirements.

(l) Part 381 Waivers, exemptions, and pilot programs.

(m) Part 382 Controlled substances and alcohol use and testing.

(n) Part 383 Compliance with commercial driver's license program.

(o) Part 385 Safety fitness procedures.

(p) Part 387 Minimum levels of financial responsibility for motor carriers.

(q) Part 390 General.

(r) Part 391 Qualification of drivers. Provided that 49 C.F.R. 391 subpart D (Tests), and E (Physical Qualifications and Examinations) do not apply to motor carriers operating vehicles with gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating intrastate, and not used to transport hazardous materials in a quantity requiring placarding.

(s) Part 392 Driving of motor vehicles.

(t) Part 393 Parts and accessories necessary for safe operation.

(u) Part 395 Hours of service of drivers: Except if a company has:

(i) Drivers of commercial motor vehicle of any size, hauling logs from the point of production or driving in dump truck operations in intrastate commerce; or

(ii) Operators of intrastate property-carrying commercial motor vehicles that do not require a commercial drivers license to operate.

They are exempt from the requirements of C.F.R. 395.3 (maximum driving time) and C.F.R. 395.8 (record of duty status) and ineligible to use the provisions of C.F.R. 395.1 (e)(1), (g) and (o) provided that:

(A) The driver must:

(I) Operate within a one hundred air-mile radius of the location where the driver reports to work and the driver must return to the work reporting location at the end of each duty tour;

(II) Have at least ten consecutive hours off duty separating each on-duty period;

(III) Not drive:

• More than twelve hours following at least ten hours off duty; or

• After the fourteenth hour after coming on duty on at least five days of any period of seven consecutive days; and

• After the sixteenth hour after coming on duty on no more than two days of any period of seven consecutive days; and

• After having been on duty for (~~eighty~~) seventy hours in seven consecutive days if the employing motor carrier does not operate commercial motor vehicle every day of the week; or

• After having been on duty for (~~ninety~~) eighty hours in eight consecutive days if the employing motor carrier operates commercial motor vehicle every day of the week; in any period of seven or eight consecutive days may end with the beginning of any off-duty period of (~~twenty-four~~) thirty-four or more consecutive hours.

(B) The motor carrier that employs the driver must maintain and retain for a period of twelve months accurate and true time recordings showing:

(I) The time the driver reports for duty each day;

(II) The total number of hours the driver is on duty each day;

(III) The total number of hours the driver drives each day;

(IV) The time the driver is released from duty each day; and

(V) The total time the driver is driving and on duty for the preceding seven days.

(v) Part 396 Inspection, repair, and maintenance.

(w) Part 397 Transportation of hazardous materials; driving and parking rules.

(2) As provided in Part 395, exemption for agricultural transporters, the harvest dates are defined as starting February 1 and ending November 30 of each year.

(3) ~~((Agricultural operations exceptions:~~

~~(a) Agricultural operations transporting agricultural products other than Class 2 material (Compressed Gases); over roads, other than the National System of Interstate Defense Highways, between fields of the same farm, is exempted from Part 397 when:~~

~~(i) The agricultural product is transported by a farmer who is an intrastate private motor carrier.~~

~~(ii) The movement of the agricultural product conforms to all other laws in effect on or before July 1, 1998, and 49 C.F.R. 173.24, 173.24a, and 173.24b.~~

~~(b) The transportation of an agricultural product to or from a farm within one hundred fifty miles of the farm, is exempted from the requirements of 49 C.F.R. Part 172 subpart G (emergency response information) and H (training requirements) when:~~

~~(i) The agricultural product is transported by a farmer who is an intrastate private motor carrier;~~

~~(ii) The total amount of agricultural product being transported on a single vehicle does not exceed:~~

~~(A) Sixteen thousand ninety four pounds of ammonium nitrate fertilizer properly classed as Division 5.1, PGIII, in bulk packaging; or~~

~~(B) Five hundred two gallons for liquids or gases, or five thousand seventy pounds for solids, of any other agricultural product;~~

~~(iii) The packaging conforms to the requirements of state law and is specifically authorized for transportation of the agricultural product by state law and such state law has been in effect on or before July 1, 1998; and~~

~~(iv) Each person having any responsibility for transporting the agricultural product or preparing the agricultural product for shipment has been instructed in the applicable requirements of 49 C.F.R. adopted in this section.~~

~~(e) Formulated liquid agricultural products in specification packaging of fifty eight gallon capacity or less, with closures manifolded to a closed mixing system and equipped with a positive dry disconnect device, may be transported by a private motor carrier between a final distribution point and an ultimate point of application or for loading aboard an airplane for aerial application.~~

(4)) Links to the C.F.R.s are available on the Washington state patrol web site at [www.wsp.wa.gov](http://www.wsp.wa.gov). Copies of the C.F.R.s may also be ordered through the United States Government Printing Office, 732 N. Capitol Street N.W., Washington, D.C. 20401.

AMENDATORY SECTION (Amending WSR 09-01-016, filed 12/5/08, effective 1/5/09)

**WAC 446-65-030 Intrastate high risk and imminent hazard carriers.** (1) Any intrastate motor carrier receiving a proposed unsatisfactory safety rating may be identified as a high risk carrier pursuant to RCW 46.32.080. They may also be identified as high risk through analysis of various data, including but not limited to the following:

~~(a) ((Safety fitness rating (SafeStat score);~~

~~(b) Out of service rate that is higher than the national average for drivers and/or vehicles;~~

~~(c)) Carrier safety management system (CSMS score):~~

~~(i) A score of eighty-five or more in the crash, fatigued, or unsafe driving basic and one other behavior analysis and safety improvement categories at or above the "all other" motor carrier threshold.~~

~~(ii) Any four or more behavior analysis and safety improvement categories at or above the "all other" motor carrier threshold.~~

~~(b) Carrier requires or authorizes any driver or vehicle to operate in violation of an out of service order;~~

~~((d) The number and severity of collisions to include fatalities and serious injury;~~

~~(e) Deficiencies or violations of safety management procedures and/or practices;~~

~~(f)) (c) Carrier who consistently refuses to come into compliance with federal and state regulations.~~

(2) If a motor carrier receives a high risk rating, they must undergo a compliance review by the Washington state patrol to determine compliance. During the compliance review:

(a) If no critical/acute violations are found, the carrier will be listed as satisfactory and be removed from the high risk category.

(b) If critical/acute violations are found, the carrier must:

(i) Schedule a follow-up compliance review with the Washington state patrol.

(A) If violations are found after the first compliance review, the follow-up compliance review must be scheduled within sixty to ninety days.

(B) If violations are found after the second compliance review, a third compliance review must be scheduled within one hundred twenty to one hundred eighty days.

(C) If repeat violations are found during any follow-up compliance review, all funds held in abeyance (suspended) from the previous audit will be reinstated along with any repeat violations/penalties.

(ii) Submit a carrier safety action plan within five days to the Washington state patrol outlining the action they have taken or will take to become compliant. This plan must:

(A) Be submitted on company letterhead.

(B) Be signed by the owner/officer of the company.

(C) Provide all supporting documents to show how the carrier plans to become compliant or has become compliant.

(D) Be reviewed and agreed upon by the Washington state patrol. The Washington state patrol may provide changes and request a carrier revise their safety plan and return it to the carrier for further action.

(iii) If a carrier's intrastate DOT number is inactivated:

(A) The carrier will receive a letter from the Washington state patrol advising them their intrastate DOT number has been inactivated and what steps need to be completed to be considered for reactivation.

(B) The Washington state patrol will notify the department of licensing that they have placed an out of service order on the carrier's intrastate DOT number and all vehicles registered to the carrier.

(C) The carrier will have a follow-up compliance review conducted and submit a carrier safety action plan outlining their plans for compliance.

(D) The Washington state patrol will review the safety plan and a follow-up compliance review will be conducted. If the carrier receives a rating of satisfactory or conditional, then the DOT number will be reinstated.

(iv) If a carrier's intrastate DOT number is reinstated:

(A) The carrier will receive a letter from the Washington state patrol advising them their DOT number will be reinstated.

(B) The carrier will need to update their information on a MCS150 form located on the Federal Motor Carrier Safety Administration (FMCSA) web site.

(C) Motor Carrier Management Information System (MCMIS) will be updated to show the intrastate DOT is active.

(3) An intrastate motor carrier may be deemed an imminent hazard pursuant to RCW 46.32.080 (3)(e) and placed out of service without going through any prior compliance reviews. In determining whether a motor carrier is an imminent hazard or danger to the public health, safety, or welfare, the chief of the Washington state patrol or their designee must consider safety factors. A safety factor which constitutes an imminent hazard includes any safety problem or condition which is likely to result in serious injury or death if not discontinued immediately.

(4) If a carrier is required to have a DOT number, they will be required to properly mark their vehicles as prescribed by the Washington state patrol. The marking must display the following:

(a) The legal name or a single trade name of the motor carrier as listed on the MCS150 form.

(b) The motor carrier identification number issued by the FMCSA, preceded by the letter "USDOT."

(i) Size, shape, location, and color of markings:

(A) Appear on both sides of the CMV;

(B) Be in letters that contrast sharply in color with the background on which the letters are placed;

(C) Be readily legible, during daylight hours, from a distance of fifty feet while the CMV is stationary; and

(D) Be kept and maintained in a manner that retains the legibility.

(ii) Construction and durability:

(A) The marking may be painted on the CMV; or

(B) May consist of a removable device.

## WSR 13-15-147

### PROPOSED RULES

## WASHINGTON STATE PATROL

[Filed July 23, 2013, 2:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-11-113.

Title of Rule and Other Identifying Information: Fire marshal standards.

Hearing Location(s): Washington State Patrol, General Administration Building, Room G-3, 210 11th Avenue S.W., Olympia, WA 98504-2600, on August 27, 2013, at 10:30 a.m.

Date of Intended Adoption: August 28, 2013.

Submit Written Comments to: Chief Deputy State Fire Marshal Barbara McMullen, P.O. Box 42600, Olympia, WA 98504-2600, e-mail Barbara.mcmullen@wsp.wa.gov, fax (360) 596-3936, by August 23, 2013.

Assistance for Persons with Disabilities: Contact Melissa Van Gorkom by August 23, 2013, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Updates to chapter 212-12 WAC are necessary due to the recent passage of ESHB 1968 in the 2013 regular legislative session. Rule-making changes may also include other cleanup to existing language.

Reasons Supporting Proposal: Updates to chapter 212-12 WAC are necessary due to the recent passage of ESHB 1968 in the 2013 regular legislative session.

Statutory Authority for Adoption: RCW 18.20.130, 18.46.110, 70.62.290, and 74.15.050.

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

Name of Proponent: Federal Motor Carrier Administration, Washington utilities and transportation commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Chief Deputy State Fire Marshal Barbara McMullen, P.O. Box 42600, Olympia, WA 98504-2600, (360) 596-3911; and Enforcement: State Fire Marshal, P.O. Box 42600, Olympia, WA 98504-2600, (360) 596-3900.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required for this proposal.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Melissa Van Gorkom, P.O. Box 42600, Olympia, WA 98504-2600, phone (360) 596-4017, fax (360) 596-4015, e-mail WSPRules@wsp.wa.gov.

July 23, 2013

John R. Batiste

Chief

AMENDATORY SECTION (Amending WSR 08-06-050, filed 2/28/08, effective 3/30/08)

**WAC 212-12-005 Definitions.** Unless otherwise provided in this section, definitions in the Washington State Building Code, chapter 19.27 RCW, and 42 C.F.R. Ch. IV §

483.70, National Fire Protection Association, standard 101 "Life Safety Code" 2000 edition, as adopted by CMS (Center for Medicare/Medicaid Services) shall apply to this chapter. The following definitions (~~shall~~) will also apply to this chapter:

(1) "State director of fire protection" means the director of fire protection within the Washington state patrol, the state fire marshal or authorized deputy or designee.

(2) "New facility" means any facility that is being occupied for the first time, vacated for more than (~~thirty~~) one hundred eighty days and reoccupied, closed for more than one hundred eighty days and reopened, or for which the license has expired, (~~shall~~) will be considered a new facility and (~~shall~~) must meet the current codes and standards as adopted. Except for boarding homes which may be vacated for more than (~~thirty~~) one hundred eighty days if approved by the director of fire protection and the department of social and health services.

(3) "Before and after school program" means a program licensed by the department of early learning that provides early learning experiences for children five years of age through twelve years of age who are attending kindergarten or elementary school.

AMENDATORY SECTION (Amending WSR 08-06-050, filed 2/28/08, effective 3/30/08)

**WAC 212-12-015 Applicability.** The provisions of this chapter apply to all facilities for which the director of fire protection is responsible for fire protection and enforcement including:

- Adult rehabilitation center.
- Alcoholism hospital.
- Alcoholism intensive inpatient treatment services.
- Alcoholism treatment facility.
- Psychiatric hospital.
- Before and after school programs.
- Boarding home.
- Birthing center.
- Child care occupancies.
- Group care facility.
- Group care facilities for severely and multiply handicapped children.
- Hospital.
- Nursing home.
- Transient accommodation.
- Public buildings.
- Enhanced services facilities.
- Examination of premises.
- Standard of safety.
- Schools—Standards for fire prevention and safety—Plan review and construction inspection.
- Removal of fire hazards—Appeal of order—Penalty.
- Reports and investigations of fire—Police powers.
- Statistical information and reports.
- Examination of witnesses.
- Criminal prosecution.
- Record of fires.

Premises with guard animals—Registration, posting—Acts permitted firefighters—Liability for injury to firefighters.

Hazardous liquid and gas pipeline accidents—Preparedness of local first responders.

#### NEW SECTION

**WAC 212-12-022 Additional before and after school program requirements.** (1) Before and after school programs located in an existing, operational, public school or private school will be deemed as meeting code requirements at the time of their construction. Except that locations that are not equipped with an automatic fire sprinkler will be deemed as meeting code requirements only when the location of the program meets the following:

(a) Program must be located on the ground floor with direct exiting in the area the program is being provided;

(b) The building has an installed fire detection and alarm system; and

(c) The building has accessible fire extinguishers installed within the area the program is being provided.

(2) Before and after school programs that are not located in an existing, operational, public or private school must be inspected as a new facility and must be required to meet the code requirements outlined in chapter 19.27 RCW.

#### **WSR 13-15-157**

#### **PROPOSED RULES**

#### **BUILDING CODE COUNCIL**

[Filed July 23, 2013, 4:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-07-073.

Title of Rule and Other Identifying Information: Coordinating amendments to chapter 51-56 WAC, the 2012 Uniform Plumbing Code.

Hearing Location(s): Center Place Event Center, 2426 North Discovery Place, Spokane Valley, WA 99216, on September 20, 2013, at 10 a.m.; at the DES Presentation Room, 1500 Jefferson S.E., Olympia, WA 98504, on October 18, 2013, at 10 a.m.

Date of Intended Adoption: November 8, 2013.

Submit Written Comments to: Ray Allshouse, P.O. Box 41449, Olympia, WA 98504-1449, e-mail sbcc@ga.wa.gov [sbcc@ga.wa.gov], fax (360) 586-9088, by October 25, 2013.

Assistance for Persons with Disabilities: Contact Peggy Bryden by September 9, 2013, (360) 407-9280.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Makes editorial changes to the following sections of the residential energy portion of the Washington State Energy Code:

Section 604.11 – This is the only substantive change to the state amendments, and limits the lead content of pipes, fittings and fixtures used in potable water systems to a maximum of 0.25 percent. This content is set by federal law, and the new limitation is effective January 4, 2014. Manufactur-

ers will no longer be allowed to make or sell products that do not meet the federal standards.

The remaining changes proposed correlate the state plumbing code with department of health (DOH) requirements. These include: Citing new statutory language in the definition of certified backflow assembly tester; referencing water purveyors in the definition of Water/Wastewater Utility; correcting terminology in Section 603.5 for consistency with DOH rules; noting that remediation of discovered cross connection shall conform to DOH rules (Sections 1603.11.2.3, 1604.12.2.3 and 1702.2.3); and clarifying that, per DOH rules, reduced pressure principle backflow preventers are not an allowable device for connecting potable water to reclaimed water systems.

Reasons Supporting Proposal: 42 U.S.C. Chapter 6A; RCW 19.27.031 and 19.27.074.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Rule is necessary because of federal law, 42 U.S.C. Chapter 6A, 300g-6.

Name of Proponent: State building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, P.O. Box 41011, Olympia, WA 98504-1449, (360) 407-9278; Enforcement: Local jurisdictions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not impose any costs on businesses in an industry. This rule is proposed to comply with changes to the federal Safe Drinking Water Act (42 U.S.C. Chapter 6A, 300g-6) which go into effect July 4, 2014, and to coordinate with DOH rules currently in effect (chapter 246-290 WAC).

A cost-benefit analysis is not required under RCW 34.05.328. The state building code council is not a listed agency under RCW 34.05.328 (5)(a)(i). This rule is required for compliance with revised federal standards for safe drinking water and to coordinate with existing DOH statutes.

June 14, 2013  
C. Ray Allshouse  
Council Chair

AMENDATORY SECTION (Amending WSR 13-04-054, filed 2/1/13, effective 7/1/13)

**WAC 51-56-0200 Chapter 2—Definitions.**

**205.0 Certified Backflow Assembly Tester** - A person certified by the Washington state department of health under chapter 246-292 WAC to inspect (for correct installation and approval status) and test (for proper operation) (~~approved~~), maintain and repair (in compliance with chapter 18.106 RCW) backflow prevention assemblies, devices and air gaps.

**210.0 Hot Water** - Water at a temperature exceeding or equal to 100°F.

**211.0 Insanitary** - A condition that is contrary to sanitary principles or is injurious to health.

Conditions to which "insanitary" shall apply include the following:

- (1) A trap that does not maintain a proper trap seal.
- (2) An opening in a drainage system, except where lawful, that is not provided with an approved liquid-sealed trap.
- (3) A plumbing fixture or other waste discharging receptor or device that is not supplied with water sufficient to flush and maintain the fixture or receptor in a clean condition, except as otherwise provided in this code.
- (4) A defective fixture, trap, pipe, or fitting.
- (5) A trap, except where in this code exempted, directly connected to a drainage system, the seal of which is not protected against siphonage and backpressure by a vent pipe.
- (6) A connection, cross-connection, construction, or condition, temporary or permanent, that would permit or make possible by any means whatsoever for an unapproved foreign matter to enter a water distribution system used for domestic purposes.
- (7) The foregoing enumeration of conditions to which the term "insanitary" shall apply, shall not preclude the application of that term to conditions that are, in fact, insanitary.

**218.0 Plumbing System** - Includes all potable water, building supply and distribution pipes, all reclaimed water systems, all plumbing fixtures and traps, all drainage and vent pipe(s), and all building drains including their respective joints and connection, devices, receptors, and appurtenances within the property lines of the premises and shall include potable water piping, potable water treating or using equipment, medical gas and medical vacuum systems, and water heaters: Provided, That no certification shall be required for the installation of a plumbing system within the property lines and outside a building.

**225.0 Water/Wastewater Utility** - A public or private entity, including a water purveyor as defined in chapter 246-290 WAC, which may treat, deliver, or do both functions to reclaimed (recycled) water, potable water, or both to wholesale or retail customers.

AMENDATORY SECTION (Amending WSR 13-04-054, filed 2/1/13, effective 7/1/13)

**WAC 51-56-0600 Chapter 6—Water supply and distribution.**

**603.1 General.** Cross-connection control shall be provided in accordance with the provisions of this chapter. Devices or assemblies for protection of the public water system must be models approved by the department of health under WAC 246-290-490. The authority having jurisdiction shall coordinate with the local water purveyor where applicable in all matters concerning cross-connection control within the property lines of the premises.

No person shall install any water operated equipment or mechanism, or use any water treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device or assembly.

**603.2 Approval of Devices or Assemblies.** Before any device or assembly is installed for the prevention of backflow, it shall have first been approved by the authority having jurisdiction. Devices or assemblies shall be tested for conformity with recognized standards or other standards acceptable to the authority having jurisdiction. Backflow prevention devices and assemblies shall comply with Table 603.2, except for specific applications and provisions as stated in Section 603.5.1 through 603.5.21.

All devices or assemblies installed in a potable water supply system for protection against backflow shall be main-

tained in good working condition by the person or persons having control of such devices or assemblies. Such devices or assemblies shall be tested in accordance with Section 603.4.2 and WAC 246-290-490. If found to be defective or inoperative, the device or assembly shall be replaced or repaired. No device or assembly shall be removed from use or relocated or other device or assembly substituted, without the approval of the authority having jurisdiction.

Testing shall be performed by a Washington state department of health certified backflow assembly tester.

**TABLE 603.2**  
**Backflow Prevention Devices, Assemblies and Methods**  
 The following line is deleted from the table:

| Device, Assembly or Method  | Applicable Standards | Pollution (Low Hazard) |               | Contamination (High Hazard) |               | Installation  |
|---|----------------------|------------------------|---------------|-----------------------------|---------------|---|
|   |                      | Back Siphonage         | Back Pressure | Back Siphonage              | Back Pressure |   |
| Backflow preventer for carbonated beverage dispensers (two independent check valves with a vent to the atmosphere.) | ASSE 1022            | X                      |               |                             |               | Installation includes carbonated beverage machines or dispensers. These devices operate under intermittent or continuous pressure conditions. |

**603.4.2 Testing.** For devices and assemblies other than those regulated by the Washington department of health in conjunction with the local water purveyor for the protection of public water systems, the authority having jurisdiction shall ensure that the premise owner or responsible person shall have the backflow prevention assembly tested by a Washington state department of health certified backflow assembly tester:

- (1) At the time of installation, repair or relocation; and
- (2) At least on an annual schedule thereafter, unless more frequent testing is required by the authority having jurisdiction.

**603.5.6 Protection from Lawn Sprinklers and Irrigation Systems.** Potable water supplies to systems having no pumps or connections for pumping equipment, and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following (~~devices~~):

- (1) Atmospheric vacuum breaker (AVB).
- (2) Pressure vacuum breaker backflow prevention assembly (PVB).
- (3) Spill-resistant pressure vacuum breaker (SVB).
- (4) Reduced pressure principle backflow prevention assembly (RP).
- (5) A double check valve backflow prevention assembly (DC) may be allowed when approved by the water purveyor and the authority having jurisdiction.

**603.5.10 Steam or Hot Water Boilers.** Potable water connections to steam or hot water boilers shall be protected by an air gap or a reduced pressure principle backflow preventer.

**603.5.12 Beverage Dispensers.** Potable water supply to carbonators shall be protected by a listed reduced pressure principle backflow preventer as approved by the authority having jurisdiction for the specific use. The backflow preventer shall be located in accordance with Section 603.4.3. The piping downstream of the backflow preventer shall not be of copper, copper alloy, or other material that is affected by carbon dioxide.

**603.5.13 Prohibited Location.** Backflow preventers shall not be located in any area containing fumes or aerosols that are toxic, poisonous, infectious, or corrosive.

**603.5.15 Protection from Fire Systems.** Except as provided under Sections 603.5.15.1 and 603.5.15.2, potable water supplies to fire protection systems that are normally under pressure, including but not limited to standpipes and automatic sprinkler systems, except in one or two family or townhouse residential flow-through or combination sprinkler systems piped in materials approved for potable water distribution systems, shall be protected from back-pressure and back-siphonage by one of the following testable (~~devices~~) assemblies:

- 1. Double check valve backflow prevention assembly (DC).
- 2. Double check detector fire protection backflow prevention assembly.
- 3. Reduced pressure principle backflow prevention assembly (RP).
- 4. Reduced pressure detector fire protection backflow prevention assembly.

Potable water supplies to fire protection systems that are not normally under pressure shall be protected from backflow and shall meet the requirements of the appropriate standard(s) referenced in Table 1401.1.

**604.11 Lead Content** - The allowable lead content in pipes and pipe fittings, plumbing fittings, and fixtures intended to convey or dispense water for human consumption shall be a maximum weighted average of 0.25 percent with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures in accordance with NSF 372.

**604.14** Plastic water service piping may terminate within a building, provided the connection to the potable water distribution system shall be made as near as is practical to the point of entry and shall be accessible. Barbed insert fittings with hose clamps are prohibited as a transition fitting within the building.

**608.5 Drains.** Relief valves located inside a building shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard drawn copper piping and fittings, CPVC, PP, or listed relief valve drain tube with fittings which will not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building, with the end of the pipe not more than two (2) feet (610 mm) nor less than six (6) inches (152 mm) above the ground or the flood level of the area receiving the discharge and pointing downward. Such drains may terminate at other approved locations. No part of such drain pipe shall be trapped or subject to freezing. The terminal end of the drain pipe shall not be threaded.

EXCEPTION: Where no drainage was provided, replacement water heating equipment shall only be required to provide a drain pointing downward from the relief valve to extend between two feet (610 mm) and six inches (152 mm) from the floor. No additional floor drain need be provided.

**610.4** Systems within the range of Table 610.4 may be sized from that table or by the method set forth in Section 610.5.

Listed parallel water distribution systems shall be installed in accordance with their listing.

**612.1 General.** Where residential fire sprinkler systems are installed, they shall be installed in accordance with the International Building Code or International Residential Code.

**613.0 Insulation of Potable Water Piping.** Domestic water piping within commercial buildings shall be insulated in accordance with Section C403.2.8 and Table C403.2.8 or Section C404.6 of the Washington State Energy Code, as applicable.

**AMENDATORY SECTION** (Amending WSR 13-04-054, filed 2/1/13, effective 7/1/13)

**WAC 51-56-1600 Chapter 16—Alternate water sources for nonpotable applications.**

**1601.1.1 Allowable use of Alternative Water.** Where approved or required by the authority having jurisdiction, alternate water sources (reclaimed (recycled) water, gray

water and on-site treated nonpotable water) shall be permitted to be used in lieu of potable water for the applications identified in this chapter. Gray water shall not be used for irrigation except as permitted by the department of health rules.

**1601.2 System Design.** Alternate water source systems in accordance with this chapter shall be designed by a person registered or licensed to perform plumbing design work. Components, piping, and fittings used in an alternate water source system shall be listed.

**1601.3 Permit.** It shall be unlawful for a person to construct, install, alter, or cause to be constructed, installed, or altered an alternate water source system in a building or on a premise without first obtaining a permit to do such work from the Authority Having Jurisdiction.

**1601.5.2 Maintenance Log.** A maintenance log for gray water, and on-site treated nonpotable water systems required to have a permit in accordance with Section 1601.3 shall be maintained by the property owner and be available for inspection. The property owner or designated appointee shall ensure that a record of testing, inspection and maintenance in accordance with Table 1601.5 is maintained in the log. The log will indicate the frequency of inspection and maintenance for each system.

**1601.10 Abandonment.** Where alternate water source systems for nonpotable use are abandoned, the procedure for abandonment shall be as required by the Authority Having Jurisdiction. Components of the abandoned system including, but not limited to, pipe, tubing, fittings and valves shall not be used for potable water systems.

**1602.0 Gray Water Systems, is not adopted.** Gray water shall not be used for irrigation except as permitted by the department of health rules.

**1603.4 Connection to Potable or Reclaimed (Recycled) Water Systems.** Reclaimed (recycled) water systems shall have no connection to a potable water supply or alternate water source system. Potable water is permitted to be used as makeup water for a reclaimed (recycled) water storage tank provided the water supply inlet is protected by an approved air gap in accordance with this code.

**1603.11.2.3 Discovery of Cross Connection.** In the event that a cross-connection is discovered, the following procedure, in the presence of the AHJ, shall be activated immediately:

(1) Reclaimed (recycled) water piping to the building shall be shutdown at the meter, and the reclaimed (recycled) water riser shall be drained.

(2) Potable water piping to the building shall be shutdown at the meter.

(3) The cross-connection shall be uncovered and disconnected.

(4) The building shall be retested following procedures listed in Sections 1603.11.2.1 and 1603.11.2.2.

(5) The potable water system shall be chlorinated with 50 parts-per-million (ppm) chlorine for twenty-four hours.

(6) The potable water system shall be flushed after twenty-four hours, and a standard bacteriological test for

drinking water shall be performed by a laboratory certified for drinking water in Washington state. Where test results are satisfactory to the authority having jurisdiction, health authority having jurisdiction, and the water purveyor, the potable water system shall be permitted to be recharged. See also chapter 246-290 WAC.

**1604.1 General.** The provisions of this section shall apply to the installation, construction, alteration, and repair of on-site treated nonpotable water systems intended to supply uses such as water closets, urinals, trap primers for floor drains and floor sinks, and other uses approved by the authority having jurisdiction.

**1604.12.2.3 Discovery of Cross Connection.** In the event that a cross-connection is discovered, the following procedure, in the presence of the AHJ, shall be activated immediately:

(1) Reclaimed (recycled) water piping to the building shall be shutdown at the meter, and the reclaimed (recycled) water riser shall be drained.

(2) Potable water piping to the building shall be shutdown at the meter.

(3) The cross-connection shall be uncovered and disconnected.

(4) The building shall be retested following procedures listed in Sections 1603.11.2.1 and 1603.11.2.2.

(5) The potable water system shall be chlorinated with 50 parts-per-million (ppm) chlorine for twenty-four hours.

(6) The potable water system shall be flushed after twenty-four hours, and a standard bacteriological test for drinking water shall be performed by a laboratory certified for drinking water in Washington state. Where test results are satisfactory to the authority having jurisdiction, health authority having jurisdiction, and the water purveyor, the potable water system shall be permitted to be recharged. See also chapter 246-290 WAC.

**AMENDATORY SECTION** (Amending WSR 13-04-054, filed 2/1/13, effective 7/1/13)

**WAC 51-56-1700 Chapter 17—Nonpotable rainwater catchment systems.**

### **1702.0 Nonpotable Rainwater Catchment Systems.**

**1702.1 General.** The installation, construction, alteration, and repair of rainwater catchments systems intended to supply uses such as water closets, urinals, trap primers for floor drains and floor sinks, irrigation, industrial processes, water features, cooling tower makeup and other uses shall be approved by the authority having jurisdiction.

EXCEPTION: Exterior irrigation piping.

**1702.2 Permit.** It shall be unlawful for a person to construct, install, alter, or cause to be constructed, installed, or altered a nonpotable rainwater catchment system in a building or on a premises without first obtaining a permit to do such work from the authority having jurisdiction.

- EXCEPTIONS:
1. A permit is not required for exterior rainwater catchment systems used for outdoor drip and subsurface irrigation with a maximum storage capacity of 360 gallons (1363 L).
  2. A plumbing permit is not required for rainwater catchment systems for single family dwellings where outlets, piping, and system components are located on the exterior of the building. This does not exempt the need for permits where required for electrical connections, tank supports, or enclosures.

**1702.2.1 Plumbing Plan Submission.** No permit for a rainwater catchment system shall be issued until complete plumbing plans, with data satisfactory to the Authority Having Jurisdiction, have been submitted and approved.

**1702.2.3 Discovery of Cross Connection.** In the event that a cross-connection is discovered, the following procedure, in the presence of the AHJ, shall be activated immediately:

(1) Reclaimed (recycled) water piping to the building shall be shutdown at the meter, and the reclaimed (recycled) water riser shall be drained.

(2) Potable water piping to the building shall be shutdown at the meter.

(3) The cross-connection shall be uncovered and disconnected.

(4) The building shall be retested following procedures listed in Sections 1603.11.2.1 and 1603.11.2.2.

(5) The potable water system shall be chlorinated with 50 parts-per-million (ppm) chlorine for twenty-four hours.

(6) The potable water system shall be flushed after twenty-four hours, and a standard bacteriological test for drinking water shall be performed by a laboratory certified for drinking water in Washington state. Where test results are satisfactory to the authority having jurisdiction, health authority having jurisdiction, and the water purveyor, the potable water system shall be permitted to be recharged. See also chapter 246-290 WAC.

**1702.12 Abandonment.** Where nonpotable rainwater catchment systems are abandoned, the procedure for abandonment shall be as required by the Authority Having Jurisdiction. Components of the abandoned system including, but not limited to, pipe, tubing, fittings and valves shall not be used for potable water systems.

**WSR 13-15-160**  
**PROPOSED RULES**  
**BUILDING CODE COUNCIL**

[Filed July 23, 2013, 4:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-07-078.

Title of Rule and Other Identifying Information: Amendments to chapters 51-11C and 51-11R WAC, the Washington State Energy Code, commercial and residential provisions.

Hearing Location(s): Center Place Event Center, 2426 North Discovery Place, Spokane Valley, WA 99216, on September 20, 2013, at 10 a.m.; and at the DES Presentation

Room, 1500 Jefferson S.E., Olympia, WA 98504, on October 18, 2013, at 10 a.m.

Date of Intended Adoption: November 8, 2013.

Submit Written Comments to: Ray Allshouse, P.O. Box 41449, Olympia, WA 98504-1449, e-mail sbcc@ga.wa.gov [sbcc@ga.wa.gov], fax (360) 586-9088, by October 25, 2013.

Assistance for Persons with Disabilities: Contact Peggy Bryden by September 9, 2013, (360) 407-9280.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Makes editorial changes to the following sections of the residential energy portion of the Washington State Energy Code:

Section C301.1/R301.1 is amended to move Ferry, Okanogan, Pend Oreille, and Stevens counties from Climate Zone 6B to Climate Zone 5B. This would allow those four counties to share training and other resources with Spokane County, as previously done under the 2009 code. This is coordinating with the emergency rule filed as WSR 13-14-069.

Section C402.3.1 and Tables C402-1 through C402-4 are amended to create a prescriptive path method to increase the wall glazing area above base code levels without going through the Total Building Performance method. This would allow a continuation of current building practices modified slightly to achieve more energy savings than under the 2009 code while still remaining economically viable. This is coordinating with the emergency rule filed as WSR 13-14-070.

Table C402.2 is modified to correct language in footnote c to coordinate with the language in Table C402.1.

Section C408.3 is amended to provide an exception to commissioning for smaller, simpler lighting systems. This was intended to be included in the original rule adopted in November but was erroneously left out.

Reasons Supporting Proposal: RCW 19.27A.025 and 19.27A.045.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045.

Statute Being Implemented: Chapters 19.27, 19.27A and 34.05 RCW.

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

Name of Proponent: State building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, P.O. Box 41011, Olympia, WA 98504-1449, (360) 407-9278; and Enforcement: Local jurisdictions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The substantive portions of the proposed rule were written in response to petitions to provide economic relief to two sectors of the building industry. The first is reclassifying Climate Zone 6B as Climate Zone 5B; the second to allow a prescriptive path to increase the percentage of glazing allowed in above grade walls. The remainder of the rule provides minor corrections to provisions to clarify intent and have no cost impact or further reduce the cost of compliance. Because the proposed rules mitigate the effect of the 2012 Energy Code and reduce costs

rather than imposing new requirements, there is no negative economic impact on small businesses in the state.

A cost-benefit analysis is not required under RCW 34.05.328. The state building code council is not a listed agency under RCW 34.05.328 (5)(a)(i). This rule is not considered to be substantive; its function is to provide economic relief in certain instances and make some noneditorial corrections to the text.

June 14, 2013  
C. Ray Allshouse  
Council Chair

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-30100 Section C301—Climate zones.**

**C301.1 General.** Climate zones from Table C301.1 shall be used in determining the applicable requirements from Chapter 4.

**Table C301.1  
Climate Zones and Moisture Regimes  
Designations by State and County**

Key: A - Moist, B - Dry, C - Marine. Absence of moisture designation indicates moisture regime is irrelevant.

**WASHINGTON**

|                 |                        |                   |
|-----------------|------------------------|-------------------|
| 5B Adams        | 4C Grays Harbor        | 4C Pierce         |
| 5B Asotin       | 4C Island              | 4C San Juan       |
| 5B Benton       | 4C Jefferson           | 4C Skagit         |
| 5B Chelan       | 4C King                | 5B Skamania       |
| 4C Clallam      | 4C Kitsap              | 4C Snohomish      |
| 4C Clark        | 5B Kittitas            | 5B Spokane        |
| 5B Columbia     | 5B Klickitat           | ((6B)) 5B Stevens |
| 4C Cowlitz      | 4C Lewis               | 4C Thurston       |
| 5B Douglas      | 5B Lincoln             | 4C Wahkiakum      |
| ((6B)) 5B Ferry | 4C Mason               | 5B Walla Walla    |
| 5B Franklin     | ((6B)) 5B Okanogan     | 4C Whatcom        |
| 5B Garfield     | 4C Pacific             | 5B Whitman        |
| 5B Grant        | ((6B)) 5B Pend Oreille | 5B Yakima         |

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-402131 Equation C402-1—Target UA<sub>t</sub>.**

**Equation C402-1  
Target UA<sub>t</sub>**

$$UA_t = U_{radt}A_{radt} + U_{mrt}A_{mrt} + U_{rat}A_{rat} + U_{mwt}(A_{mwt} + \frac{A_{mbwbglt}}{A_{mbwbglt}}) + U_{mbwt}(A_{mbwgt} + \frac{A_{mbwbglt}}{A_{mbwbglt}}) + U_{sfwt}(A_{sfwt} + \frac{A_{sfwbglt}}{A_{sfwbglt}}) + U_{wfw}(A_{wfw} + \frac{A_{wfwbglt}}{A_{wfwbglt}}) + U_{fnt}A_{fnt} + U_{fjt}A_{fjt} + F_{st}P_{st} + F_{srt}P_{srt} + U_{dst}A_{dst} + U_{drt}A_{drt} + U_{vgt}A_{vgt} + U_{vgmt}A_{vgmt} + U_{vgmot}A_{vgmot} + U_{vgdt}A_{vgdt} + U_{ogt}A_{ogt}$$

UA<sub>t</sub> = The target combined specific heat transfer of the gross roof/ceiling assembly, exterior wall and floor area.

Where:

- U<sub>radt</sub> = The thermal transmittance value for roofs with the insulation entirely above deck found in Table C402.1.2.
- U<sub>mrt</sub> = The thermal transmittance value for metal building roofs found in Table C402.1.2.
- U<sub>rat</sub> = The thermal transmittance value for attic and other roofs found in Table C402.1.2.
- U<sub>mwt</sub> = The thermal transmittance value for opaque mass walls found in Table C402.1.2.
- U<sub>mbwt</sub> = The thermal transmittance value for opaque metal building walls found in Table C402.1.2.
- U<sub>sfwt</sub> = The thermal transmittance value for opaque steel-framed walls found in Table C402.1.2.
- U<sub>wfw</sub> = The thermal transmittance value for opaque wood framed and other walls found in Table C402.1.2.
- U<sub>fnt</sub> = The thermal transmittance value for mass floors over unconditioned space found in Table C402.1.2.

- U<sub>fjt</sub> = The thermal transmittance value for joist floors over unconditioned space found in Table C402.1.2.
- F<sub>st</sub> = The F-factor for slab-on-grade floors found in Table C402.1.2.
- F<sub>srt</sub> = The F-factor for radiant slab floors found in Table C402.1.2.
- U<sub>dst</sub> = The thermal transmittance value for opaque swinging doors found in Table C402.2.
- U<sub>drt</sub> = The thermal transmittance value for opaque roll-up or sliding doors found in Table C402.2.
- U<sub>vgt</sub> = The thermal transmittance value for vertical fenestration with nonmetal framing found in Table C402.3 which corresponds to the proposed vertical fenestration area as a percent of gross exterior wall area. \*Buildings utilizing Section C402.3.1.3 shall use the thermal transmittance value specified there.
- U<sub>vgmt</sub> = The thermal transmittance value for vertical fenestration with fixed metal framing found in Table C402.3 which corresponds to the proposed vertical fenestration area as a percent of gross exterior wall area. \*Buildings utilizing Section C402.3.1.3 shall use the thermal transmittance value specified there.
- U<sub>vgmot</sub> = The thermal transmittance value for vertical fenestration with operable metal framing found in Table C402.3 which corresponds to the proposed vertical fenestration area as a percent of gross exterior wall area. \*Buildings utilizing Section C402.3.1.3 shall use the thermal transmittance value specified there.

$U_{vgdt}$  = The thermal transmittance value for entrance doors found in Table C402.3 which corresponds to the proposed vertical fenestration area as a percent of gross exterior wall area. Buildings utilizing Section C402.3.1.3 shall use the thermal transmittance value specified there.

$U_{ogt}$  = The thermal transmittance for skylights found in Table C402.3 which corresponds to the proposed skylight area as a percent of gross exterior roof area.

$A_{fimt}$  = The proposed mass floor over unconditioned space area,  $A_{fm}$ .

$A_{fjt}$  = The proposed joist floor over unconditioned space area,  $A_{fj}$ .

$P_{st}$  = The proposed linear feet of slab-on-grade floor perimeter,  $P_s$ .

$P_{srt}$  = The proposed linear feet of radiant slab floor perimeter,  $P_{rs}$ .

$A_{dst}$  = The proposed opaque swinging door area,  $A_{ds}$ .

$A_{drt}$  = The proposed opaque roll-up or sliding door area,  $A_{dr}$ .

and

If the vertical fenestration area as a percent of gross above-grade exterior wall area does not exceed the maximum allowed in Section C402.3.1.3:

$A_{mwt}$  = The proposed opaque above grade mass wall area,  $A_{mw}$ .

$A_{mwbgt}$   $\equiv$  The proposed opaque below grade mass wall area,  $A_{mw}$ .

$A_{mbwt}$  = The proposed opaque above grade metal building wall area,  $A_{mbw}$ .

$A_{mbwbgt}$   $\equiv$  The proposed opaque below grade metal building wall area,  $A_{mbwb}$ .

$A_{sfwt}$  = The proposed opaque above grade steel framed wall area,  $A_{mfw}$ .

$A_{sfwbgt}$   $\equiv$  The proposed opaque below grade steel framed wall area,  $A_{mfwbg}$ .

$A_{wfw}$  = The proposed opaque above grade wall wood framed and other area,  $A_{wfwbg}$ .

$A_{wfwbgt}$   $\equiv$  The proposed opaque below grade wall wood framed and other area,  $A_{wfwbg}$ .

$A_{vgt}$  = The proposed vertical fenestration area with nonmetal framing,  $A_{vg}$ .

$A_{vgmt}$  = The proposed vertical fenestration area with fixed metal framing,  $A_{vgm}$ .

$A_{vgmot}$  = The proposed vertical fenestration area with operable metal framing,  $A_{vgmo}$ .

$A_{vgdt}$  = The proposed entrance door area,  $A_{vgd}$ .

or

For buildings utilizing Section C402.3.1.3, vertical fenestration area as a percent of gross exterior above-grade wall may not exceed the amount allowed by that section. For all other buildings, if the vertical fenestration area as a percent of gross above-grade exterior wall area exceeds the maximum allowed in Section C402.3.1, the area of each vertical fenestration element shall be reduced in the base envelope design by the same percentage and the net area of each above-grade wall type increased proportionately by the same percentage so that the total vertical fenestration area is exactly equal to the allowed percentage per Section C402.3.1 of the gross above-grade wall area. The target wall area of a given wall type shall be the sum of the proposed below grade area and the increased above-grade area.

and

If the skylight area as a percent of gross exterior roof area does not exceed the maximum allowed in Section C402.3.1:

$A_{radt}$  = The proposed roof area with insulation entirely above the deck,  $A_{rad}$ .

$A_{mrt}$  = The proposed roof area for metal buildings,  $A_{mr}$ .

$A_{rat}$  = The proposed attic and other roof area,  $A_{or}$ .

$A_{ogat}$  = The proposed skylight area,  $A_{ogor}$ .

or

If the skylight area as a percent of gross exterior roof area exceeds the maximum allowed in Section C402.3.1, the area of each skylight element shall be reduced in the base envelope design by the same percentage and the net area of each roof type increased proportionately by the same percentage so that the total skylight area is exactly equal to the allowed percentage per Section C402.3.1 of the gross roof area.

\*Note: The vertical fenestration area does not include opaque doors and opaque spandrel panels.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-402132 Equation C402-2—Proposed UA<sub>p</sub>.**

**Equation C402-2  
Proposed UA<sub>p</sub>**

$$UA_p = U_{rad}A_{rad} + U_{mr}A_{mr} + U_{ra}A_{ra} + U_{mw}A_{mw} + U_{mbw}A_{mbw} + U_{sfbw}A_{sfbw} + U_{wfw}A_{wfw} + U_{wfw}A_{wfw} + U_{fm}A_{fm} + U_{fj}A_{fj} + F_sP_s + F_{sr}P_{sr} + U_{ds}A_{ds} + U_{dr}A_{dr} + U_{vg}A_{vg} + U_{vgmf}A_{vgmf} + U_{vgmo}A_{vgmo} + U_{vgd}A_{vgd} + U_{og}A_{og}$$

Where:

- UA<sub>p</sub> = The combined proposed specific heat transfer of the gross exterior wall, floor and roof/ceiling assembly area.
- U<sub>rad</sub> = The thermal transmittance of the roof area where the insulation is entirely above the roof deck.
- A<sub>rad</sub> = Opaque roof area where the insulation is entirely above the roof deck.
- U<sub>mr</sub> = The thermal transmittance of the metal building roof area.
- A<sub>mr</sub> = Opaque metal building roof area.
- U<sub>ra</sub> = The thermal transmittance of the roof over attic and other roof area.
- A<sub>ra</sub> = Opaque roof over attic and other roof area.
- U<sub>mw</sub> = The thermal transmittance of the opaque mass wall area.
- A<sub>mw</sub> = Opaque mass wall area (not including opaque doors).

- U<sub>mbw</sub> = The thermal transmittance of the opaque metal building wall area.
- A<sub>mbw</sub> = Opaque metal building wall area (not including opaque doors).
- U<sub>sfbw</sub> = The thermal transmittance of the opaque steel framed wall area.
- A<sub>sfbw</sub> = Opaque steel framed wall area (not including opaque doors).
- U<sub>wfw</sub> = The thermal transmittance of the opaque wood framed and other wall area.
- A<sub>wfw</sub> = Opaque wood framed and other wall area (not including opaque doors).
- U<sub>fm</sub> = The thermal transmittance of the mass floor over unconditioned space area.
- A<sub>fm</sub> = Mass floor area over unconditioned space.
- U<sub>fj</sub> = The thermal transmittance of the joist floor over unconditioned space area.
- A<sub>fj</sub> = Joist floor area over unconditioned space.
- F<sub>s</sub> = Slab-on-grade floor component F-factor.
- P<sub>s</sub> = Linear feet of slab-on-grade floor perimeter.
- F<sub>sr</sub> = Radiant floor component F-factor.
- P<sub>sr</sub> = Lineal feet of radiant floor perimeter.
- U<sub>ds</sub> = The thermal transmittance value of the opaque swinging door area.
- A<sub>ds</sub> = Opaque swinging door area.
- U<sub>dr</sub> = The thermal transmittance value of the opaque roll-up or sliding door area.
- A<sub>dr</sub> = Opaque roll-up or sliding door area.
- U<sub>vg</sub> = The thermal transmittance of the vertical fenestration area with nonmetal framing.\*
- A<sub>vg</sub> = Vertical fenestration area with nonmetal framing.\*

- $U_{vgmf}$  = The thermal transmittance of the vertical fenestration area with fixed metal framing.
- $A_{vgmf}$  = Vertical fenestration area with fixed metal framing.\*
- $U_{vgmo}$  = The thermal transmittance of the vertical fenestration area with operable metal framing.\*
- $A_{vgmo}$  = Vertical fenestration area with operable metal framing.\*
- $U_{vgd}$  = The thermal transmittance of the vertical fenestration area for entrance doors.
- $A_{vgd}$  = Vertical fenestration area for entrance doors.
- $U_{og}$  = The thermal transmittance for the skylights.
- $A_{og}$  = Skylight area.

NOTE: Where more than one type of wall, window, roof/ceiling, door and skylight is used, the U and A terms for those items shall be expanded into subelements as:

$$U_{mw1}A_{mw1} + U_{mw2}A_{mw2} + U_{sfw1}A_{sfw1} + \dots \text{etc.}$$

\*NOTE: The vertical fenestration area does not include opaque doors and opaque spandrel panels.

**AMENDATORY SECTION** (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-402133 Equation C402-3—Target SHGCA<sub>t</sub>.**

**Equation C402-3  
Target SHGCA<sub>t</sub>**

$$SHGCA_t = SHGC_{((t))ogt} \frac{(A_{ogort} + SHGC_{vgt})}{(A_{ogt} + A_{vgt} + A_{vgmt} + A_{vgmot} + A_{vgdt})}$$

Where:

$SHGCA_t$  = The target combined ((specific)) solar heat gain of the target fenestration area.

$SHGC_{ogt}$  = The solar heat gain coefficient for skylight fenestration found in Table C402.3, and  $A_{ogt}$  as defined in Equation C402-1.

$SHGC_{((t))vt}$  = The solar heat gain coefficient for vertical fenestration found in Table C402.3 which corresponds to the proposed total fenestration area as a percent of gross exterior wall area, and (( $A_{ogt}$ ))  $A_{vgt}$ ,  $A_{vgmt}$ ,  $A_{vgmot}$  and  $A_{vgdt}$  are defined under Equation C402-1. Buildings utilizing Section C402.3.1.3 shall use the SHGC value specified there. The SHGC may be adjusted for projection factors per the requirements of Section C402.3.3.

NOTE: The vertical fenestration area does not include opaque doors and opaque spandrel panels.

**AMENDATORY SECTION** (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-402134 Equation C402-4—Proposed SHGCA<sub>p</sub>.**

**Equation C402-4  
Proposed SHGCA<sub>p</sub>**

$$SHGCA_p = SHGC_{og}A_{og} + SHGC_{vg}A_{vg}$$

Where:

$SHGCA_t$  = The combined proposed ((specific)) solar heat gain of the proposed fenestration area.

$SHGC_{og}$  = The solar heat gain coefficient of the skylights.

$A_{og}$  = The skylight area.

$SHGC_{vg}$  = The solar heat gain coefficient of the vertical fenestration.

$A_{vg}$  = The vertical fenestration area.

NOTE: The vertical fenestration area does not include opaque doors and opaque spandrel panels.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-402200 Table C402.2—Opaque thermal envelope requirements.**

**Table C402.2  
Opaque Thermal Envelope Requirements<sup>a, f</sup>**

| CLIMATE ZONE  | 5 AND MARINE 4                     |                                    | 6                                  |                                    |
|---|------------------------------------|------------------------------------|------------------------------------|------------------------------------|
|   | All Other                          | Group R                            | All Other                          | Group R                            |
| <b>Roofs</b>  |                                    |                                    |                                    |                                    |
| Insulation entirely above deck                              | R-30ci                             | R-38ci                             | R-30ci                             | R-38ci                             |
| Metal buildings (with R-3.5 thermal blocks) <sup>a, b</sup> | R-25 + R-11 LS                     | R-25 + R-11 LS                     | R-25 + R-11 LS                     | R-30 + R-11 LS                     |
| Attic and other   | R-49                               | R-49                               | R-49                               | R-49                               |
| <b>Walls, Above Grade</b>                                   |                                    |                                    |                                    |                                    |
| Mass <sup>c</sup>   | R-9.5ci                            | R-13.3ci                           | R-11.4ci                           | R-15.2ci                           |
| Metal building  | R-13 + R-13ci                      | R-13 + R-13ci                      | R-13 + R-13ci                      | R-19 + R-16ci                      |
| Steel framed  | R-13 + R-10ci                      | R-19 + R-8.5ci                     | R-13 + R-12.5ci                    | R-19 + R-14ci                      |
| Wood framed and other                                       | R-21 int                           | R-21 int                           | R-13 + R-7.5ci or R-20 + R-3.8ci   | R-21 + R-5ci                       |
| <b>Walls, Below Grade</b>                                   |                                    |                                    |                                    |                                    |
| Below-grade wall <sup>d</sup>                               | Same as above grade                |
| <b>Floors</b>   |                                    |                                    |                                    |                                    |
| Mass  | R-30ci                             | R-30ci                             | R-30ci                             | R-30ci                             |
| Joist/framing   | R-30 <sup>e</sup>                  | R-30 <sup>e</sup>                  | R-38 <sup>e</sup>                  | R-38 <sup>e</sup>                  |
| <b>Slab-on-Grade Floors</b>                                 |                                    |                                    |                                    |                                    |
| Unheated slabs  | R-10 for 24" below                 | R-10 for 24" below                 | R-10 for 48" below                 | R-15 for 48" below                 |
| Heated slabs <sup>d</sup>                                   | R-10 perimeter & under entire slab |
| <b>Opaque Doors</b>   |                                    |                                    |                                    |                                    |
| Swinging  | U-0.37                             | U-0.37                             | U-0.37                             | U-0.37                             |
| Roll-up or sliding  | R-4.75                             | R-4.75                             | R-4.75                             | R-4.75                             |

For SI: 1 inch = 25.4 mm. ci = Continuous insulation. NR = No requirement.

LS = Liner system—A continuous membrane installed below the purlins and uninterrupted by framing members. Uncompressed, unfaced insulation rests on top of the membrane between the purlins.

<sup>a</sup> Assembly descriptions can be found in Chapter 2 and Appendix A.

<sup>b</sup> Where using *R*-value compliance method, a thermal spacer block shall be provided, otherwise use the *U*-factor compliance method in Table C402.1.2.

<sup>c</sup> ((R-5.7ci is allowed to be substituted with concrete block walls complying with ASTM C90, ungrouted or partially grouted at 32 inches or less on center vertically and 48 inches or less on center horizontally, with ungrouted cores filled with materials having a maximum thermal conductivity of 0.44 Btu-in/h-ft<sup>2</sup>°F.) **Exception:** Integral insulated concrete block walls complying with ASTM C90 with all cores filled and meeting both of the following:

1 At least 50 percent of cores must be filled with vermiculite or equivalent fill insulation; and

2 The building thermal envelope encloses one or more of the following uses: Warehouse (storage and retail), gymnasium, auditorium, church chapel, arena, kennel, manufacturing plant, indoor swimming pool, pump station, water and waste water treatment facility, storage facility, storage area, motor vehicle service facility. Where additional uses not listed (such as office, retail, etc.) are contained within the building, the exterior walls that enclose these areas may not utilize this exception and must comply with the appropriate mass wall R-factor from Table C402.2 or U-factor from Table C402.1.2.

<sup>d</sup> Where heated slabs are below grade, below-grade walls shall comply with the exterior insulation requirements for heated slabs.

<sup>e</sup> Steel floor joist systems shall be insulated to R-38 + R-10ci.

- f For roof, wall or floor assemblies where the proposed assembly would not be continuous insulation, ~~((two))~~ an alternate nominal R-value compliance options for assemblies with isolated metal penetrations of otherwise continuous insulation ~~((are))~~ is:

| Assemblies with continuous insulation (see definition) | Alternate option for assemblies with metal penetrations, greater than 0.04% but less than 0.08% |
|--|---|
| R-11.4ci   | R-14.3 <u>ci</u>  |
| R-13.3ci   | R-16.6 <u>ci</u>  |
| R-15.2ci   | R-19.0 <u>ci</u>  |
| R-30ci   | R-38 <u>ci</u>  |
| R-38ci   | R-48 <u>ci</u>  |
| R-13 + R-7.5ci   | R-13 + R-9.4 <u>ci</u>  |
| R-13 + R-10ci  | R-13 + R-12.5 <u>ci</u>   |
| R-13 + R-12.5ci  | R-13 + R-15.6 <u>ci</u>   |
| R-13 + R-13ci  | R-13 + R-16.3 <u>ci</u>   |
| R-19 + R-8.5ci   | R-19 + R-10.6 <u>ci</u>   |
| R-19 + R-14ci  | R-19 + R-17.5 <u>ci</u>   |
| R-19 + R-16ci  | R-19 + R-20 <u>ci</u>   |
| R-20 + R-3.8ci   | R-20 + R-4.8 <u>ci</u>  |
| R-21 + R-5ci   | R-21 + R-6.3 <u>ci</u>  |

~~((These))~~ This alternate nominal R-value compliance ~~((options are))~~ option is allowed for projects complying with all of the following:

1. The ratio of the cross-sectional area, as measured in the plane of the surface, of metal penetrations of otherwise continuous insulation to the opaque surface area of the assembly is greater than 0.0004 (0.04%), but less than 0.0008 (0.08%).
2. The metal penetrations of otherwise continuous insulation are isolated or discontinuous (e.g., brick ties or other discontinuous metal attachments, offset brackets supporting shelf angles that allow insulation to go between the shelf angle and the primary portions of the wall structure). No continuous metal elements (e.g., metal studs, z-girts, z-channels, shelf angles) penetrate the otherwise continuous portion of the insulation.
3. Building permit drawings shall contain details showing the locations and dimensions of all the metal penetrations (e.g., brick ties or other discontinuous metal attachments, offset brackets, etc.) of otherwise continuous insulation. In addition, calculations shall be provided showing the ratio of the cross-sectional area of metal penetrations of otherwise continuous insulation to the overall opaque wall area.

For other cases where the proposed assembly is not continuous insulation, see Section C402.1.2 for determination of U-factors for assemblies that include metal other than screws and nails.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-40231 Section C402.3.1—Maximum area.**

**C402.3.1 Maximum area.** The vertical fenestration area (not including opaque doors and opaque spandrel panels) shall not exceed 30 percent of the gross above-grade wall area. The skylight area shall not exceed 3 percent of the gross roof area.

**C402.3.1.1 Increased vertical fenestration area with daylighting controls.** In Climate Zones 1 through 6, a maximum of 40 percent of the gross above-grade wall area shall be permitted to be vertical fenestration, provided:

1. No less than 50 percent of the conditioned floor area is within a daylight zone;
2. Automatic daylighting controls are installed in daylight zones; and
3. Visible transmittance (VT) of vertical fenestration is greater than or equal to 1.1 times solar heat gain coefficient (SHGC).

EXCEPTION: Fenestration that is outside the scope of NFRC 200 is not required to comply with Item 3.

**C402.3.1.2 Increased skylight area with daylighting controls.** The skylight area shall be permitted to be a maximum of 5 percent of the roof area provided automatic daylighting controls are installed in daylight zones under skylights.

**C402.3.1.3 Increased vertical fenestration area with high-performance fenestration.** The vertical fenestration area (not including opaque doors and opaque spandrel panels) is permitted to exceed 30 percent but shall not exceed 40 percent of the gross above grade wall area, for the purpose of prescriptive compliance with Section C402.1.2 or for the target UA calculation in Equation C402-1, provided that each of the following conditions are met:

1. The vertical fenestration shall have the following U-factors:
  - a. Nonmetal framing (all) = 0.28
  - b. Metal framing (fixed) = 0.34
  - c. Metal framing (operable) = 0.36
  - d. Metal framing (entrance doors) = 0.60
2. The SHGC of the vertical fenestration shall be less than or equal to 0.35, adjusted for projection factor in compliance with C402.3.3.1.

The compliance path described in this section is not permitted to be used for the total building performance compliance path in Section C407.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

**WAC 51-11C-40803 Section C408.3—Lighting system functional testing.**

**C408.3 Lighting system functional testing.** Controls for automatic lighting systems shall comply with Section C408.3.1.

EXCEPTION: Lighting systems in buildings where the total installed lighting load is less than 20kW and less than 10kW of lighting is controlled by occupancy sensors or automatic daylighting controls.

**C408.3.1 Functional testing.** Testing shall ensure that control hardware and software are calibrated, adjusted, programmed and in proper working condition in accordance with the construction documents and manufacturer's installation instructions. Written procedures which clearly describe the individual systematic test procedures, the expected systems' response or acceptance criteria for each procedure, the actual response or findings, and any pertinent discussion shall be followed. At a minimum, testing shall affirm operation during normally occupied daylight conditions. The construction documents shall state the party who will conduct the required functional testing.

Where occupant sensors, time switches, programmable schedule controls, photosensors or daylighting controls are installed, the following procedures shall be performed:

1. Confirm that the placement, sensitivity and time-out adjustments for occupant sensors yield acceptable performance.
2. Confirm that the time switches and programmable schedule controls are programmed to turn the lights off.
3. Confirm that the placement and sensitivity adjustments for photosensor controls reduce electric light based on the amount of usable daylight in the space as specified.

AMENDATORY SECTION (Amending WSR 13-04-055, filed 2/1/13, effective 7/1/13)

**WAC 51-11R-30100 Section R301—Climate zones.**

**R301.1 General.** Climate zones from Table R301.1 shall be used in determining the applicable requirements from Chapter 4. Locations not in Table R301.1 (outside the United States) shall be assigned a climate zone based on Section R301.3.

**R301.2 Warm humid counties.** Warm humid counties are identified in Table R301.1 by an asterisk.

**R301.3 International climate zones.** The climate zone for any location outside the United States shall be determined by applying Table R301.3(1) and then Table R301.3(2).

**TABLE R301.1**

**CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID DESIGNATIONS BY STATE AND COUNTY**

Key: A - Moist, B - Dry, C - Marine. Absence of moisture designation indicates moisture regime is irrelevant. Asterisk (\*) indicates a warm-humid location.

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|                 |                    |                   |
|-----------------|--------------------|-------------------|
| 5B Adams        | 4C Grays Harbor    | 4C Pierce         |
| 5B Asotin       | 4C Island          | 4C San Juan       |
| 5B Benton       | 4C Jefferson       | 4C Skagit         |
| 5B Chelan       | 4C King            | 5B Skamania       |
| 4C Clallam      | 4C Kitsap          | 4C Snohomish      |
| 4C Clark        | 5B Kittitas        | 5B Spokane        |
| 5B Columbia     | 5B Klickitat       | ((6B)) 5B Stevens |
| 4C Cowlitz      | 4C Lewis           | 4C Thurston       |
| 5B Douglas      | 5B Lincoln         | 4C Wahkiakum      |
| ((6B)) 5B Ferry | 4C Mason           | 5B Walla Walla    |
| 5B Franklin     | ((6B)) 5B Okanogan | 4C Whatcom        |

Key: A - Moist, B - Dry, C - Marine. Absence of moisture designation indicates moisture regime is irrelevant. Asterisk (\*) indicates a warm-humid location.

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|             |                        |            |
|-------------|------------------------|------------|
| 5B Garfield | 4C Pacific             | 5B Whitman |
| 5B Grant    | ((6B)) 5B Pend Oreille | 5B Yakima  |

**WSR 13-15-161  
PROPOSED RULES  
BUILDING CODE COUNCIL**

[Filed July 23, 2013, 5:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-07-074.

Title of Rule and Other Identifying Information: Amendments to chapter 51-50 WAC, the Washington State Building Code.

Hearing Location(s): Center Place Event Center, 2426 North Discovery Place, Spokane Valley, WA 99216, on September 20, 2013, at 10 a.m.; and at the DES Presentation Room, 1500 Jefferson S.E., Olympia, WA 98504, on October 18, 2013, at 10 a.m.

Date of Intended Adoption: November 8, 2013.

Submit Written Comments to: Ray Allshouse, P.O. Box 41449, Olympia, WA 98504-1449, e-mail sbcc@ga.wa.gov [sbcc@ga.wa.gov], fax (360) 586-9088, by October 25, 2013.

Assistance for Persons with Disabilities: Contact Peggy Bryden by September 9, 2013, (360) 407-9280.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amends chapter 51-50 WAC, Section 908, to specify certain regulations related to the installation of CO alarms do not apply to Washington state department of corrections (DOC) prisons and work release facilities.

Reasons Supporting Proposal: During the adoption of the 2012 codes, the state building code council (SBCC) reviewed the requirements for CO alarms in Group R and Group I residential settings and facilities. Certain exceptions were continued for Group R facilities such as hotels, college dormitories and state licensed boarding homes and residential treatment facilities. This proposed code language would include an exception for DOC prisons and work release facilities.

Statutory Authority for Adoption: Chapter 19.27A RCW.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

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

Name of Proponent: [SBCC], governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Joanne T. McCaughan, P.O. Box 41011, Olympia, WA 98504-1449, (360) 407-9279; and Enforcement: Local jurisdictions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There are no impacts on

small businesses. Adoption of this rule will provide economic relief for DOC, estimated at \$382,500 for sixteen work release facilities considered Group R; and eight minor corrections centers estimated at a cost of \$1,110,000; and ten major correctional facilities considered to be Group I estimated at a cost [of] \$26,195,700.

A cost-benefit analysis is not required under RCW 34.05.328. The SBCC is not a listed agency under RCW 34.05.328 (5)(a)(i). This rule is not considered to be substantive; its function is to provide economic relief in certain instances.

June 14, 2013  
C. Ray Allshouse  
Council Chair

**AMENDATORY SECTION** (Amending WSR 13-04-067, filed 2/1/13, effective 7/1/13)

**WAC 51-50-0908 Section 908—Emergency alarm systems.**

**[F] 908.7 Carbon monoxide alarms.** Group I or Group R occupancies shall be provided with single station carbon monoxide alarms installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units or sleeping units and on each level of the dwelling. The carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720-2012 and the manufacturer's instructions.

- EXCEPTIONS:
1. For other than (~~(R-3-[R-2])~~) R-2 occupancies, the building does not contain a fuel-burning appliance, a fuel-burning fireplace, or an attached garage; or
  2. Sleeping units or dwelling units in I and R-1 occupancies and R-2 college dormitories, hotel, DOC prisons and work releases and DSHS licensed boarding home and residential treatment facility occupancies which do not themselves contain a fuel-burning appliance, or a fuel-burning fireplace, or have an attached garage, need not be provided with carbon monoxide alarms provided that:
    - a. The sleeping unit or dwelling unit is not adjacent to any room which contains a fuel-burning appliance, a fuel-burning fireplace, or an attached garage; and
    - b. The sleeping unit or dwelling unit is not connected by duct work or ventilation shafts with a supply or return register in the same room to any room containing a fuel-burning appliance, a fuel-burning fireplace, or to an attached garage; and
    - c. The building is provided with a common area carbon monoxide detection system.
  3. An open parking garage, as defined in Chapter 2 of the *International Building Code*, or enclosed parking garage ventilated in accordance with Section 404 of the *International Mechanical Code* shall not be considered an attached garage.

**908.7.1 Carbon monoxide detection systems.** Carbon monoxide detection systems, that include carbon monoxide detectors and audible notification appliances, installed and maintained in accordance with this section for carbon monoxide alarms and NFPA 720-2012 shall be permitted. The carbon

monoxide detectors shall be listed as complying with UL 2075.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

**WSR 13-15-162  
PROPOSED RULES  
BUILDING CODE COUNCIL**

[Filed July 23, 2013, 5:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-07-076.

Title of Rule and Other Identifying Information: Amendments to chapter 51-54A WAC, the Washington State Fire Code.

Hearing Location(s): Center Place Event Center, 2426 North Discovery Place, Spokane Valley, WA 99216, on September 20, 2013, at 10 a.m.; and at the DES Presentation Room, 1500 Jefferson S.E., Olympia, WA 98504, on October 18, 2013, at 10 a.m.

Date of Intended Adoption: November 8, 2013.

Submit Written Comments to: Ray Allshouse, P.O. Box 41449, Olympia, WA 98504-1449, e-mail sbcc@ga.wa.gov [sbcc@ga.wa.gov], fax (360) 586-9088, by October 25, 2013.

Assistance for Persons with Disabilities: Contact Peggy Bryden by September 9, 2013, (360) 407-9280.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amends chapter 51-54A WAC, Section 908 and Section 1103, to specify certain regulations related to the installation of CO alarms do not apply to Washington state department of corrections (DOC) prisons and work release facilities.

Reasons Supporting Proposal: During the adoption of the 2012 Fire Code, the state building code council (SBCC) reviewed the requirements for CO alarms in Group R and Group I residential settings and facilities. Certain exceptions were continued for Group R facilities such as hotels, college dormitories and state licensed boarding homes and residential treatment facilities. This proposed code language would include an exception for DOC prisons and work release facilities.

Statutory Authority for Adoption: Chapter 19.27A RCW.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

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

Name of Proponent: [SBCC], governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Joanne T. McCaughan, P.O. Box 41011, Olympia, WA 98504-1449, (360) 407-9279; and Enforcement: Local jurisdictions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There are no impacts on small businesses. Adoption of this rule will provide economic relief for DOC, estimated at \$382,500 for sixteen work

release facilities considered Group R; and eight minor corrections centers estimated at a cost of \$1,110,000; and ten major correctional facilities considered to be Group I estimated at a cost [of] \$26,195,700.

A cost-benefit analysis is not required under RCW 34.05.328. The SBCC is not a listed agency under RCW 34.05.328 (5)(a)(i). This rule is not considered to be substantive; its function is to provide economic relief in certain instances.

June 14, 2013  
C. Ray Allshouse  
Council Chair

AMENDATORY SECTION (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

**WAC 51-54A-0605 Electrical equipment, wiring and hazards.**

**605.11 Solar photovoltaic power systems.** ~~((This section is not adopted.))~~ Installation, modification, or alteration of solar photovoltaic power systems shall comply with this section. Due to the emerging technologies in the solar photovoltaic industry, it is understood fire code officials may need to amend prescriptive requirements of this section to meet the requirements for firefighter access and product installations. Section 104.9 **Alternative materials and methods** of this code shall be considered when approving the installation of solar photovoltaic power systems. Solar photovoltaic power systems shall be installed in accordance with Sections 605.11.1 through 605.11.4, the *International Building Code* and NFPA 70.

**EXCEPTION:** Detached, nonhabitable Group U structures shall not be subject to the requirements of Sections 605.11.2 through 605.11.3.3.3.

**605.11.1 Marking.** Marking is required on interior and exterior direct-current (DC) conduit, enclosures, raceways, cable assemblies, junction boxes, combiner boxes and disconnects.

**605.11.1.1 Materials.** The materials used for marking shall be reflective, weather resistant and suitable for the environment. Marking as required in Sections 605.11.1.2 through 605.11.1.4 shall have all letters capitalized with a minimum height of 3/8 inch (9.5 mm) white on red background.

**605.11.1.2 Marking content.** The marking shall contain the words "PHOTOVOLTAIC POWER SOURCE."

**605.11.1.3 Main service disconnect.** The marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the disconnect is operated.

**605.11.1.4 Location of marking.** Marking shall be placed on interior and exterior DC conduit, raceways, enclosures and cable assemblies every 10 feet (3,048 mm), within 1 foot (305 mm) of turns or bends and within 1 foot (305 mm) above and below penetrations of roof/ceiling assemblies, walls or barriers.

**605.11.2 Locations of DC conductors.** Conduit, wiring systems, and raceways for photovoltaic circuits shall be located as close as possible to the ridge or hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities. Conduit runs between sub arrays and to DC combiner boxes shall be installed in a manner that minimizes the total amount of conduit on the roof by taking the shortest path from the array to the DC combiner box. The DC combiner boxes shall be located such that conduit runs are minimized in the pathways between arrays. DC wiring shall be installed in metallic conduit or raceways when located within enclosed spaces in a building.

**605.11.3 Access and pathways.** Roof access, pathways, and spacing requirements shall be provided in accordance with Sections 605.11.3.1 through 605.11.3.3.3.

**EXCEPTION:** Residential structures shall be designed so that each photovoltaic array is no greater than 150 feet (45,720 mm) by 150 feet (45,720 mm) in either axis.

**605.11.3.2 Residential systems for one- and two-family dwellings.** Access to residential systems for one- and two-family dwellings shall be provided in accordance with Sections 605.11.3.2.1 through 605.11.3.2.4.

**EXCEPTIONS:**

1. Residential dwellings with an approved automatic fire sprinkler system installed;
2. Residential dwellings with approved mechanical or passive ventilation systems;
3. Where the fire code official determines that the slope of the roof is too steep for emergency access;
4. Where the fire code official determines that vertical ventilation tactics will not be utilized.
5. Buildings under 10,000 s.f. in size where the solar array will cover less than 40% of the roof area over any floor.

**605.11.3.2.3 Residential buildings with roof hips and valleys.** Panels/modules installed on residential buildings with roof hips and valleys shall be located no closer than 18 inches (457 mm) to a hip or a valley where panels/modules are to be placed on both sides of a hip or valley. Where panels are to be located on only one side of a hip or valley, the panels shall be permitted to be placed directly adjacent to the hip or valley.

**EXCEPTION:** These requirements shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.

**605.11.3.2.4 Residential building smoke ventilation.** Panels/modules installed on residential buildings shall be located no higher than 18 inches (457 mm) below the ridge in order to allow for fire department rooftop operations.

**605.11.4 Ground-mounted photovoltaic arrays.** Ground-mounted photovoltaic arrays shall comply with Sections 605.11 through 605.11.2 and this section. Setback requirements shall not apply to ground-mounted, free-standing photovoltaic arrays.

AMENDATORY SECTION (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

**WAC 51-54A-0908 Emergency alarm systems.**

**908.7 Carbon monoxide alarms.** Group I or Group R occupancies shall be provided with single station carbon monoxide alarms installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units or sleeping units and on each level of the dwelling. The carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720-2012 and the manufacturer's instructions.

EXCEPTIONS:

1. For other than R-2 occupancies, the building does not contain a fuel-burning appliance, a fuel-burning fireplace, or an attached garage; or
2. Sleeping units or dwelling units in I and R-1 occupancies and R-2 college dormitories, hotel, DOC prisons and work releases and DSHS licensed boarding home and residential treatment facility occupancies which do not themselves contain a fuel-burning appliance, or a fuel-burning fireplace, or have an attached garage, need not be provided with carbon monoxide alarms provided that:
  - a. The sleeping unit or dwelling unit is not adjacent to any room which contains a fuel-burning appliance, a fuel-burning fireplace, or an attached garage; and
  - b. The sleeping unit or dwelling unit is not connected by duct work or ventilation shafts with a supply or return register in the same room to any room containing a fuel-burning appliance, a fuel-burning fireplace, or an attached garage; and
  - c. The building is provided with a common area carbon monoxide detection system.
3. An open parking garage, as defined in Chapter 2 of the International Building Code, or enclosed parking garage ventilated in accordance with Section 404 of the International Mechanical Code shall not be considered an attached garage.

**908.7.1 Carbon monoxide detection systems.** Carbon monoxide detection systems, that include carbon monoxide detectors and audible notification appliances, installed and maintained in accordance with this section for carbon monoxide alarms and NFPA 720-2012 shall be permitted. The carbon monoxide detectors shall be listed as complying with UL 2075.

AMENDATORY SECTION (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

**WAC 51-54A-1103 Fire safety requirements for existing buildings.**

**1103.4.3 Nightclub.** An automatic sprinkler system shall be provided throughout A-2 nightclubs as defined in this code. No building shall be constructed for, used for, or converted to occupancy as a nightclub except in accordance with this section.

**1103.9 Carbon monoxide alarms.** Existing Group I or Group R occupancies shall be provided with single station carbon monoxide alarms in accordance with Section 908.7. An inspection will occur when alterations, repairs or addi-

tions requiring a permit occur, or when one or more sleeping rooms are added or created. The carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720-2012 and the manufacturer's instructions.

EXCEPTIONS:

1. For other than R-2 occupancies, if the building does not contain a fuel-burning appliance, a fuel-burning fireplace, or an attached garage.
2. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, or electrical permits.
3. Installation, alteration or repairs of noncombustion plumbing or mechanical systems.
4. Sleeping units or dwelling units in I and R-1 occupancies and R-2 college dormitories, hotel, DOC prisons and work releases and DSHS licensed boarding home and residential treatment facility occupancies which do not themselves contain a fuel-burning appliance, a fuel-burning fireplace, or have an attached garage, need not be provided with carbon monoxide alarms provided that:
  - 4.1. The sleeping units or dwelling unit is not adjacent to any room which contains a fuel-burning appliance, a fuel-burning fireplace, or an attached garage; and
  - 4.2. The sleeping units or dwelling unit is not connected by duct work or ventilation shafts with a supply or return register in the same room to any room containing a fuel-burning appliance, a fuel-burning fireplace, or to an attached garage; and
  - 4.3. The building is provided with a common area carbon monoxide detection system.
5. An open parking garage, as defined in the International Building Code, or enclosed parking garage ventilated in accordance with Section 404 of the International Mechanical Code shall not be considered an attached garage.

**WSR 13-15-163**

**PROPOSED RULES**

**BUILDING CODE COUNCIL**

[Filed July 23, 2013, 5:44 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-07-075.

Title of Rule and Other Identifying Information: Amendments to chapter 51-51 WAC, the Washington State Residential Code.

Hearing Location(s): Center Place Event Center, 2426 North Discovery Place, Spokane Valley, WA 99216, on September 20, 2013, at 10 a.m.; and at the DES Presentation Room, 1500 Jefferson S.E., Olympia, WA 98504, on October 18, 2013, at 10 a.m.

Date of Intended Adoption: November 8, 2013.

Submit Written Comments to: Ray Allshouse, P.O. Box 41449, Olympia, WA 98504-1449, e-mail sbcc@ga.wa.gov [sbcc@ga.wa.gov], fax (360) 586-9088, by October 25, 2013.

Assistance for Persons with Disabilities: Contact Peggy Bryden by September 9, 2013, (360) 407-9280.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Makes changes to chapter 51-51 WAC, by adoption of new WAC 51-51-0100, to specify that residential fire sprinklers are only required in lodging houses when a local ordinance has been adopted requiring installation of residential fire sprinklers.

Reasons Supporting Proposal: Washington state has not adopted model code requirements for installation of residential sprinkler systems in most residential settings; the Washington State Residential Code specifies that sprinklers must be installed where required by local ordinance. Owner-occupied lodging houses with five or fewer bedrooms are covered by the Residential Code, thus should be exempt from sprinkler requirements, except as required by a local jurisdiction. Due to an unintended consequence of a recent change to the model code, additional clarification is needed to specify that sprinklers are only required in such lodging houses when a local ordinance requires them. If this rule is adopted, lodging homeowners would continue to be exempt from sprinkler installation requirements. If not, sprinklers will be required for new lodging homes and when there is any major remodeling or repair work done on an existing lodging home. This would create economic hardship for lodging homeowners for the cost of installation and maintenance of the systems. Adoption of this rule will clarify that installation of sprinkler systems in lodging homes will only be required in jurisdictions that have adopted such local ordinances, and that owner-occupied lodging houses are otherwise exempt.

Statutory Authority for Adoption: Chapter 19.27A RCW.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

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

Name of Proponent: State building code council (SBCC), governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Joanne T. McCaughan, P.O. Box 41011, Olympia, WA 98504-1449, (360) 407-9279; and Enforcement: Local jurisdictions.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

Executive Summary/Impact on Small Business: Since adoption of the 2009 Residential Code, Washington state has excluded model code requirements for fire sprinklers in certain residential construction, except as required by local ordinance. This exclusion included owner-occupied lodging

houses, with five or fewer bedrooms, operating as bed and breakfast businesses (B&Bs). During the SBCC process for adoption of the 2012 codes, the 2012 International Residential Code was reviewed, revised and adopted. However, due to an error in the filing of the rule, certain wording changes in the model code were included, requiring all new and some remodeled B&Bs to install sprinkler systems. This unintended consequence was recently brought forward for interpretation of the council; the council advised that a clarification to the language in the rules is needed to ensure that lodging houses continue to be exempt from sprinkler requirements, unless required by local government ordinances.

If this proposed rule is not adopted, residential sprinkler systems will be required in all new B&Bs constructed under the 2012 Residential Code; sprinklers would also be required when an existing B&B engages in some kinds of remodeling projects. Installation costs for these systems varies, based on the size of the project, the geographic location, and the choice of specific system components. These costs will be imposed if the proposed rule is not adopted. Adoption of the proposed rule would mitigate these cost impacts on small businesses operating as B&B lodging houses in Washington.

The impact on sprinkler installers was also considered, but is considered neutral, since these systems have not previously been required in B&Bs.

Section I: Introduction/Compliance with the Proposed Rules: Who is required to comply with the rules? If the proposed rule is adopted, a new section would be added to the Residential Code as WAC 51-51-0100; it would clarify that installation of fire sprinkler systems in owner-occupied lodging houses is only required when a local jurisdiction has adopted an ordinance making installation mandatory.

Section II: Compliance Costs for Washington Businesses:

Impact on sales or revenue: If the rule is adopted, there will be a neutral impact on new owner-occupied lodging houses operating as B&B businesses, because they will not incur any additional cost for including sprinklers in planned remodeling projects or new construction. The estimated cost of residential sprinkler installations is dependent on many variables, including systems design, geographic location, and size of the residence. A representative of Inland Empire Fire Protection estimates \$4 to \$5/square feet, depending on available water supply, size of the home, location, and other related factors.

Section III: Analysis of Proportionate Impact on Small Businesses:

TABLE ONE: Small Businesses Impacted by Lodging House Exception Clarification

| Type of business                                      | NAICS CODE # | # IN STATE (UP TO 49 Employees) | # IN STATE (50 OR MORE Employees) | ANTICIPATED IMPACTS (positive/negative/neutral) |
|---|--------------|---------------------------------|-----------------------------------|---|
| Owner-occupied lodging houses ≤ 5 bedrooms (aka, B&B) | 721191       | 86*                             | n/a                               | Neutral   |
| Licensed fire sprinkler system contractors            | 238220       | 351**                           | n/a                               | Neutral   |

\*For the purposes of this estimate, it is assumed that all owner-occupied lodging houses operating as B&B businesses, with five or fewer bedrooms, have fewer than six employees.

\*\*According to the Washington state fire marshal's office, as of July 2, 2013.

Section IV: Small Business Involvement and Impact Reduction Efforts:

Actions Taken to Reduce the Impact of the Rule on Small Businesses: There is no anticipated negative impact on small businesses as a result of these proposed rules. New lodging house owners with five or fewer bedrooms will not be required to install sprinkler systems, nor will certain remodeling projects require sprinkler retrofit; sprinkler installers will not suffer any loss in business because these sprinkler systems were not required in B&Bs under the 2009 Residential Code.

Involvement of Small Business in the Development of the Proposed Rules: The Washington B&B Association was consulted to determine the potential economic consequences of adopting/not adopting this clarifying language in the state Residential Code. Their estimate shows more B&B establishments than the data cited above. According to their data, there are approximately three hundred two B&Bs in the category of owner-occupied lodging houses with five or fewer bedrooms. Of that number they assert that forty-eight (sixteen percent) of the existing establishments will remodel, and an additional forty-eight new owner-occupied lodging houses with five or fewer bedrooms would be built annually, and be established as new B&B businesses. Under their analysis, total economic impact could be as high as \$2,583,036 to add sprinkler systems to such new and existing lodging houses. A representative of Inland Empire Fire Protection, Inc., who also serves as a member of the Fire Code TAG representing the sprinkler industry in eastern Washington, was also consulted regarding estimated cost impacts. Their estimate looked at cost per square foot, concluding it would be approximately \$4.00 to \$5.00, dependent on the variables listed in Section II, above. Additional information was provided for western Washington, by a member of the Fire Sprinkler Advisory Board, estimating \$2.50 to \$4.00 per square foot, plus local permit costs of approximately \$700.

Section V: Number of Affected Businesses in Washington:

Lodging houses with five or fewer bedrooms (B&Bs) = N/A.

If the rules are implemented, none of the three hundred two existing B&Bs will be affected, and none of the estimated forty-eight new B&Bs would be affected.

Licensed sprinkler contractors = N/A.

If the rules are implemented, none of the licensed fire sprinkler contractors would be affected, because these systems have not been required to be installed since the adoption of the 2009 Residential Code.

Section VI: Jobs Created or Lost as a Result of these Rules: If these rules are adopted there will not be an impact on jobs, because no new jobs will be created, and no jobs will be lost as a result of these rules.

A copy of the statement may be obtained by contacting Tim Nogler, P.O. Box 41449, Olympia, WA 98504-1449,

phone (360) 407-9280, fax (360) 586-9088, e-mail SBCC@ga.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. SBCC is not a listed agency under RCW 34.05.328 (5)(a)(i). This rule is not considered to be substantive; its function is to provide economic relief in certain instances.

June 14, 2013

C. Ray Allshouse  
Council Chair

## NEW SECTION

### **WAC 51-51-0100 Section R101—Scope and administration.**

**R101.2 Scope.** The provisions of the *International Residential Code for One- and Two-family Dwellings* shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures*.

**EXCEPTIONS:** (1) Live/work units complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be built as one- and two-family *dwellings* or townhouses. Fire suppression required by Section 419.5 of the *International Building Code* when constructed under the *International Residential Code for One- and Two-family Dwellings* shall conform to Section P2904. (2) Owner-occupied lodging houses with five or fewer guest rooms shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-family Dwellings*, and shall be equipped with a fire sprinkler system in accordance with Section P2904 where required by local ordinance.

## **WSR 13-15-164**

### **PROPOSED RULES**

### **BUILDING CODE COUNCIL**

[Filed July 23, 2013, 5:56 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-07-076.

Title of Rule and Other Identifying Information: Amendments to chapter 51-54A WAC, the Washington State Fire Code.

Hearing Location(s): Center Place Event Center, 2426 North Discovery Place, Spokane Valley, WA 99216, on September 20, 2013, at 10 a.m.; and at the DES Presentation Room, 1500 Jefferson S.E., Olympia, WA 98504, on October 18, 2013, at 10 a.m.

Date of Intended Adoption: November 8, 2013.

Submit Written Comments to: Ray Allshouse, P.O. Box 41449, Olympia, WA 98504-1449, e-mail sbcc@ga.wa.gov [sbcc@ga.wa.gov], fax (360) 586-9088, by October 25, 2013.

Assistance for Persons with Disabilities: Contact Peggy Bryden by September 9, 2013, (360) 407-9280.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Makes changes to chapter 51-54A WAC, by adoption of new Section 605.11, to specify certain regulations related to the installation of Solar PV panels in residential construction.

Reasons Supporting Proposal: During the adoption of the 2012 Fire Code, the state building code council (SBCC) declined to adopt model code requirements for the installation of Solar PV panels because of potentially harmful economic impacts on small business; those impacts were estimated to prohibit up to twenty-five percent of installed panels in certain instances. The council directed formation of a technical advisory group (TAG) to review the issues, and identify a solution. The TAG, made up of solar industry professionals and fire service representatives, developed alternative code language to minimize economic impact and ensure firefighter safety. This proposed code language would allow the industry to continue to install solar arrays in residential settings, while ensuring firefighter safety.

Adoption of this rule will allow installation of residential Solar PV systems to continue, while addressing firefighter safety concerns related to firefighting hazards.

Statutory Authority for Adoption: Chapter 19.27A RCW.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

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

Name of Proponent: [SBCC,] governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Joanne T. McCaughan, P.O. Box 41011, Olympia, WA 98504-1449, (360) 407-9279; and Enforcement: Local jurisdictions.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Executive Summary: Impact on small business - During the SBCC process for adoption of the 2012 codes, a proposal was received to amend International Fire Code (IFC) Section 605.11 Solar Photovoltaic Power Systems. The proponent asserted that the 2012 IFC base code language would have severely limited the amount of space in which solar arrays could be installed on residential roofs. The proponent concluded that the base code language would create a significant financial burden for manufacturers and installers of these alternative energy systems and products. Up to this point, the

IFC had been silent regarding installation of Solar PV systems.

The council forwarded the amendment proposal to the Fire Code TAG for consideration; the Fire TAG recommended that a special, issue specific TAG be established for review of the issues, and that Section 605.11 not be adopted within the 2012 IFC while the issues and impacts were analyzed. The amendment proposal was tabled.

The Solar PV TAG was created with representation from the fire safety community and the solar industry as well as other interested parties. The TAG met six times from January through May 2013, to review the relevant sections in the 2012 IFC, IBC and IRC regarding installation of Solar PV components in residential settings. Draft code language was developed for the IFC, and consensus was reached on most issues. One issue went to a vote; a minority report was submitted.

During the TAG process, information was shared about several recent projects which would not have been built at all, or the scope of which would have been severely limited, if the 2012 IFC base code language had been adopted as written. If adopted, this proposal may result in additional building permit costs for small businesses; it may also cause some modification of the design of certain solar arrays in some circumstances. However, as compared to the requirements of the 2012 IFC model code, this potential impact is much less significant.

Section I: Introduction/Compliance with the Proposed Rules - Who is required to comply with the rules?

Installation of Solar PV systems in residential settings in Washington state is voluntary, not mandatory. Currently, the 2012 Fire Code, as adopted by Washington state, does not have any specific requirements related to such installations. If the proposed rules are adopted, the Fire Code would contain requirements for voluntary installations.

Section 605.11: Solar Photovoltaic Power Systems.

Residential occupancy building owners who choose to install Solar PV systems in all new or existing residential occupancies may see an increase in the cost of the system installation or the power output in some cases.

Solar industry installation companies will need to configure solar array systems in compliance with the rules, allowing access for firefighting operations, as required by the local jurisdiction.

Section II: Compliance Costs for Washington Businesses - Impact on sales or revenue.

There will be a neutral impact on Solar PV installation companies as the rules would not increase or decrease the number of residential installations.

Section III: Analysis of Proportionate Impact on Small Businesses:

TABLE ONE: Small Businesses Impacted by Solar PV Rules

| Type of business          | NAICS CODE # | # IN STATE (UP TO 49 Employees) | # IN STATE (50 OR MORE Employees) | ANTICIPATED IMPACTS (positive/negative/neutral) |
|---------------------------|--------------|---------------------------------|-----------------------------------|---|
| Solar PV Manufacturers    | N/A*         | 5                               | 4                                 | Neutral   |
| Residential PV Installers | N/A*         | 34                              | NA                                | Neutral   |

\*The census does not specify/classify this type of solar installation/manufacturing at this time.

The impact on small businesses compared to the largest businesses in the state would not be disproportionate.

Section IV: Small Business Involvement and Impact Reduction Efforts.

Actions Taken to Reduce the Impact of the Rule on Small Businesses.

There is no anticipated negative impact on small businesses as a result of these proposed rules. There will be additional costs associated with obtaining required building permits; that cost will be absorbed by the contractors.

Involvement of Small Business in the Development of the Proposed Rules.

The Solar PV TAG was developed to address permanent rule-making issues related to PV Solar installation in residential settings. Seven TAG members represented the interests of solar installation and small business, as follows:

- 20/20 LED/Net Zero Energy (Perry Spring)
- Clean Energy Technology Center (Mike Nelson)
- Edmonds Community Solar Co-Op (Chris Herman)
- Solar Installation end-users (Joerg Zender)
- Power Trip Energy (Jeff Randall)
- Solar Washington/non-profit (Dave Kozin)
- South Sound Solar (Kirk Haffner)

Other TAG members represented the interests of the fire services community and brought expertise in fire safety (Dave Kokot/TAG Chair, Brenda Larsen, Grace Allen Steuart, Hank Teran, John Westfall, Mark Ossewaarde, and Tom Maloney). Also serving on the TAG was the Washington state chief electrical inspector (Rod Mutch).

Section V: Number of Affected Businesses in Washington:

Installers = 34 (50 ees or less).

Manufacturers = 5 (50 ees or less) or 4 (more than 50 ees).

Section VI: Jobs Created or Lost as a Result of These Rules:

These rules are likely to be job neutral overall, i.e., they will not result in any direct job gains or losses. However, the residential solar installation industry in Washington state continues to grow dramatically.

As of March 2013, there were one hundred sixty-eight known contractors on record that had worked on solar installations, twenty-six of which were solar-specific.

In FY 2006 the Washington state energy office saw an increase in the number of "renewable energy certifications" received grow from one hundred two in FY 2006 to nine hundred fifty-eight in FY 2013.

It is anticipated that the industry will continue to experience growth, and that these rules will be job neutral.

As there has been an increase in demand for solar installation, it is evident that public support for solar power continues to grow.

Public policy makers have created initiatives and programs at the local and state level to support energy efficiency in residential settings, and provided certain production and tax incentives in some areas. I-937 requires new renewable energy sources including solar.

Continued progress in the development of components for the solar industry have resulted in lower costs and increased consumer demand.

A copy of the statement may be obtained by contacting Tim Nogler, P.O. Box 41449, Olympia, WA 98504-1449, phone (360) 407-9280, fax (360) 586-9088, e-mail SBCC@ga.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. The SBCC is not a listed agency under RCW 34.05.328 (5)(a)(i). This rule is not considered to be substantive; its function is to provide economic relief in certain instances.

June 14, 2013

C. Ray Allshouse  
Council Chair

AMENDATORY SECTION (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

**WAC 51-54A-0605 Electrical equipment, wiring and hazards.**

**605.11 Solar photovoltaic power systems.** ~~((This section is not adopted.))~~ Installation, modification, or alteration of solar photovoltaic power systems shall comply with this section. Due to the emerging technologies in the solar photovoltaic industry, it is understood fire code officials may need to amend prescriptive requirements of this section to meet the requirements for firefighter access and product installations. Section 104.9 **Alternative materials and methods** of this code shall be considered when approving the installation of solar photovoltaic power systems. Solar photovoltaic power systems shall be installed in accordance with Sections 605.11.1 through 605.11.4, the *International Building Code* and NFPA 70.

EXCEPTION: Detached, nonhabitable Group U structures shall not be subject to the requirements of Sections 605.11.2 through 605.11.3.3.3.

**605.11.1 Marking.** Marking is required on interior and exterior direct-current (DC) conduit, enclosures, raceways, cable assemblies, junction boxes, combiner boxes and disconnects.

**605.11.1.1 Materials.** The materials used for marking shall be reflective, weather resistant and suitable for the environment. Marking as required in Sections 605.11.1.2 through 605.11.1.4 shall have all letters capitalized with a minimum height of 3/8 inch (9.5 mm) white on red background.

**605.11.1.2 Marking content.** The marking shall contain the words "PHOTOVOLTAIC POWER SOURCE."

**605.11.1.3 Main service disconnect.** The marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the disconnect is operated.

**605.11.1.4 Location of marking.** Marking shall be placed on interior and exterior DC conduit, raceways, enclosures and cable assemblies every 10 feet (3,048 mm), within 1 foot (305 mm) of turns or bends and within 1 foot (305 mm) above

and below penetrations of roof/ceiling assemblies, walls or barriers.

**605.11.2 Locations of DC conductors.** Conduit, wiring systems, and raceways for photovoltaic circuits shall be located as close as possible to the ridge or hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities. Conduit runs between sub arrays and to DC combiner boxes shall be installed in a manner that minimizes the total amount of conduit on the roof by taking the shortest path from the array to the DC combiner box. The DC combiner boxes shall be located such that conduit runs are minimized in the pathways between arrays. DC wiring shall be installed in metallic conduit or raceways when located within enclosed spaces in a building.

**605.11.3 Access and pathways.** Roof access, pathways, and spacing requirements shall be provided in accordance with Sections 605.11.3.1 through 605.11.3.3.3.

**EXCEPTION:** Residential structures shall be designed so that each photovoltaic array is no greater than 150 feet (45,720 mm) by 150 feet (45,720 mm) in either axis.

**605.11.3.2 Residential systems for one- and two-family dwellings.** Access to residential systems for one- and two-family dwellings shall be provided in accordance with Sections 605.11.3.2.1 through 605.11.3.2.4.

**EXCEPTIONS:**

1. Residential dwellings with an approved automatic fire sprinkler system installed;
2. Residential dwellings with approved mechanical or passive ventilation systems;
3. Where the fire code official determines that the slope of the roof is too steep for emergency access;
4. Where the fire code official determines that vertical ventilation tactics will not be utilized.
5. Buildings under 10,000 s.f. in size where the solar array will cover less than 40% of the roof area over any floor.

**605.11.3.2.3 Residential buildings with roof hips and valleys.** Panels/modules installed on residential buildings with roof hips and valleys shall be located no closer than 18 inches (457 mm) to a hip or a valley where panels/modules are to be placed on both sides of a hip or valley. Where panels are to be located on only one side of a hip or valley, the panels shall be permitted to be placed directly adjacent to the hip or valley.

**EXCEPTION:** These requirements shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.

**605.11.3.2.4 Residential building smoke ventilation.** Panels/modules installed on residential buildings shall be located no higher than 18 inches (457 mm) below the ridge in order to allow for fire department rooftop operations.

**605.11.4 Ground-mounted photovoltaic arrays.** Ground-mounted photovoltaic arrays shall comply with Sections 605.11 through 605.11.2 and this section. Setback requirements shall not apply to ground-mounted, free-standing photovoltaic arrays.

**AMENDATORY SECTION** (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

**WAC 51-54A-0908 Emergency alarm systems.**

**908.7 Carbon monoxide alarms.** Group I or Group R occupancies shall be provided with single station carbon monoxide alarms installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units or sleeping units and on each level of the dwelling. The carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720-2012 and the manufacturer's instructions.

**EXCEPTIONS:**

1. For other than R-2 occupancies, the building does not contain a fuel-burning appliance, a fuel-burning fireplace, or an attached garage; or
2. Sleeping units or dwelling units in I and R-1 occupancies and R-2 college dormitories, hotel, DOC prisons and work releases and DSHS licensed boarding home and residential treatment facility occupancies which do not themselves contain a fuel-burning appliance, or a fuel-burning fireplace, or have an attached garage, need not be provided with carbon monoxide alarms provided that:
  - a. The sleeping unit or dwelling unit is not adjacent to any room which contains a fuel-burning appliance, a fuel-burning fireplace, or an attached garage; and
  - b. The sleeping unit or dwelling unit is not connected by duct work or ventilation shafts with a supply or return register in the same room to any room containing a fuel-burning appliance, a fuel-burning fireplace, or an attached garage; and
  - c. The building is provided with a common area carbon monoxide detection system.
3. An open parking garage, as defined in Chapter 2 of the International Building Code, or enclosed parking garage ventilated in accordance with Section 404 of the International Mechanical Code shall not be considered an attached garage.

**908.7.1 Carbon monoxide detection systems.** Carbon monoxide detection systems, that include carbon monoxide detectors and audible notification appliances, installed and maintained in accordance with this section for carbon monoxide alarms and NFPA 720-2012 shall be permitted. The carbon monoxide detectors shall be listed as complying with UL 2075.

**AMENDATORY SECTION** (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

**WAC 51-54A-1103 Fire safety requirements for existing buildings.**

**1103.4.3 Nightclub.** An automatic sprinkler system shall be provided throughout A-2 nightclubs as defined in this code. No building shall be constructed for, used for, or converted to occupancy as a nightclub except in accordance with this section.

**1103.9 Carbon monoxide alarms.** Existing Group I or Group R occupancies shall be provided with single station carbon monoxide alarms in accordance with Section 908.7. An inspection will occur when alterations, repairs or additions requiring a permit occur, or when one or more sleeping

rooms are added or created. The carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720-2012 and the manufacturer's instructions.

- EXCEPTIONS:
1. For other than R-2 occupancies, if the building does not contain a fuel-burning appliance, a fuel-burning fireplace, or an attached garage.
  2. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, or electrical permits.
  3. Installation, alteration or repairs of noncombustion plumbing or mechanical systems.
  4. Sleeping units or dwelling units in I and R-1 occupancies and R-2 college dormitories, hotel, DOC prisons and work releases and DSHS licensed boarding home and residential treatment facility occupancies which do not themselves contain a fuel-burning appliance, a fuel-burning fireplace, or have an attached garage, need not be provided with carbon monoxide alarms provided that:
    - 4.1. The sleeping units or dwelling unit is not adjacent to any room which contains a fuel-burning appliance, a fuel-burning fireplace, or an attached garage; and
    - 4.2. The sleeping units or dwelling unit is not connected by duct work or ventilation shafts with a supply or return register in the same room to any room containing a fuel-burning appliance, a fuel-burning fireplace, or to an attached garage; and
    - 4.3. The building is provided with a common area carbon monoxide detection system.
  5. An open parking garage, as defined in the International Building Code, or enclosed parking garage ventilated in accordance with Section 404 of the International Mechanical Code shall not be considered an attached garage.

**WSR 13-15-171**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed July 24, 2013, 9:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-12-056.

Title of Rule and Other Identifying Information: WAC 415-02-300 How does the department use actuarial tables, schedules and factors?, this rule-making activity also revises thirty-two other rules that include or refer to actuarial factors in chapter 415-02 WAC, General provisions; chapter 415-103 WAC, Washington state patrol retirement system (WSPRS); chapter 415-104 WAC, Law enforcement officers' and firefighters' retirement system; chapter 415-106 WAC, Public safety employees' retirement system; chapter 415-108 WAC, Public employees' retirement system; chapter 415-110 WAC, School employees' retirement system; chapter 415-111 WAC, Plan 3—Defined contribution plans; and chapter 415-112 WAC, Teachers' retirement system.

Hearing Location(s): Department of Retirement Systems, Conference Room 115, 6835 Capitol Boulevard S.E.,

Tumwater, WA 98502, on Tuesday, August 27, 2013, at 2:00 p.m.

Date of Intended Adoption: August 28, 2013.

Submit Written Comments to: Jilene Siegel, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail [jilenes@drs.wa.gov](mailto:jilenes@drs.wa.gov), fax (360) 753-5397, by August 27, 2013, 1:00 p.m.

Assistance for Persons with Disabilities: Contact Jilene Siegel by August 26, 2013, TTY (866) 377-8895 or (360) 586-5450.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Legislation passed in 2012 (SB 6378) gradually lowers the long-term assumed rate of return for most of the pension systems over the next three biennia, which may result in more frequent updates to actuarial factors used in the calculation of retirement costs and benefits. Removing the factors from WAC, and establishing in rule a process for adopting and publishing the factors, will allow the department to maintain transparency and remain responsive to its customers' and stakeholders' interests while updating the factors as necessary.

Statutory Authority for Adoption: RCW 41.50.050(5).

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

Name of Agency Personnel Responsible for Drafting and Implementation: Shawn Merchant, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7303.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable. These rules do not impact small businesses and are not being submitted by the state board of education.

A cost-benefit analysis is not required under RCW 34.05.328. The department of retirement systems is not listed in RCW 34.05.328 as required to prepare a cost-benefit analysis.

July 24, 2013

Jilene Siegel

Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-06-025, filed 2/27/13, effective 4/1/13)

**WAC 415-02-177 May I purchase additional service credit? (1) What is the option for purchasing additional service credit?** The following statutes provide an option for eligible members to purchase additional service credit that provides a guaranteed, lifetime increase to their monthly retirement benefit:

- (a) RCW 41.26.199 for LEOFF Plan 1 members;
- (b) RCW 41.26.432 for LEOFF Plan 2 members;
- (c) RCW 41.40.034 for PERS Plan 1, 2, and 3 members;
- (d) RCW 41.37.265 for PSERS Plan 2 members;
- (e) RCW 41.35.183 for SERS Plan 2 and 3 members;
- (f) RCW 41.32.066 for TRS Plan 1, 2, and 3 members;

and

- (g) RCW 43.43.233 for WSPRS Plan 1 and 2 members.

**(2) Am I eligible to purchase additional service credit?**

(a) You may purchase additional service credit if you are eligible to retire from one or more of the following plans and you elect a monthly benefit rather than a lump sum payment:

- (i) LEOFF Plan 1 or 2 under RCW 41.26.090 or 41.26.430;
- (ii) PERS Plan 1, 2, or 3 under RCW 41.40.180, 41.40.630, or 41.40.820;
- (iii) PSERS Plan 2 under RCW 41.37.210;
- (iv) SERS Plan 2 or 3 under RCW 41.35.420 or 41.35.680;
- (v) TRS Plan 1, 2, or 3 under RCW 41.32.480, 41.32.-765, or 41.32.875; or
- (vi) WSPRS Plan 1 or 2 under RCW 43.43.250.

(b) If you retire as a result of a disability, you may purchase additional service credit if you meet the requirements in (a) of this section.

**(3) How much additional service credit may I purchase?** If you are eligible, you may purchase from one to sixty months of additional service credit in whole month increments.

**(4) May I use the additional purchased service credit to qualify for normal retirement or an early retirement?** No. You may not use the purchased service credit to qualify for normal retirement or to qualify for an early retirement.

**(5) When must I apply to purchase additional service credit?** You must submit your request to purchase additional service credit to the department at the same time you submit your application for retirement.

**(6) How much will my monthly retirement benefit increase if I purchase additional service credit?** The increase in your monthly retirement benefit will be calculated using the benefit formula for your system and plan, with a reduction for early retirement, if applicable.

**Example 1 (PERS Plan 2):** John is a member of PERS Plan 2. He applies for retirement, effective the first month after his 62nd birthday and chooses to purchase an additional sixty months (five years) of service credit. His average final compensation (AFC) is \$4000 per month. ~~((If he purchases sixty months of additional service credit, his monthly retirement))~~ For illustration purposes in this example only, we will use .7240000 as the corresponding early retirement factor (ERF) for retiring three years early (actuarial factors change periodically). As a result, John's monthly benefit will increase by \$289.60 per month, calculated as follows:  
~~((Additional service credit: 60 months ÷ 12 = 5 years  
 Early retirement factor (WAC 415-02-320(5)): .7240000))~~

$$\begin{aligned} \text{Amount of increase} &= 2\% \times \text{additional service credit years} \times \text{AFC} \times ((\text{early retirement factor})) \text{ ERF} \\ &= 2\% \times 5 \text{ years} \times \$4000 \times .7240000 \\ &= \$289.60 \end{aligned}$$

**Example 2 (TRS Plan 3):** Jane is a member of TRS Plan 3. She applies for retirement, effective the first month after her 62nd birthday and chooses to purchase an additional sixty months (five years) of service credit. Her AFC is \$4000 per month. ~~((If she purchases sixty months of additional service credit, her))~~ For illustration purposes in this example only, we will use .7240000 as the corresponding ERF for retiring three years early (actuarial factors change periodically). As a result, Jane's monthly retirement benefit will increase by \$144.80 per month, calculated as follows:  
~~((Additional service credit: 60 months ÷ 12 = 5 years  
 Early retirement factor (WAC 415-02-320(5)): .7240000))~~

$$\begin{aligned} \text{Amount of increase} &= 1\% \times \text{additional service credit years} \times \text{AFC} \times ((\text{early retirement factor})) \text{ ERF} \\ &= 1\% \times 5 \text{ years} \times \$4000 \times .7240000 \\ &= \$144.80 \end{aligned}$$

**Example 3 (LEOFF Plan 2):** Jim is a member of LEOFF Plan 2. He applies for retirement, effective the first month after his 53rd birthday and chooses to purchase an additional sixty months (five years) of service credit. His final average salary (FAS) is \$4000 per month. ~~((If he purchases sixty months of additional service credit, his))~~ No ERF is needed for this calculation as Jim has already reached normal retirement age for LEOFF Plan 2. Jim's monthly retirement benefit will increase by \$400 per month, calculated as follows:  
~~((Additional service credit: 60 months ÷ 12 = 5 years))~~

$$\begin{aligned} \text{Amount of increase} &= 2\% \times \text{additional service credit years} \times \text{FAS} \\ &= 2\% \times 5 \text{ years} \times \$4000 \\ &= \$400 \end{aligned}$$

**(7) How is the cost of the additional purchased service credit calculated?** The cost to purchase additional service credit is calculated by dividing the amount of the increase in subsection (6) of this section by the age-based annuity factor in effect at the time of retirement. (See WAC 415-02-340((-)) for more information.)

**Example.** In subsection (6) of this section, Example 1, it was determined that John's retirement benefit would increase by \$289.60 per month. ~~((The))~~ For illustration purposes in this example only, we will use .0065016 as the annuity factor for John's retirement date (actuarial factors change periodically). As a result, John's cost to purchase the five years of additional service credit would be \$44,542.88, calculated as follows:

~~((Age-based annuity factor (WAC 415-02-340): .0065016))~~

$$\begin{aligned}
 \text{Cost} &= \text{Amount of increase} \div \text{age-based annuity factor} \\
 &= \$289.60 \div .0065016 \\
 &= \$44,542.88
 \end{aligned}$$

**(8) How and when do I pay for the additional service credit?** The department will generate a bill to you for the cost of the additional service credit.

(a) Payment may be made with an eligible rollover, a direct rollover or a trustee-to-trustee transfer, if allowed by the transferring plan. Payment may also be made with after-tax dollars, such as money from a personal savings account. However, IRS regulations limit the amount of after-tax dollars you may use to purchase additional service credit.

(b) Payment must be made in full within ninety days after the bill issue date.

**(9) If I choose a benefit option with a survivor feature, will my survivor beneficiary's monthly benefit reflect the additional purchased service credit?** Yes. Depending upon the rules for your retirement system and plan and the benefit option you choose at retirement, your survivor beneficiary's monthly benefit will be a percentage of the gross monthly retirement benefit you were receiving at the time of your death. If you choose a benefit option with a survivor feature and your survivor beneficiary dies before you, your monthly retirement benefit will increase to the amount it would have been had you not selected a survivor option.

**(10) Will I receive a cost of living adjustment (COLA) on the portion of my benefit that is based on the additional purchased service credit?**

(a) For all systems and plans, except as noted in (b) of this subsection, your COLA will be based on your gross monthly retirement benefit, including the increase due to the purchased service credit.

(b) If you retire from PERS Plan 1 or TRS Plan 1 and you do not elect the optional auto COLA, you will not receive a COLA on the additional purchased service credit amount.

**(11) If I purchase additional service credit and then return to work, how will my retirement benefit be affected?**

~~((a) If you return to work with an employer that participates with the department:~~

~~(i) Elect to return to membership—Your entire retirement benefit is suspended, including the portion of your retirement benefit attributable to service credit purchased under this section.~~

~~(ii) Do not elect to return to membership—If your retirement benefit is suspended due to working over the hours allowed annually, the portion of your retirement benefit attributable to service credit purchased under this section will be suspended.~~

~~(b) If you return to work with an employer that does not participate with the department, your retirement benefit and the portion of your retirement benefit attributable to service credit purchased under this section will not be suspended.)~~ Your entire retirement benefit, including the amount attributable to purchased service credit, is subject to the return to work provisions of your system and plan. The following rules

describe the impact on your benefit if you return to work as a retiree of the referenced systems and plans:

|                                |                        |
|--------------------------------|------------------------|
| <u>PERS Plans 1, 2, and 3:</u> | <u>WAC 415-108-710</u> |
| <u>TRS Plan 1:</u>             | <u>WAC 415-112-541</u> |
| <u>TRS Plans 2 and 3:</u>      | <u>WAC 415-112-542</u> |
| <u>SERS Plans 2 and 3:</u>     | <u>WAC 415-110-710</u> |
| <u>PSERS Plan 2:</u>           | <u>WAC 415-106-700</u> |
| <u>LEOFF Plan 2:</u>           | <u>WAC 415-104-111</u> |

**(12) If I retire and purchase less than sixty months of additional service credit, may I purchase more at a later time?** ~~((If you retire and purchase less than sixty months of additional service credit,))~~ No. You may not purchase additional months of service credit from the same plan unless you return to membership and ~~((retire))~~ retire again from the same system and plan. You must meet the eligibility requirements provided in subsection (2) of this section at the time you ~~((retire))~~ retire again. You may not purchase more than a total of sixty months of service credit regardless of how many times you ~~((retire))~~ retire again from the same system and plan.

**(13) May I purchase service credit from more than one retirement plan?**

(a) If you are a dual member under chapter 415-113 WAC, Portability of public employment benefits, and you combine service credit to retire as a dual member, you may purchase up to sixty months of additional service credit from each of your dual member plans.

(b) If you retire from more than one plan, but are not a dual member under chapter 415-113 WAC, you may purchase up to sixty months of additional service credit from each plan in which you meet the eligibility requirements in subsection (2) of this section.

**(14) How are the funds I paid to purchase the additional service credit treated upon my death (and the death of my survivor beneficiary, if applicable)?**

(a) Plans 1 and 2. The amount paid to purchase the additional service credit is credited to your individual account as part of your accumulated contributions. Distribution of accumulated contributions after your death (and the death of your survivor beneficiary, if any) is governed by the statutes and rules applicable to your plan. See:

- (i) WAC 415-108-326 for PERS Plan 1 and 2;
- (ii) WAC 415-112-504(9) for TRS Plan 1;
- (iii) WAC 415-112-505(7) for TRS Plan 2;
- (iv) WAC 415-110-610(7) for SERS Plan 2;
- (v) WAC 415-106-600(7) for PSERS Plan 2;
- (vi) WAC 415-103-215 for WSPRS Plan 1;
- (vii) WAC 415-103-225(7) for WSPRS Plan 2;
- (viii) WAC 415-104-202 for LEOFF Plan 1; or
- (ix) WAC 415-104-215(7) for LEOFF Plan 2.

(b) Plan 3. The amount paid to purchase the additional service credit is credited to the Plan 3 trust fund and not to your member account. There are no circumstances under which the amount will be distributed upon your death.

AMENDATORY SECTION (Amending WSR 10-16-086, filed 7/30/10, effective 9/1/10)

**WAC 415-02-300 How does the department adopt and use actuarial ((~~tables, schedules, and~~) factors)?** (1) The department uses actuarial ((~~tables, schedules, and~~) factors for, but not limited to, benefit calculations, annuitizing benefits, and calculating cost to purchase service credit for members, retirees, and beneficiaries.

(2) The department ((~~adopted tables, schedules, and~~) adopts actuarial factors upon the office of the state actuary's (OSA) recommendation, following OSA's investigation into the mortality, service, compensation, and other experience of retirement plan members, retirees, and beneficiaries.

(3) The ((~~tables, schedules, and~~) actuarial factors may be amended from time to time, based upon subsequent actuarial investigations.

((~~4) The department uses the tables, schedules, and factors:~~

(a) ~~In effect at the time of the member's effective retirement date to calculate the member's retirement benefit.~~

(b) ~~In effect at the time of the annuitizing to calculate an annuitized benefit.~~

(c) ~~In effect at the time of purchase to determine a member's cost to purchase service credit.)~~ (a) Prior to any amendment, the department will post OSA's recommended changes on its web site. The process and timeline for public comment before adoption of the new factors will also be posted.

(b) If the department adopts new factors, they will be available in the department's systems before the effective date, so that benefit estimates can be provided to assist members in retirement planning.

(c) Actuarial factors displayed on the department's web site will be updated with new factors when they become effective.

AMENDATORY SECTION (Amending WSR 10-16-086, filed 7/30/10, effective 9/1/10)

**WAC 415-02-320 Early retirement factors.** (1) **What are early retirement factors?** Early retirement factors (ERFs) are actuarial factors used by the department to reduce a monthly retirement benefit when that payment begins before the member has qualified for normal retirement based on age and service. This reduction offsets the cost to the plan of paying the monthly benefit for a longer time.

(2) **In what situations will the department use an ERF?**

(a) The department will use an ERF to reduce a monthly benefit in any of the following situations, subject to the law governing your plan, and subject to the exceptions in (b) of this subsection:

(i) You choose to retire early.

(ii) You retire due to a disability before you are eligible for normal retirement.

(iii) You die before you are eligible for normal retirement, and your beneficiary is eligible for a monthly benefit.

(b) An ERF is not used in the following circumstances, although another method may be used to reduce benefits as required by the laws governing each plan:

(i) You meet your plan's requirements for "alternate early retirement";

(ii) You meet PSERS requirements for "early retirement";

(iii) You retire for service or due to a disability, from PERS Plan 1 or TRS Plan 1;

(iv) You are a member of LEOFF Plan 1;

(v) You retire due to a duty-related disability from LEOFF Plan 2;

(vi) You retire due to a disability or die before retirement from WSPRS Plan 1; or

(vii) You retire due to a disability from WSPRS Plan 2.

(c) The following table shows the law governing plans that use an ERF:

|               | Early Retirement | Disability Retirement | Death Prior to Retirement |
|---------------|------------------|-----------------------|---------------------------|
| LEOFF Plan 1: | N/A              | N/A                   | N/A                       |
| LEOFF Plan 2: | RCW 41.26.430    | RCW 41.26.470         | RCW 41.26.510             |
| PERS Plan 1:  | N/A              | N/A                   | RCW 41.40.270             |
| PERS Plan 2:  | RCW 41.40.630    | RCW 41.40.670         | RCW 41.40.700             |
| PERS Plan 3:  | RCW 41.40.820    | RCW 41.40.825         | RCW 41.40.835             |
| PSERS:        | N/A              | RCW 41.37.230         | RCW 41.37.250             |
| SERS Plan 2:  | RCW 41.35.420    | RCW 41.35.440         | RCW 41.35.460             |
| SERS Plan 3:  | RCW 41.35.680    | RCW 41.35.690         | RCW 41.35.710             |
| TRS Plan 1:   | N/A              | N/A                   | RCW 41.32.520             |
| TRS Plan 2:   | RCW 41.32.765    | RCW 41.32.790         | RCW 41.32.805             |
| TRS Plan 3:   | RCW 41.32.875    | RCW 41.32.880         | RCW 41.32.895             |
| WSPRS Plan 1: | RCW 43.43.280    | N/A                   | N/A                       |
| WSPRS Plan 2: | RCW 43.43.280    | N/A                   | RCW 43.43.295             |

(3) **How does the department determine the number of years on which to base the ERF?** The calculation varies among plans:

(a) ERFs are based on the number of years between the age at which you retire, or die, and the age at which you would have qualified for normal retirement based on age and service.

Example - Early retirement: Sandy, a PERS Plan 2 member, applies for retirement at age 56 years and one month with a total of 21.11 years of service. Her average final compensation (AFC) is \$3,500.00.

PERS Plan 2 provides for two percent (.02) of AFC per year of service. A PERS Plan 2 member must be age 65 to retire with an unreduced benefit (i.e., normal retirement), but is eligible to retire with an actuarially reduced benefit (i.e., early retirement) at age 55 with 20 years of service credit.

The difference between Sandy's age now (56) and the age at which she would have qualified for normal retirement (age 65) is 8 years and 11 months. For illustration purposes in this example only, we will use 0.3987 as the corresponding ERF ((is 0.3987)) for retiring 8 years and 11 months early (actuarial factors change periodically). As a result, Sandy's monthly benefit will be \$589.16. ((Therefore,)) The department will ((multiply Sandy's AFC of)) use the following formula to determine Sandy's monthly benefit: \$3,500 (AFC) x .02 x 21.11 (service credit years) x 0.3987 (ERF). ((Sandy's monthly retirement benefit will be \$589.16.))

(b) WSPRS Plan 2 only: The ERF used to calculate your survivor's monthly benefit if you die before retirement is based on the number of years between the age at which you die and age fifty-five (55) or when you could have attained twenty-five (25) years of service, whichever is less. See RCW 43.43.295.

Example - Early retirement: The survivor benefit, in this example, will also have a reduction applied for 100% joint and survivor option, based on the difference between John's age and his survivor's age.

John, a WSPRS Plan 2 member dies prior to retirement. John is age 40 and has 15 years of service at the time of his death. John's Average Final Salary (AFS) is \$4,000. John's surviving spouse, Emily, is also age 40.

Since John would have attained 25 years of service before he would have attained age 55, the ERF used to calculate ((his survivor's)) Emily's benefit will be based on the 10 years it would have taken ((him)) John to reach 25 years of service. For illustration purposes in this example only, we will use 0.403 as the corresponding ERF for retiring 10 years

early ((retirement is 0.403)), and 0.889 as the corresponding joint and survivor (J&S) factor ((that will also be applied to the benefit is 0.889.

Therefore, the department will multiply John's AFS of) (actuarial factors change periodically). As a result, Emily will receive a monthly benefit of \$429.92. The department will use the following formula to determine Emily's monthly benefit: \$4,000 (AFS) x .02 x 15 (service credit years) x 0.403 (ERF) x 0.889 (J&S). ((John's survivor will receive a monthly benefit of \$429.92.))

(c) TRS Plan 1 only: The ERF used to calculate your survivor's monthly benefit if you die before retirement is based on the number of years between the age at which you die and the age at which you would have first become eligible to retire under RCW 41.32.480. See RCW 41.32.520.

Example - Death before retirement: Robert, a 56 year-old TRS Plan 1 member, died ((April 1, 2006,)) with 23.17 years of service credit. His AFC is \$3,171.74.

TRS Plan 1 provides an unreduced benefit (i.e., normal retirement) at age 55 with 25 years of service credit.

Robert's wife, Karen, is two years younger than Robert. Karen will receive an actuarially reduced benefit based on the date Robert would have first qualified for an unreduced benefit (i.e., normal retirement). If Robert had continued in service, he would have met eligibility requirements in one year and 10 months, when he earned 25 years of service credit. ((The)) For illustration purposes in this example only, we will use 0.8410 as the corresponding ERF for retiring one year and 10 months ((is 0.8410)) early, and 0.918 as the corresponding J&S Option 2 factor (actuarial factors change periodically). As a result, Karen's monthly benefit will be \$1,134.73.

((Karen's monthly benefit will be further reduced by the Option 2 survivor factor, which is based on the age difference between her and Robert. Karen is age 58, two years older than Robert. The Option 2 survivor factor for a beneficiary two years older is 0.918 (see WAC 415-02-380(12)).))

The department will ((multiply)) use the following formula to determine Karen's monthly benefit: 23.17 (Robert's service credit years) x .02 x \$3,171.74 (AFC) x 0.8410 (ERF) x 0.918 (the Option 2 factor). ((Karen's monthly benefit will be \$1,134.73.

**(4) Table** – This table contains the early retirement factors (ERFs) for members who retire from active service in PERS Plan 1, TRS Plan 1, and WSPRS Plan 2. The ERFs are effective September 1, 2010.

| Yrs-<br>Early | Month<br>0 | Month<br>1 | Month<br>2 | Month<br>3 | Month<br>4 | Month<br>5 | Month<br>6 | Month<br>7 | Month<br>8 | Month<br>9 | Month<br>10 | Month<br>11 |
|---------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|-------------|
| 0             | 1.0000     | .9924      | .9848      | .9772      | .9696      | .9620      | .9544      | .9468      | .9392      | .9316      | .9240       | .9164       |
| 1             | .9090      | .9022      | .8954      | .8886      | .8818      | .8750      | .8682      | .8614      | .8546      | .8478      | .8410       | .8342       |
| 2             | .8270      | .8209      | .8148      | .8087      | .8026      | .7965      | .7904      | .7843      | .7782      | .7721      | .7660       | .7599       |
| 3             | .7540      | .7485      | .7430      | .7375      | .7320      | .7265      | .7210      | .7155      | .7100      | .7045      | .6990       | .6935       |
| 4             | .6880      | .6830      | .6780      | .6730      | .6680      | .6630      | .6580      | .6530      | .6480      | .6430      | .6380       | .6330       |
| 5             | .6280      | .6235      | .6190      | .6145      | .6100      | .6055      | .6010      | .5965      | .5920      | .5875      | .5830       | .5785       |
| 6             | .5740      | .5698      | .5656      | .5614      | .5572      | .5530      | .5488      | .5446      | .5404      | .5362      | .5320       | .5278       |
| 7             | .5240      | .5203      | .5166      | .5129      | .5092      | .5055      | .5018      | .4981      | .4944      | .4907      | .4870       | .4833       |
| 8             | .4800      | .4767      | .4734      | .4701      | .4668      | .4635      | .4602      | .4569      | .4536      | .4503      | .4470       | .4437       |

| <b>Yrs-<br/>Early</b> | <b>Month<br/>0</b> | <b>Month<br/>1</b> | <b>Month<br/>2</b> | <b>Month<br/>3</b> | <b>Month<br/>4</b> | <b>Month<br/>5</b> | <b>Month<br/>6</b> | <b>Month<br/>7</b> | <b>Month<br/>8</b> | <b>Month<br/>9</b> | <b>Month<br/>10</b> | <b>Month<br/>11</b> |
|-----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|---------------------|
| 9                     | .4400              | .4369              | .4338              | .4307              | .4276              | .4245              | .4214              | .4183              | .4152              | .4121              | .4090               | .4059               |
| 10                    | .4030              | .4002              | .3974              | .3946              | .3918              | .3890              | .3862              | .3834              | .3806              | .3778              | .3750               | .3722               |
| 11                    | .3690              | .3665              | .3640              | .3615              | .3590              | .3565              | .3540              | .3515              | .3490              | .3465              | .3440               | .3415               |
| 12                    | .3390              | .3367              | .3344              | .3321              | .3298              | .3275              | .3252              | .3229              | .3206              | .3183              | .3160               | .3137               |
| 13                    | .3110              | .3088              | .3066              | .3044              | .3022              | .3000              | .2978              | .2956              | .2934              | .2912              | .2890               | .2868               |
| 14                    | .2850              | .2831              | .2812              | .2793              | .2774              | .2755              | .2736              | .2717              | .2698              | .2679              | .2660               | .2641               |
| 15                    | .2620              | .2603              | .2586              | .2569              | .2552              | .2535              | .2518              | .2501              | .2484              | .2467              | .2450               | .2433               |
| 16                    | .2410              | .2393              | .2376              | .2359              | .2342              | .2325              | .2308              | .2291              | .2274              | .2257              | .2240               | .2223               |
| 17                    | .2210              | .2195              | .2180              | .2165              | .2150              | .2135              | .2120              | .2105              | .2090              | .2075              | .2060               | .2045               |
| 18                    | .2030              | .2017              | .2004              | .1991              | .1978              | .1965              | .1952              | .1939              | .1926              | .1913              | .1900               | .1887               |
| 19                    | .1870              | .1857              | .1844              | .1831              | .1818              | .1805              | .1792              | .1779              | .1766              | .1753              | .1740               | .1727               |
| 20                    | .1710              | .1699              | .1688              | .1677              | .1666              | .1655              | .1644              | .1633              | .1622              | .1611              | .1600               | .1589               |
| 21                    | .1580              | .1569              | .1558              | .1547              | .1536              | .1525              | .1514              | .1503              | .1492              | .1481              | .1470               | .1459               |
| 22                    | .1450              | .1440              | .1430              | .1420              | .1410              | .1400              | .1390              | .1380              | .1370              | .1360              | .1350               | .1340               |
| 23                    | .1330              | .1322              | .1314              | .1306              | .1298              | .1290              | .1282              | .1274              | .1266              | .1258              | .1250               | .1242               |
| 24                    | .1230              | .1222              | .1214              | .1206              | .1198              | .1190              | .1182              | .1174              | .1166              | .1158              | .1150               | .1142               |
| 25                    | .1130              | .1123              | .1116              | .1109              | .1102              | .1095              | .1088              | .1081              | .1074              | .1067              | .1060               | .1053               |
| 26                    | .1040              | .1037              | .1034              | .1031              | .1028              | .1025              | .1022              | .1019              | .1016              | .1013              | .1010               | .1007               |
| 27                    | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000               | .1000               |
| 28                    | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000               | .1000               |
| 29                    | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000               | .1000               |
| 30+                   | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000              | .1000               | .1000               |

(5) **Table**—The following early retirement factors (ERFs) for PERS Plans 2 and 3, SERS Plans 2 and 3, and TRS Plans 2 and 3 are effective September 1, 2010.

| <b>Yrs-<br/>Early</b> | <b>Month<br/>0</b> | <b>Month<br/>1</b> | <b>Month<br/>2</b> | <b>Month<br/>3</b> | <b>Month<br/>4</b> | <b>Month<br/>5</b> | <b>Month<br/>6</b> | <b>Month<br/>7</b> | <b>Month<br/>8</b> | <b>Month<br/>9</b> | <b>Month<br/>10</b> | <b>Month<br/>11</b> |
|-----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|---------------------|
| 0                     | 1.0000             | .9913              | .9826              | .9739              | .9652              | .9565              | .9478              | .9391              | .9304              | .9217              | .9130               | .9043               |
| 1                     | .8960              | .8884              | .8808              | .8732              | .8656              | .8580              | .8504              | .8428              | .8352              | .8276              | .8200               | .8124               |
| 2                     | .8050              | .7983              | .7916              | .7849              | .7782              | .7715              | .7648              | .7581              | .7514              | .7447              | .7380               | .7313               |
| 3                     | .7240              | .7180              | .7120              | .7060              | .7000              | .6940              | .6880              | .6820              | .6760              | .6700              | .6640               | .6580               |
| 4                     | .6520              | .6467              | .6414              | .6361              | .6308              | .6255              | .6202              | .6149              | .6096              | .6043              | .5990               | .5937               |
| 5                     | .5880              | .5833              | .5786              | .5739              | .5692              | .5645              | .5598              | .5551              | .5504              | .5457              | .5410               | .5363               |
| 6                     | .5310              | .5268              | .5226              | .5184              | .5142              | .5100              | .5058              | .5016              | .4974              | .4932              | .4890               | .4848               |
| 7                     | .4810              | .4772              | .4734              | .4696              | .4658              | .4620              | .4582              | .4544              | .4506              | .4468              | .4430               | .4392               |
| 8                     | .4350              | .4317              | .4284              | .4251              | .4218              | .4185              | .4152              | .4119              | .4086              | .4053              | .4020               | .3987               |
| 9                     | .3950              | .3919              | .3888              | .3857              | .3826              | .3795              | .3764              | .3733              | .3702              | .3671              | .3640               | .3609               |
| 10                    | .3580              | .3553              | .3526              | .3499              | .3472              | .3445              | .3418              | .3391              | .3364              | .3337              | .3310               | .3283               |
| 11                    | .3260              | .3235              | .3210              | .3185              | .3160              | .3135              | .3110              | .3085              | .3060              | .3035              | .3010               | .2985               |
| 12                    | .2960              | .2938              | .2916              | .2894              | .2872              | .2850              | .2828              | .2806              | .2784              | .2762              | .2740               | .2718               |
| 13                    | .2690              | .2670              | .2650              | .2630              | .2610              | .2590              | .2570              | .2550              | .2530              | .2510              | .2490               | .2470               |
| 14                    | .2450              | .2432              | .2414              | .2396              | .2378              | .2360              | .2342              | .2324              | .2306              | .2288              | .2270               | .2252               |
| 15                    | .2230              | .2214              | .2198              | .2182              | .2166              | .2150              | .2134              | .2118              | .2102              | .2086              | .2070               | .2054               |
| 16                    | .2040              | .2025              | .2010              | .1995              | .1980              | .1965              | .1950              | .1935              | .1920              | .1905              | .1890               | .1875               |
| 17                    | .1860              | .1846              | .1832              | .1818              | .1804              | .1790              | .1776              | .1762              | .1748              | .1734              | .1720               | .1706               |
| 18                    | .1690              | .1678              | .1666              | .1654              | .1642              | .1630              | .1618              | .1606              | .1594              | .1582              | .1570               | .1558               |
| 19                    | .1550              | .1538              | .1526              | .1514              | .1502              | .1490              | .1478              | .1466              | .1454              | .1442              | .1430               | .1418               |
| 20                    | .1410              | .1400              | .1390              | .1380              | .1370              | .1360              | .1350              | .1340              | .1330              | .1320              | .1310               | .1300               |
| 21                    | .1290              | .1281              | .1272              | .1263              | .1254              | .1245              | .1236              | .1227              | .1218              | .1209              | .1200               | .1191               |
| 22                    | .1180              | .1172              | .1164              | .1156              | .1148              | .1140              | .1132              | .1124              | .1116              | .1108              | .1100               | .1092               |

| Yrs-Early | Month 0 | Month 1 | Month 2 | Month 3 | Month 4 | Month 5 | Month 6 | Month 7 | Month 8 | Month 9 | Month 10 | Month 11 |
|-----------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|----------|
| 23        | .1080   | .1074   | .1068   | .1062   | .1056   | .1050   | .1044   | .1038   | .1032   | .1026   | .1020    | .1014    |
| 24        | .1010   | .1009   | .1008   | .1007   | .1006   | .1005   | .1004   | .1003   | .1002   | .1001   | .1000    | .1000    |
| 25        | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000    | .1000    |
| 26        | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000    | .1000    |
| 27        | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000    | .1000    |
| 28        | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000    | .1000    |
| 29        | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000    | .1000    |
| 30+       | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000    | .1000    |

(6) **Table**—The following table contains early retirement factors (ERFs) for members who do not retire from active service in PERS Plan 1, PSERS Plan 2, and WSPRS Plans 1 and 2. The ERFs are effective September 1, 2010.

| Yrs-Early | Month 0 | Month 1 | Month 2 | Month 3 | Month 4 | Month 5 | Month 6 | Month 7 | Month 8 | Month 9 | Month 10 | Month 11 |
|-----------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|----------|
| 0         | 1.0000  | .9918   | .9836   | .9754   | .9672   | .9590   | .9508   | .9426   | .9344   | .9262   | .9180    | .9098    |
| 1         | .9010   | .8938   | .8866   | .8794   | .8722   | .8650   | .8578   | .8506   | .8434   | .8362   | .8290    | .8218    |
| 2         | .8140   | .8075   | .8010   | .7945   | .7880   | .7815   | .7750   | .7685   | .7620   | .7555   | .7490    | .7425    |
| 3         | .7360   | .7302   | .7244   | .7186   | .7128   | .7070   | .7012   | .6954   | .6896   | .6838   | .6780    | .6722    |
| 4         | .6660   | .6608   | .6556   | .6504   | .6452   | .6400   | .6348   | .6296   | .6244   | .6192   | .6140    | .6088    |
| 5         | .6040   | .5994   | .5948   | .5902   | .5856   | .5810   | .5764   | .5718   | .5672   | .5626   | .5580    | .5534    |
| 6         | .5490   | .5448   | .5406   | .5364   | .5322   | .5280   | .5238   | .5196   | .5154   | .5112   | .5070    | .5028    |
| 7         | .4990   | .4953   | .4916   | .4879   | .4842   | .4805   | .4768   | .4731   | .4694   | .4657   | .4620    | .4583    |
| 8         | .4540   | .4506   | .4472   | .4438   | .4404   | .4370   | .4336   | .4302   | .4268   | .4234   | .4200    | .4166    |
| 9         | .4130   | .4100   | .4070   | .4040   | .4010   | .3980   | .3950   | .3920   | .3890   | .3860   | .3830    | .3800    |
| 10        | .3770   | .3743   | .3716   | .3689   | .3662   | .3635   | .3608   | .3581   | .3554   | .3527   | .3500    | .3473    |
| 11        | .3440   | .3415   | .3390   | .3365   | .3340   | .3315   | .3290   | .3265   | .3240   | .3215   | .3190    | .3165    |
| 12        | .3140   | .3118   | .3096   | .3074   | .3052   | .3030   | .3008   | .2986   | .2964   | .2942   | .2920    | .2898    |
| 13        | .2870   | .2849   | .2828   | .2807   | .2786   | .2765   | .2744   | .2723   | .2702   | .2681   | .2660    | .2639    |
| 14        | .2620   | .2602   | .2584   | .2566   | .2548   | .2530   | .2512   | .2494   | .2476   | .2458   | .2440    | .2422    |
| 15        | .2400   | .2383   | .2366   | .2349   | .2332   | .2315   | .2298   | .2281   | .2264   | .2247   | .2230    | .2213    |
| 16        | .2190   | .2175   | .2160   | .2145   | .2130   | .2115   | .2100   | .2085   | .2070   | .2055   | .2040    | .2025    |
| 17        | .2010   | .1996   | .1982   | .1968   | .1954   | .1940   | .1926   | .1912   | .1898   | .1884   | .1870    | .1856    |
| 18        | .1840   | .1828   | .1816   | .1804   | .1792   | .1780   | .1768   | .1756   | .1744   | .1732   | .1720    | .1708    |
| 19        | .1690   | .1678   | .1666   | .1654   | .1642   | .1630   | .1618   | .1606   | .1594   | .1582   | .1570    | .1558    |
| 20        | .1550   | .1539   | .1528   | .1517   | .1506   | .1495   | .1484   | .1473   | .1462   | .1451   | .1440    | .1429    |
| 21        | .1420   | .1410   | .1400   | .1390   | .1380   | .1370   | .1360   | .1350   | .1340   | .1330   | .1320    | .1310    |
| 22        | .1300   | .1291   | .1282   | .1273   | .1264   | .1255   | .1246   | .1237   | .1228   | .1219   | .1210    | .1201    |
| 23        | .1190   | .1183   | .1176   | .1169   | .1162   | .1155   | .1148   | .1141   | .1134   | .1127   | .1120    | .1113    |
| 24        | .1100   | .1093   | .1086   | .1079   | .1072   | .1065   | .1058   | .1051   | .1044   | .1037   | .1030    | .1023    |
| 25        | .1020   | .1018   | .1016   | .1014   | .1012   | .1010   | .1008   | .1006   | .1004   | .1002   | .1000    | .1000    |
| 26        | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000    | .1000    |
| 27        | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000    | .1000    |
| 28        | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000    | .1000    |
| 29        | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000    | .1000    |
| 30+       | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000   | .1000    | .1000    |

(7) **Table**—This table contains the early retirement factors (ERFs) for members who retire from active service in LEOFF Plan 2. The ERFs are effective January 1, 2010.

| Yrs-Early | Month 0 | Month 1 | Month 2 | Month 3 | Month 4 | Month 5 | Month 6 | Month 7 | Month 8 | Month 9 | Month 10 | Month 11 |
|-----------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|----------|
| 0         | 1.0000  | .9925   | .9850   | .9775   | .9700   | .9625   | .9550   | .9475   | .9400   | .9325   | .9250    | .9175    |

| Yrs-<br>Early | Month<br>0 | Month<br>1 | Month<br>2 | Month<br>3 | Month<br>4 | Month<br>5 | Month<br>6 | Month<br>7 | Month<br>8 | Month<br>9 | Month<br>10 | Month<br>11 |
|---------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|-------------|
| 1             | .9100      | .9033      | .8966      | .8899      | .8832      | .8765      | .8698      | .8631      | .8564      | .8497      | .8430       | .8363       |
| 2             | .8300      | .8239      | .8178      | .8117      | .8056      | .7995      | .7934      | .7873      | .7812      | .7751      | .7690       | .7629       |
| 3             | .7570      | .7515      | .7460      | .7405      | .7350      | .7295      | .7240      | .7185      | .7130      | .7075      | .7020       | .6965       |
| 4             | .6910      | .6860      | .6810      | .6760      | .6710      | .6660      | .6610      | .6560      | .6510      | .6460      | .6410       | .6360       |
| 5             | .6310      | .6265      | .6220      | .6175      | .6130      | .6085      | .6040      | .5995      | .5950      | .5905      | .5860       | .5815       |
| 6             | .5770      | .5728      | .5686      | .5644      | .5602      | .5560      | .5518      | .5476      | .5434      | .5392      | .5350       | .5308       |
| 7             | .5270      | .5233      | .5196      | .5159      | .5122      | .5085      | .5048      | .5011      | .4974      | .4937      | .4900       | .4863       |
| 8             | .4830      | .4796      | .4762      | .4728      | .4694      | .4660      | .4626      | .4592      | .4558      | .4524      | .4490       | .4456       |
| 9             | .4420      | .4389      | .4358      | .4327      | .4296      | .4265      | .4234      | .4203      | .4172      | .4141      | .4110       | .4079       |
| 10            | .4050      | .4022      | .3994      | .3966      | .3938      | .3910      | .3882      | .3854      | .3826      | .3798      | .3770       | .3742       |
| 11            | .3710      | .3685      | .3660      | .3635      | .3610      | .3585      | .3560      | .3535      | .3510      | .3485      | .3460       | .3435       |
| 12            | .3410      | .3387      | .3364      | .3341      | .3318      | .3295      | .3272      | .3249      | .3226      | .3203      | .3180       | .3157       |
| 13            | .3130      | .3108      | .3086      | .3064      | .3042      | .3020      | .2998      | .2976      | .2954      | .2932      | .2910       | .2888       |
| 14            | .2870      | .2851      | .2832      | .2813      | .2794      | .2775      | .2756      | .2737      | .2718      | .2699      | .2680       | .2661       |
| 15            | .2640      | .2622      | .2604      | .2586      | .2568      | .2550      | .2532      | .2514      | .2496      | .2478      | .2460       | .2442       |
| 16            | .2420      | .2404      | .2388      | .2372      | .2356      | .2340      | .2324      | .2308      | .2292      | .2276      | .2260       | .2244       |
| 17            | .2230      | .2215      | .2200      | .2185      | .2170      | .2155      | .2140      | .2125      | .2110      | .2095      | .2080       | .2065       |
| 18            | .2050      | .2036      | .2022      | .2008      | .1994      | .1980      | .1966      | .1952      | .1938      | .1924      | .1910       | .1896       |
| 19            | .1880      | .1868      | .1856      | .1844      | .1832      | .1820      | .1808      | .1796      | .1784      | .1772      | .1760       | .1748       |
| 20            | .1730      | .1718      | .1706      | .1694      | .1682      | .1670      | .1658      | .1646      | .1634      | .1622      | .1610       | .1598       |
| 21            | .1590      | .1580      | .1570      | .1560      | .1550      | .1540      | .1530      | .1520      | .1510      | .1500      | .1490       | .1480       |
| 22            | .1470      | .1460      | .1450      | .1440      | .1430      | .1420      | .1410      | .1400      | .1390      | .1380      | .1370       | .1360       |
| 23            | .1350      | .1342      | .1334      | .1326      | .1318      | .1310      | .1302      | .1294      | .1286      | .1278      | .1270       | .1262       |
| 24            | .1250      | .1242      | .1234      | .1226      | .1218      | .1210      | .1202      | .1194      | .1186      | .1178      | .1170       | .1162       |
| 25            | .1150      | .1143      | .1136      | .1129      | .1122      | .1115      | .1108      | .1101      | .1094      | .1087      | .1080       | .1073       |
| 26            | .1060      | .1055      | .1050      | .1045      | .1040      | .1035      | .1030      | .1025      | .1020      | .1015      | .1010       | .1005       |
| 27            | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000       | .1000       |
| 28            | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000       | .1000       |
| 29            | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000       | .1000       |
| 30+           | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000      | .1000       | .1000       |

AMENDATORY SECTION (Amending WSR 10-16-086, filed 7/30/10, effective 9/1/10)

**WAC 415-02-340 Monthly benefit per \$1.00 of accumulation for defined benefit plans.** (1) ~~((How does the department use the information in the table called))~~ **What does the phrase "monthly benefit per \$1.00 of accumulation for defined benefit plans" mean?** ~~((The department uses this information))~~ It refers to an actuarially equivalent value that the department uses to:

- (a) Determine what a future lifetime monthly benefit is worth in present-day dollars;
- (b) Determine the equivalent value of a lump sum when compared with monthly payments;
- (c) Determine the cost of purchasing additional service credit as described in WAC 415-02-177(7); and
- (d) For TRS Plan 1 only: Determine the reduction in the monthly retirement benefit if some or all of the accumulated contributions in a member's individual account are withdrawn at retirement pursuant to RCW 41.32.498.

(2) **What ((type of information is in this table)) information is used to determine the "monthly benefit per**

**\$1.00 of accumulation for defined benefit plans" values?**

The ~~((information in this table is))~~ values, which change periodically, are based on the expected duration of lifetime payments for recipients over a range of ages. These values differ by system and plan ~~((, and all reflect an assumed rate of return of 8.0%))~~.

The younger a person is at retirement, the longer the anticipated lifetime of payments would be, and the greater the sum required to provide for these payments. The amount of monthly lifetime benefit that a present-day dollar buys increases as the remaining life expectancy of the recipient decreases.

**(a) Example:**

Celina is a 65-year-old PERS Plan 2 member who is eligible to receive \$45.00 per month. She wants to know how much money she would receive if she accepted a lump sum payment instead. ~~((Celina looks at the row in the table for age 65 in the PERS Plan 2 column and learns))~~ For illustration purposes in this example only, we will assume that \$.0069798 per month for life has a present day cash value of one dollar (\$1.00) for ~~((this))~~ Celina's system, plan, and age

class. Celina divides \$45.00 by .0069798 and learns that her lump sum payment would be \$6,447.18.

**(b) Example:**

Fred is a 58-year-old TRS Plan 1 member. The balance in Fred's account is \$124,934.00. Upon retirement, Fred chooses to withdraw the \$124,934.00 (as only members of TRS Plan 1 can do and still receive a monthly benefit). ((From the row in the table for age 58 in the TRS Plan 1 column, Fred learns)) For illustration purposes in this example only, we will assume that \$.0077298 per month for life has a present day cash value of one dollar (\$1.00) for ((this)) Fred's

system, plan, and age class. Fred multiplies \$124,934.00 by .0077298, and learns that his monthly retirement benefit will be reduced by \$965.71 per month if he withdraws his account balance.

~~(((3) Table—Monthly benefit per \$1.00 of accumulation for defined benefit plans. The rates contained in this table are effective:~~

(a) January 1, 2010, for LEOFF Plan 2.

(b) September 1, 2010, for LEOFF Plan 1, PSERS Plan 2, PERS Plans 1, 2, and 3, SERS Plans 2 and 3, TRS Plans 1, 2, and 3, and WSPRS Plans 1 and 2.

| Age | LEOFF 1  | LEOFF 2  | PERS 1   | PERS 2/3 | PSERS    | SERS 2/3 | TRS 1    | TRS 2/3  | WSPRS 1/2 |
|-----|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
| 20  | .0039630 | .0042990 | .0066256 | .0044560 | .0044926 | .0043681 | .0067741 | .0043601 | .0043122  |
| 21  | .0039783 | .0043125 | .0066400 | .0044786 | .0045172 | .0043857 | .0067970 | .0043765 | .0043261  |
| 22  | .0039944 | .0043266 | .0066556 | .0045024 | .0045432 | .0044042 | .0068200 | .0043935 | .0043409  |
| 23  | .0040113 | .0043414 | .0066725 | .0045277 | .0045708 | .0044238 | .0068425 | .0044110 | .0043563  |
| 24  | .0040290 | .0043571 | .0066909 | .0045527 | .0045970 | .0044446 | .0068636 | .0044289 | .0043727  |
| 25  | .0040476 | .0043735 | .0067108 | .0045775 | .0046219 | .0044665 | .0068824 | .0044471 | .0043899  |
| 26  | .0040672 | .0043908 | .0067323 | .0046023 | .0046458 | .0044898 | .0068973 | .0044650 | .0044081  |
| 27  | .0040879 | .0044091 | .0067558 | .0046271 | .0046688 | .0045144 | .0069111 | .0044835 | .0044273  |
| 28  | .0041096 | .0044283 | .0067812 | .0046522 | .0046911 | .0045404 | .0069240 | .0045024 | .0044475  |
| 29  | .0041325 | .0044486 | .0068089 | .0046765 | .0047126 | .0045658 | .0069358 | .0045218 | .0044690  |
| 30  | .0041567 | .0044701 | .0068389 | .0047004 | .0047338 | .0045907 | .0069464 | .0045417 | .0044917  |
| 31  | .0041821 | .0044927 | .0068716 | .0047243 | .0047552 | .0046155 | .0069558 | .0045622 | .0045156  |
| 32  | .0042089 | .0045166 | .0069070 | .0047485 | .0047771 | .0046406 | .0069647 | .0045835 | .0045409  |
| 33  | .0042369 | .0045416 | .0069454 | .0047740 | .0048004 | .0046662 | .0069736 | .0046056 | .0045674  |
| 34  | .0042663 | .0045679 | .0069870 | .0048003 | .0048250 | .0046915 | .0069837 | .0046292 | .0045953  |
| 35  | .0042972 | .0045956 | .0070321 | .0048278 | .0048512 | .0047169 | .0069950 | .0046542 | .0046246  |
| 36  | .0043296 | .0046246 | .0070452 | .0048564 | .0048790 | .0047428 | .0070072 | .0046806 | .0046555  |
| 37  | .0043637 | .0046552 | .0070575 | .0048864 | .0049084 | .0047694 | .0070212 | .0047088 | .0046879  |
| 38  | .0043996 | .0046874 | .0070688 | .0049179 | .0049396 | .0047969 | .0070369 | .0047387 | .0047222  |
| 39  | .0044374 | .0047214 | .0070789 | .0049517 | .0049727 | .0048272 | .0070543 | .0047705 | .0047584  |
| 40  | .0044774 | .0047574 | .0070877 | .0049878 | .0050077 | .0048606 | .0070735 | .0048043 | .0047968  |
| 41  | .0045196 | .0047956 | .0070940 | .0050264 | .0050448 | .0048971 | .0070945 | .0048402 | .0048374  |
| 42  | .0045644 | .0048361 | .0070990 | .0050678 | .0050842 | .0049369 | .0071156 | .0048778 | .0048805  |
| 43  | .0046118 | .0048791 | .0070989 | .0051123 | .0051264 | .0049803 | .0071367 | .0049171 | .0049263  |
| 44  | .0046620 | .0049248 | .0070984 | .0051581 | .0051690 | .0050256 | .0071581 | .0049584 | .0049750  |
| 45  | .0047153 | .0049733 | .0070975 | .0052058 | .0052129 | .0050731 | .0071796 | .0050016 | .0050267  |
| 46  | .0047719 | .0050249 | .0070965 | .0052558 | .0052584 | .0051232 | .0072015 | .0050470 | .0050817  |
| 47  | .0048320 | .0050797 | .0070915 | .0053071 | .0053044 | .0051753 | .0072216 | .0050943 | .0051402  |
| 48  | .0048959 | .0051382 | .0071400 | .0053597 | .0053509 | .0052297 | .0072393 | .0051435 | .0052026  |
| 49  | .0049640 | .0052005 | .0071924 | .0054123 | .0053965 | .0052834 | .0072541 | .0051948 | .0052691  |
| 50  | .0050366 | .0052671 | .0072490 | .0054649 | .0054413 | .0053369 | .0072655 | .0052480 | .0053403  |
| 51  | .0051142 | .0053389 | .0073101 | .0055179 | .0054854 | .0053893 | .0072727 | .0053034 | .0054164  |
| 52  | .0051972 | .0054158 | .0073762 | .0055712 | .0055289 | .0054418 | .0072741 | .0053604 | .0054980  |
| 53  | .0052853 | .0054978 | .0074471 | .0056258 | .0055733 | .0054938 | .0073367 | .0054189 | .0055849  |
| 54  | .0053797 | .0055858 | .0075233 | .0056745 | .0056596 | .0055433 | .0074042 | .0054793 | .0056779  |
| 55  | .0054807 | .0056802 | .0076058 | .0057184 | .0057498 | .0055902 | .0074767 | .0055411 | .0057777  |
| 56  | .0055889 | .0057814 | .0076921 | .0058127 | .0058440 | .0056775 | .0075550 | .0056278 | .0058848  |
| 57  | .0057044 | .0058893 | .0077823 | .0059112 | .0059501 | .0057690 | .0076393 | .0057206 | .0059992  |
| 58  | .0058273 | .0060042 | .0078773 | .0060140 | .0060619 | .0058646 | .0077298 | .0058208 | .0061211  |
| 59  | .0059589 | .0061272 | .0079792 | .0061247 | .0061827 | .0059661 | .0078266 | .0059269 | .0062516  |

| Age | LEOFF 1  | LEOFF 2  | PERS 1   | PERS 2/3 | PSERS    | SERS 2/3 | TRS 1    | TRS 2/3  | WSPRS 1/2  |
|-----|----------|----------|----------|----------|----------|----------|----------|----------|------------|
| 60  | .0060997 | .0062589 | .0080922 | .0062396 | .0063106 | .0060720 | .0079310 | .0060395 | .0063915   |
| 61  | .0062505 | .0064002 | .0082202 | .0063666 | .0064504 | .0061903 | .0080462 | .0061608 | .0065415   |
| 62  | .0064118 | .0065513 | .0083578 | .0065016 | .0065977 | .0063169 | .0081703 | .0062902 | .0067019   |
| 63  | .0065841 | .0067129 | .0085052 | .0066506 | .0067558 | .0064550 | .0083036 | .0064296 | .0068736   |
| 64  | .0067682 | .0068853 | .0086629 | .0068077 | .0069257 | .0066012 | .0084463 | .0065775 | .0070570   |
| 65  | .0069647 | .0070694 | .0088312 | .0069798 | .0071083 | .0067597 | .0085990 | .0067357 | .0072527   |
| 66  | .0071751 | .0072670 | .0090119 | .0071671 | .0073064 | .0069302 | .0087617 | .0069054 | .0074626   |
| 67  | .0074005 | .0074781 | .0092055 | .0073673 | .0075182 | .0071120 | .0089361 | .0070866 | .0076873   |
| 68  | .0076417 | .0077043 | .0094125 | .0075807 | .0077444 | .0073062 | .0091231 | .0072802 | .0079279   |
| 69  | .0079015 | .0079491 | .0096357 | .0078101 | .0079879 | .0075136 | .0093229 | .0074865 | .0081872   |
| 70  | .0081820 | .0082138 | .0098771 | .0080572 | .0082505 | .0077363 | .0095381 | .0077080 | .0084672   |
| 71  | .0084859 | .0085025 | .0101389 | .0083241 | .0085349 | .0079758 | .0097709 | .0079465 | .0087708   |
| 72  | .0088138 | .0088151 | .0104201 | .0086103 | .0088406 | .0082342 | .0100231 | .0082039 | .0090984   |
| 73  | .0091701 | .0091561 | .0107251 | .0089197 | .0091722 | .0085108 | .0102934 | .0084793 | .0094545   |
| 74  | .0095574 | .0095288 | .0110556 | .0092540 | .0095316 | .0088090 | .0105863 | .0087767 | .0098417   |
| 75  | .0099786 | .0099363 | .0114135 | .0096154 | .0099213 | .0091299 | .0109028 | .0090974 | .0102629   |
| 76  | .0104363 | .0103798 | .0118015 | .0100065 | .0103437 | .0094759 | .0112453 | .0094437 | .0107207   |
| 77  | .0109340 | .0108658 | .0122231 | .0104305 | .0108023 | .0098495 | .0116161 | .0098178 | .0112186   |
| 78  | .0114761 | .0113957 | .0126816 | .0108908 | .0113009 | .0102538 | .0120181 | .0102226 | .0117609   |
| 79  | .0120673 | .0119743 | .0131812 | .0113914 | .0118439 | .0106928 | .0124555 | .0106622 | .0123525   |
| 80  | .0127133 | .0126071 | .0137267 | .0119372 | .0124365 | .0111699 | .0129318 | .0111400 | .0129990   |
| 81  | .0134199 | .0132991 | .0143230 | .0125327 | .0130838 | .0116897 | .0134518 | .0116607 | .0137063   |
| 82  | .0141935 | .0140556 | .0149754 | .0131831 | .0137915 | .0122554 | .0140201 | .0122286 | .0144806   |
| 83  | .0150329 | .0148749 | .0156858 | .0138907 | .0145603 | .0128713 | .0146417 | .0128485 | .0153209   |
| 84  | .0159449 | .0157725 | .0164602 | .0146610 | .0153963 | .0135431 | .0153203 | .0135243 | .0162339   |
| 85  | .0169344 | .0167437 | .0173034 | .0154990 | .0163048 | .0142750 | .0160601 | .0142601 | .0172243   |
| 86  | .0180074 | .0178057 | .0182194 | .0164082 | .0172909 | .0150708 | .0168660 | .0150605 | .0182984   |
| 87  | .0191721 | .0189719 | .0192109 | .0173915 | .0183603 | .0159338 | .0177414 | .0159287 | .0194643   |
| 88  | .0204278 | .0202253 | .0202755 | .0184464 | .0195120 | .0168612 | .0186859 | .0168647 | .0207214   |
| 89  | .0217668 | .0215551 | .0214081 | .0195682 | .0207399 | .0178513 | .0197002 | .0178688 | .0220619   |
| 90  | .0231832 | .0229787 | .0225995 | .0207480 | .0220372 | .0188950 | .0207759 | .0189334 | .0234798   |
| 91  | .0246573 | .0244483 | .0238330 | .0219700 | .0233859 | .0199836 | .0219061 | .0200515 | .0249552   |
| 92  | .0261621 | .0259752 | .0250904 | .0232169 | .0247641 | .0211073 | .0230763 | .0212095 | .0264610   |
| 93  | .0277078 | .0275207 | .0263675 | .0244841 | .0261746 | .0222518 | .0242665 | .0223884 | .0280075   |
| 94  | .0292794 | .0291108 | .0276431 | .0257513 | .0275992 | .0233979 | .0254667 | .0235783 | .0295796   |
| 95  | .0308761 | .0307651 | .0289073 | .0270087 | .0290311 | .0245376 | .0266650 | .0247675 | .0311768   |
| 96  | .0324718 | .0323798 | .0301473 | .0282442 | .0304507 | .0256481 | .0278402 | .0259359 | .0327726   |
| 97  | .0340569 | .0340193 | .0313572 | .0294522 | .0318500 | .0267305 | .0289917 | .0270827 | .0343576   |
| 98  | .0356440 | .0357060 | .0325325 | .0306287 | .0332303 | .0277699 | .0300994 | .0281894 | .0359444   |
| 99  | .0372127 | .0373073 | .0336697 | .0317712 | .0345762 | .0287711 | .0311701 | .0292630 | .0375126)) |

**AMENDATORY SECTION** (Amending WSR 10-16-086, filed 7/30/10, effective 9/1/10)

**WAC 415-02-345 TRS Plan 1 Option 1 benefit factors. ((+)) What is a TRS Plan 1 Option 1 benefit factor?** At the time of retirement, a TRS Plan 1 member may choose to receive an Option 1, standard benefit, which is a slightly reduced life-time monthly benefit. This option allows the final unpaid monthly benefit and any remaining balance of contributions to be paid in a lump sum to the retiree's estate or named beneficiary at the time of the retiree's death. The reduction to the monthly benefit is based on an Option 1 factor and is applied against the annuity portion of the monthly benefit. The actuarial factor that is used is determined by the age of the member at the time of retirement (actuarial factors change periodically). For more information about the Option 1((-)) standard benefit, see RCW 41.32.530 (1)(a).

(((2) ~~Table~~ The following Option 1 benefit factors are effective September 1, 2010.

| Age | Factor   | Reduction |  | Age | Factor   | Reduction |
|-----|----------|-----------|--|-----|----------|-----------|
| 20  | 99.3233% | 0.7%      |  | 50  | 98.5277% | 1.5%      |
| 21  | 99.1906% | 0.8%      |  | 51  | 98.8267% | 1.2%      |
| 22  | 99.0506% | 0.9%      |  | 52  | 99.2279% | 0.8%      |
| 23  | 98.9113% | 1.1%      |  | 53  | 99.1329% | 0.9%      |
| 24  | 98.7803% | 1.2%      |  | 54  | 99.0247% | 1.0%      |
| 25  | 98.6679% | 1.3%      |  | 55  | 98.9011% | 1.1%      |
| 26  | 98.5907% | 1.4%      |  | 56  | 98.7584% | 1.2%      |
| 27  | 98.5248% | 1.5%      |  | 57  | 98.5936% | 1.4%      |
| 28  | 98.4698% | 1.5%      |  | 58  | 98.4070% | 1.6%      |
| 29  | 98.4281% | 1.6%      |  | 59  | 98.1990% | 1.8%      |
| 30  | 98.4011% | 1.6%      |  | 60  | 97.9599% | 2.0%      |
| 31  | 98.3898% | 1.6%      |  | 61  | 98.0472% | 2.0%      |
| 32  | 98.3880% | 1.6%      |  | 62  | 97.7597% | 2.2%      |
| 33  | 98.3919% | 1.6%      |  | 63  | 97.4355% | 2.6%      |
| 34  | 98.3889% | 1.6%      |  | 64  | 97.0756% | 2.9%      |
| 35  | 98.3802% | 1.6%      |  | 65  | 96.6774% | 3.3%      |
| 36  | 98.3656% | 1.6%      |  | 66  | 96.2422% | 3.8%      |
| 37  | 98.3360% | 1.7%      |  | 67  | 96.1337% | 3.9%      |
| 38  | 98.2896% | 1.7%      |  | 68  | 96.0251% | 4.0%      |
| 39  | 98.2246% | 1.8%      |  | 69  | 95.5281% | 4.5%      |
| 40  | 98.1380% | 1.9%      |  | 70  | 94.9709% | 5.0%      |
| 41  | 98.0401% | 2.0%      |  | 71  | 94.3415% | 5.7%      |
| 42  | 97.9596% | 2.0%      |  | 72  | 94.2358% | 5.8%      |
| 43  | 97.8978% | 2.1%      |  | 73  | 94.1300% | 5.9%      |
| 44  | 97.8557% | 2.1%      |  | 74  | 93.3902% | 6.6%      |
| 45  | 97.8346% | 2.2%      |  | 75  | 92.5634% | 7.4%      |
| 46  | 97.8359% | 2.2%      |  | 76  | 92.5038% | 7.5%      |
| 47  | 97.8815% | 2.1%      |  | 77  | 92.4441% | 7.6%      |
| 48  | 97.9786% | 2.0%      |  | 78  | 91.4887% | 8.5%      |
| 49  | 98.3106% | 1.7%      |  | 79  | 90.4121% | 9.6%      |
|     |          |           |  | 80  | 90.4374% | 9.6%))    |

AMENDATORY SECTION (Amending WSR 10-16-086, filed 7/30/10, effective 9/1/10)

**WAC 415-02-360 What is the optional cost-of-living adjustment (COLA) for PERS Plan 1 and TRS Plan 1?** (1) PERS Plan 1 and TRS Plan 1 members can choose to receive an initially reduced retirement benefit in order to receive an annual cost-of-living adjustment in the future. With this optional COLA, the member's monthly retirement benefit is actuarially reduced at the time of retirement. Thereafter, the monthly benefit of the member (and subsequently their beneficiary) is adjusted annually, based on changes in the consumer price index (CPI) (~~for the Seattle-Tacoma-Bremerton, Washington area~~), up to the statutory maximum. For more information, see:

PERS Plan 1: RCW 41.40.188 (1)(c); WAC 415-108-326

TRS Plan 1: RCW 41.32.530 (1)(d); WAC 415-112-504 (2) **Examples**

(a) Ernie is a member of TRS Plan 1. He retires at age 55 with 30 years of service and chooses the Single Life Option (no survivor beneficiary). His average final compensation (AFC) is \$4,295.33 per month.

(i) If he **does not** choose the optional COLA, his monthly benefit will be \$2,577.20 (2% x 30 x \$4,295.33).

(ii) If he **does** choose the optional COLA, his initial monthly benefit will be reduced. For illustration purposes in this example only, we will use 0.7396 as the optional COLA factor for Ernie's age at retirement (actuarial factors change periodically). As a result, Ernie's initial monthly benefit will

be reduced to \$1,909.19(~~(, based on the factor in the table in subsection (3) of this section)~~) (.7396 x \$2,577.20). This monthly amount may increase each year with changes in the CPI.

~~((Regardless whether or not Ernie chooses the optional COLA, he will begin to receive the uniform COLA at age 66, consistent with all statutory requirements.))~~

(b) Tina is a member of PERS Plan 1. She retires with 30 years of service credit at age 52 and 8 months. Because she has 30 years of service, there is no reduction for an early retirement. Tina chooses the Single Life Option (no survivor beneficiary). Her average final compensation (AFC) is \$3,825.00 per month.

(i) If she **does not** choose the optional COLA, her monthly benefit will be \$2,295.00 (2% x 30 x \$3,825.00).

(ii) If she **does** choose the optional COLA, her initial monthly benefit will be reduced. For illustration purposes in

this example only, we will use 0.7375 as the optional COLA factor for Tina's age at retirement (actuarial factors change periodically). As a result, Tina's initial monthly benefit will be reduced to \$1,692.56(, based on the factor in the table in subsection (3) of this section) (.7375 x \$2,295.00). This monthly amount may increase each year with changes in the CPI.

~~((Regardless whether or not Tina chooses the optional COLA, she will begin to receive the uniform COLA at age 66, consistent with all statutory requirements.))~~

~~(3) Table.~~

~~Use these factors to convert monthly benefit payments (any retirement option) without the optional COLA to the same retirement option with the optional COLA. The following factors are effective September 1, 2010.~~

**Plan 1 Optional COLA Factors**

| Age | PERS 1 | TRS 1 |  | Age | PERS 1 | TRS 1 |
|-----|--------|-------|--|-----|--------|-------|
| 20  | .6636  | .6664 |  | 61  | .7713  | .7648 |
| 21  | .6650  | .6675 |  | 62  | .7760  | .7693 |
| 22  | .6665  | .6687 |  | 63  | .7807  | .7739 |
| 23  | .6680  | .6698 |  | 64  | .7855  | .7786 |
| 24  | .6695  | .6710 |  | 65  | .7904  | .7833 |
| 25  | .6711  | .6722 |  | 66  | .7953  | .7881 |
| 26  | .6727  | .6734 |  | 67  | .8003  | .7930 |
| 27  | .6743  | .6746 |  | 68  | .8054  | .7980 |
| 28  | .6760  | .6759 |  | 69  | .8105  | .8030 |
| 29  | .6777  | .6772 |  | 70  | .8157  | .8081 |
| 30  | .6794  | .6786 |  | 71  | .8210  | .8133 |
| 31  | .6811  | .6800 |  | 72  | .8263  | .8185 |
| 32  | .6828  | .6815 |  | 73  | .8317  | .8238 |
| 33  | .6845  | .6831 |  | 74  | .8370  | .8291 |
| 34  | .6862  | .6847 |  | 75  | .8425  | .8344 |
| 35  | .6879  | .6864 |  | 76  | .8479  | .8398 |
| 36  | .6897  | .6881 |  | 77  | .8533  | .8452 |
| 37  | .6915  | .6900 |  | 78  | .8588  | .8506 |
| 38  | .6934  | .6918 |  | 79  | .8642  | .8560 |
| 39  | .6954  | .6938 |  | 80  | .8696  | .8614 |
| 40  | .6975  | .6959 |  | 81  | .8750  | .8668 |
| 41  | .6997  | .6980 |  | 82  | .8803  | .8722 |
| 42  | .7020  | .7002 |  | 83  | .8856  | .8775 |
| 43  | .7045  | .7024 |  | 84  | .8907  | .8828 |
| 44  | .7071  | .7048 |  | 85  | .8957  | .8879 |
| 45  | .7099  | .7073 |  | 86  | .9006  | .8929 |
| 46  | .7129  | .7098 |  | 87  | .9053  | .8978 |
| 47  | .7161  | .7125 |  | 88  | .9098  | .9025 |

| Age | PERS 1 | TRS 1   |  | Age | PERS 1 | TRS 1 |
|-----|--------|---------|--|-----|--------|-------|
| 48  | .7194  | .7153   |  | 89  | .9141  | .9070 |
| 49  | .7229  | .7183   |  | 90  | .9181  | .9113 |
| 50  | .7264  | .7214   |  | 91  | .9218  | .9153 |
| 51  | .7300  | .7247   |  | 92  | .9253  | .9191 |
| 52  | .7337  | .7282   |  | 93  | .9286  | .9226 |
| 53  | .7375  | .7319   |  | 94  | .9316  | .9258 |
| 54  | .7414  | .7357   |  | 95  | .9343  | .9288 |
| 55  | .7454  | .7396   |  | 96  | .9369  | .9316 |
| 56  | .7494  | .7435   |  | 97  | .9392  | .9342 |
| 57  | .7536  | .7476   |  | 98  | .9415  | .9365 |
| 58  | .7579  | .7518   |  | 99  | .9436  | .9388 |
| 59  | .7623  | .7560   |  |     |        |       |
| 60  | .7668  | .7604)) |  |     |        |       |

AMENDATORY SECTION (Amending WSR 06-18-009, filed 8/24/06, effective 9/24/06)

**WAC 415-02-370 Factors for establishing or restoring service credit.** RCW 41.50.165(2) and chapter 415-10 WAC allow you to establish or restore service credit by paying the actuarial value of the resulting increase in your monthly retirement allowance. This section (~~provides the actuarial factor tables that~~) describes how the department uses actuarial factors to calculate the lump sum costs. (~~For more information on the factors and their use,~~) See also chapter 415-10 WAC.

(1) **What are the factors for calculating the lump sum costs of establishing or restoring service credit?** There are three actuarial factors that may be used to calculate the cost of establishing or restoring service credit:

(a) (~~Factor 1~~) The first factor used represents the pension accrual rate, the annuity price (value of future benefit payments), increases in average final compensation, future salary increases and interest discount between the age at which you establish or restore the service credit and the age at which you would be eligible to retire with (~~an unreduced~~) a normal retirement allowance.

(b) (~~Factor 2~~) The second factor used represents the cost of lowering the normal retirement age by one year.

(c) (~~Factor 3~~) The third factor used represents future salary increases and interest discount between the age at which you establish or restore the service credit and the age

at which you would be eligible to retire with (~~an unreduced~~) a normal retirement allowance.

(2) **At which age do I qualify for (~~an unreduced~~) a normal retirement allowance (~~URA~~)?** Age requirements differ among plans. For specific information see the RCW pertaining to your plan:

|               |                  |
|---------------|------------------|
| LEOFF Plan 1: | RCW 41.26.090(1) |
| LEOFF Plan 2: | RCW 41.26.430(1) |
| PERS Plan 1:  | RCW 41.40.180    |
| PERS Plan 2:  | RCW 41.40.630(1) |
| PERS Plan 3:  | RCW 41.40.820(1) |
| PSERS:        | RCW 41.37.210    |
| SERS Plan 2:  | RCW 41.35.420(1) |
| SERS Plan 3:  | RCW 41.35.680(1) |
| TRS Plan 1:   | RCW 41.32.480    |
| TRS Plan 2:   | RCW 41.32.765(1) |
| TRS Plan 3:   | RCW 41.32.875(1) |
| WSPRS Plan 1: | RCW 43.43.250(2) |
| WSPRS Plan 2: | RCW 43.43.250(2) |

~~((3) Table – Factor 1. Factor 1 is used in the calculation of the cost to establish or restore service credit for a member in any PERS, PSERS, TRS, SERS, LEOFF, or WSPRS plan.~~

**FACTOR 1**

| Months to URA <sup>2</sup> | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS  | SERS 2/3 | TRS 1  | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------|---------|---------|--------|----------|--------|----------|--------|---------|---------|---------|
| 0                          | 0.3245  | 0.2922  | 0.2115 | 0.2300   | 0.2300 | 0.2445   | 0.2112 | 0.2454  | 0.3026  | 0.2815  |
| 1                          | 0.3236  | 0.2914  | 0.2109 | 0.2294   | 0.2294 | 0.2438   | 0.2106 | 0.2447  | 0.3018  | 0.2807  |
| 2                          | 0.3227  | 0.2906  | 0.2104 | 0.2288   | 0.2288 | 0.2432   | 0.2101 | 0.2441  | 0.3010  | 0.2800  |
| 3                          | 0.3219  | 0.2898  | 0.2098 | 0.2281   | 0.2281 | 0.2425   | 0.2095 | 0.2434  | 0.3001  | 0.2792  |
| 4                          | 0.3210  | 0.2890  | 0.2092 | 0.2275   | 0.2275 | 0.2419   | 0.2089 | 0.2427  | 0.2993  | 0.2785  |
| 5                          | 0.3201  | 0.2882  | 0.2087 | 0.2269   | 0.2269 | 0.2412   | 0.2084 | 0.2421  | 0.2985  | 0.2777  |

| Months-to-URA <sup>2</sup> | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS  | SERS 2/3 | TRS 1  | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------|---------|---------|--------|----------|--------|----------|--------|---------|---------|---------|
| 6                          | 0.3192  | 0.2874  | 0.2081 | 0.2263   | 0.2263 | 0.2406   | 0.2078 | 0.2414  | 0.2977  | 0.2770  |
| 7                          | 0.3183  | 0.2867  | 0.2075 | 0.2257   | 0.2257 | 0.2399   | 0.2072 | 0.2407  | 0.2969  | 0.2762  |
| 8                          | 0.3174  | 0.2859  | 0.2070 | 0.2251   | 0.2251 | 0.2392   | 0.2067 | 0.2401  | 0.2961  | 0.2754  |
| 9                          | 0.3166  | 0.2851  | 0.2064 | 0.2244   | 0.2244 | 0.2386   | 0.2061 | 0.2394  | 0.2952  | 0.2747  |
| 10                         | 0.3157  | 0.2843  | 0.2058 | 0.2238   | 0.2238 | 0.2379   | 0.2055 | 0.2387  | 0.2944  | 0.2739  |
| 11                         | 0.3148  | 0.2835  | 0.2053 | 0.2232   | 0.2232 | 0.2373   | 0.2050 | 0.2381  | 0.2936  | 0.2732  |
| 12                         | 0.3139  | 0.2827  | 0.2047 | 0.2226   | 0.2226 | 0.2366   | 0.2044 | 0.2374  | 0.2928  | 0.2724  |
| 13                         | 0.3131  | 0.2819  | 0.2041 | 0.2220   | 0.2220 | 0.2360   | 0.2038 | 0.2368  | 0.2920  | 0.2717  |
| 14                         | 0.3122  | 0.2812  | 0.2036 | 0.2214   | 0.2214 | 0.2353   | 0.2033 | 0.2361  | 0.2912  | 0.2709  |
| 15                         | 0.3114  | 0.2804  | 0.2030 | 0.2208   | 0.2208 | 0.2347   | 0.2027 | 0.2355  | 0.2904  | 0.2702  |
| 16                         | 0.3105  | 0.2797  | 0.2025 | 0.2202   | 0.2202 | 0.2340   | 0.2022 | 0.2348  | 0.2896  | 0.2695  |
| 17                         | 0.3097  | 0.2789  | 0.2019 | 0.2196   | 0.2196 | 0.2334   | 0.2016 | 0.2342  | 0.2888  | 0.2687  |
| 18                         | 0.3088  | 0.2782  | 0.2014 | 0.2190   | 0.2190 | 0.2327   | 0.2011 | 0.2335  | 0.2880  | 0.2680  |
| 19                         | 0.3080  | 0.2774  | 0.2008 | 0.2184   | 0.2184 | 0.2321   | 0.2005 | 0.2329  | 0.2873  | 0.2673  |
| 20                         | 0.3072  | 0.2766  | 0.2002 | 0.2178   | 0.2178 | 0.2315   | 0.2000 | 0.2323  | 0.2865  | 0.2665  |
| 21                         | 0.3063  | 0.2759  | 0.1997 | 0.2172   | 0.2172 | 0.2308   | 0.1994 | 0.2316  | 0.2857  | 0.2658  |
| 22                         | 0.3055  | 0.2751  | 0.1991 | 0.2166   | 0.2166 | 0.2302   | 0.1989 | 0.2310  | 0.2849  | 0.2651  |
| 23                         | 0.3046  | 0.2744  | 0.1986 | 0.2160   | 0.2160 | 0.2295   | 0.1983 | 0.2303  | 0.2841  | 0.2643  |
| 24                         | 0.3038  | 0.2736  | 0.1980 | 0.2154   | 0.2154 | 0.2289   | 0.1978 | 0.2297  | 0.2833  | 0.2636  |
| 25                         | 0.3030  | 0.2729  | 0.1975 | 0.2148   | 0.2148 | 0.2283   | 0.1973 | 0.2291  | 0.2825  | 0.2629  |
| 26                         | 0.3021  | 0.2721  | 0.1969 | 0.2142   | 0.2142 | 0.2277   | 0.1967 | 0.2285  | 0.2818  | 0.2622  |
| 27                         | 0.3013  | 0.2714  | 0.1964 | 0.2137   | 0.2137 | 0.2270   | 0.1962 | 0.2278  | 0.2810  | 0.2614  |
| 28                         | 0.3005  | 0.2706  | 0.1959 | 0.2131   | 0.2131 | 0.2264   | 0.1957 | 0.2272  | 0.2803  | 0.2607  |
| 29                         | 0.2997  | 0.2699  | 0.1953 | 0.2125   | 0.2125 | 0.2258   | 0.1951 | 0.2266  | 0.2795  | 0.2600  |
| 30                         | 0.2988  | 0.2691  | 0.1948 | 0.2119   | 0.2119 | 0.2252   | 0.1946 | 0.2260  | 0.2788  | 0.2593  |
| 31                         | 0.2980  | 0.2684  | 0.1943 | 0.2113   | 0.2113 | 0.2246   | 0.1941 | 0.2254  | 0.2780  | 0.2586  |
| 32                         | 0.2972  | 0.2677  | 0.1937 | 0.2107   | 0.2107 | 0.2240   | 0.1935 | 0.2248  | 0.2772  | 0.2579  |
| 33                         | 0.2964  | 0.2669  | 0.1932 | 0.2102   | 0.2102 | 0.2233   | 0.1930 | 0.2241  | 0.2765  | 0.2571  |
| 34                         | 0.2955  | 0.2662  | 0.1927 | 0.2096   | 0.2096 | 0.2227   | 0.1925 | 0.2235  | 0.2757  | 0.2564  |
| 35                         | 0.2947  | 0.2654  | 0.1921 | 0.2090   | 0.2090 | 0.2221   | 0.1919 | 0.2229  | 0.2750  | 0.2557  |
| 36                         | 0.2939  | 0.2647  | 0.1916 | 0.2084   | 0.2084 | 0.2215   | 0.1914 | 0.2223  | 0.2742  | 0.2550  |
| 37                         | 0.2931  | 0.2640  | 0.1911 | 0.2078   | 0.2078 | 0.2209   | 0.1909 | 0.2217  | 0.2735  | 0.2543  |
| 38                         | 0.2923  | 0.2633  | 0.1906 | 0.2073   | 0.2073 | 0.2203   | 0.1904 | 0.2211  | 0.2727  | 0.2536  |
| 39                         | 0.2915  | 0.2625  | 0.1900 | 0.2067   | 0.2067 | 0.2197   | 0.1898 | 0.2205  | 0.2720  | 0.2530  |
| 40                         | 0.2907  | 0.2618  | 0.1895 | 0.2061   | 0.2061 | 0.2191   | 0.1893 | 0.2199  | 0.2712  | 0.2523  |
| 41                         | 0.2899  | 0.2611  | 0.1890 | 0.2056   | 0.2056 | 0.2185   | 0.1888 | 0.2193  | 0.2705  | 0.2516  |
| 42                         | 0.2891  | 0.2604  | 0.1885 | 0.2050   | 0.2050 | 0.2179   | 0.1883 | 0.2187  | 0.2697  | 0.2509  |
| 43                         | 0.2884  | 0.2597  | 0.1880 | 0.2044   | 0.2044 | 0.2173   | 0.1878 | 0.2181  | 0.2690  | 0.2502  |
| 44                         | 0.2876  | 0.2590  | 0.1875 | 0.2039   | 0.2039 | 0.2167   | 0.1873 | 0.2175  | 0.2683  | 0.2495  |
| 45                         | 0.2868  | 0.2582  | 0.1869 | 0.2033   | 0.2033 | 0.2161   | 0.1867 | 0.2169  | 0.2675  | 0.2489  |
| 46                         | 0.2860  | 0.2575  | 0.1864 | 0.2027   | 0.2027 | 0.2155   | 0.1862 | 0.2163  | 0.2668  | 0.2482  |
| 47                         | 0.2852  | 0.2568  | 0.1859 | 0.2022   | 0.2022 | 0.2149   | 0.1857 | 0.2157  | 0.2660  | 0.2475  |
| 48                         | 0.2844  | 0.2561  | 0.1854 | 0.2016   | 0.2016 | 0.2143   | 0.1852 | 0.2151  | 0.2653  | 0.2468  |
| 49                         | 0.2836  | 0.2554  | 0.1849 | 0.2011   | 0.2011 | 0.2137   | 0.1847 | 0.2145  | 0.2646  | 0.2461  |
| 50                         | 0.2829  | 0.2547  | 0.1844 | 0.2005   | 0.2005 | 0.2131   | 0.1842 | 0.2139  | 0.2639  | 0.2455  |
| 51                         | 0.2821  | 0.2540  | 0.1839 | 0.2000   | 0.2000 | 0.2126   | 0.1837 | 0.2134  | 0.2631  | 0.2448  |
| 52                         | 0.2813  | 0.2533  | 0.1834 | 0.1994   | 0.1994 | 0.2120   | 0.1832 | 0.2128  | 0.2624  | 0.2441  |
| 53                         | 0.2806  | 0.2526  | 0.1829 | 0.1989   | 0.1989 | 0.2114   | 0.1827 | 0.2122  | 0.2617  | 0.2435  |
| 54                         | 0.2798  | 0.2519  | 0.1824 | 0.1983   | 0.1983 | 0.2108   | 0.1822 | 0.2116  | 0.2610  | 0.2428  |
| 55                         | 0.2790  | 0.2513  | 0.1819 | 0.1978   | 0.1978 | 0.2103   | 0.1817 | 0.2110  | 0.2603  | 0.2421  |

| Months-to-URA <sup>2</sup> | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS  | SERS 2/3 | TRS 1  | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------|---------|---------|--------|----------|--------|----------|--------|---------|---------|---------|
| 56                         | 0.2783  | 0.2506  | 0.1814 | 0.1973   | 0.1973 | 0.2097   | 0.1812 | 0.2104  | 0.2596  | 0.2415  |
| 57                         | 0.2775  | 0.2499  | 0.1809 | 0.1967   | 0.1967 | 0.2091   | 0.1807 | 0.2099  | 0.2588  | 0.2408  |
| 58                         | 0.2767  | 0.2492  | 0.1804 | 0.1962   | 0.1962 | 0.2085   | 0.1802 | 0.2093  | 0.2581  | 0.2401  |
| 59                         | 0.2760  | 0.2485  | 0.1799 | 0.1956   | 0.1956 | 0.2080   | 0.1797 | 0.2087  | 0.2574  | 0.2395  |
| 60                         | 0.2752  | 0.2478  | 0.1794 | 0.1951   | 0.1951 | 0.2074   | 0.1792 | 0.2081  | 0.2567  | 0.2388  |
| 61                         | 0.2745  | 0.2471  | 0.1789 | 0.1946   | 0.1946 | 0.2068   | 0.1787 | 0.2075  | 0.2560  | 0.2381  |
| 62                         | 0.2737  | 0.2465  | 0.1784 | 0.1940   | 0.1940 | 0.2063   | 0.1782 | 0.2070  | 0.2553  | 0.2375  |
| 63                         | 0.2730  | 0.2458  | 0.1780 | 0.1935   | 0.1935 | 0.2057   | 0.1778 | 0.2064  | 0.2546  | 0.2368  |
| 64                         | 0.2722  | 0.2451  | 0.1775 | 0.1930   | 0.1930 | 0.2052   | 0.1773 | 0.2059  | 0.2539  | 0.2362  |
| 65                         | 0.2715  | 0.2445  | 0.1770 | 0.1925   | 0.1925 | 0.2046   | 0.1768 | 0.2053  | 0.2532  | 0.2355  |
| 66                         | 0.2707  | 0.2438  | 0.1765 | 0.1919   | 0.1919 | 0.2041   | 0.1763 | 0.2048  | 0.2525  | 0.2349  |
| 67                         | 0.2700  | 0.2431  | 0.1760 | 0.1914   | 0.1914 | 0.2035   | 0.1758 | 0.2042  | 0.2519  | 0.2342  |
| 68                         | 0.2693  | 0.2425  | 0.1755 | 0.1909   | 0.1909 | 0.2029   | 0.1753 | 0.2036  | 0.2512  | 0.2336  |
| 69                         | 0.2685  | 0.2418  | 0.1751 | 0.1904   | 0.1904 | 0.2024   | 0.1749 | 0.2031  | 0.2505  | 0.2329  |
| 70                         | 0.2678  | 0.2411  | 0.1746 | 0.1898   | 0.1898 | 0.2018   | 0.1744 | 0.2025  | 0.2498  | 0.2323  |
| 71                         | 0.2670  | 0.2405  | 0.1741 | 0.1893   | 0.1893 | 0.2013   | 0.1739 | 0.2020  | 0.2491  | 0.2316  |
| 72                         | 0.2663  | 0.2398  | 0.1736 | 0.1888   | 0.1888 | 0.2007   | 0.1734 | 0.2014  | 0.2484  | 0.2310  |
| 73                         | 0.2656  | 0.2391  | 0.1731 | 0.1883   | 0.1883 | 0.2002   | 0.1729 | 0.2009  | 0.2477  | 0.2304  |
| 74                         | 0.2648  | 0.2385  | 0.1727 | 0.1878   | 0.1878 | 0.1996   | 0.1724 | 0.2003  | 0.2470  | 0.2297  |
| 75                         | 0.2641  | 0.2378  | 0.1722 | 0.1872   | 0.1872 | 0.1991   | 0.1720 | 0.1998  | 0.2464  | 0.2291  |
| 76                         | 0.2634  | 0.2372  | 0.1717 | 0.1867   | 0.1867 | 0.1985   | 0.1715 | 0.1992  | 0.2457  | 0.2285  |
| 77                         | 0.2627  | 0.2365  | 0.1713 | 0.1862   | 0.1862 | 0.1980   | 0.1710 | 0.1987  | 0.2450  | 0.2279  |
| 78                         | 0.2619  | 0.2359  | 0.1708 | 0.1857   | 0.1857 | 0.1974   | 0.1705 | 0.1981  | 0.2443  | 0.2272  |
| 79                         | 0.2612  | 0.2352  | 0.1703 | 0.1852   | 0.1852 | 0.1969   | 0.1701 | 0.1976  | 0.2437  | 0.2266  |
| 80                         | 0.2605  | 0.2346  | 0.1699 | 0.1847   | 0.1847 | 0.1964   | 0.1696 | 0.1971  | 0.2430  | 0.2260  |
| 81                         | 0.2598  | 0.2339  | 0.1694 | 0.1841   | 0.1841 | 0.1958   | 0.1691 | 0.1965  | 0.2423  | 0.2254  |
| 82                         | 0.2590  | 0.2333  | 0.1689 | 0.1836   | 0.1836 | 0.1953   | 0.1686 | 0.1960  | 0.2416  | 0.2247  |
| 83                         | 0.2583  | 0.2326  | 0.1685 | 0.1831   | 0.1831 | 0.1947   | 0.1682 | 0.1954  | 0.2410  | 0.2241  |
| 84                         | 0.2576  | 0.2320  | 0.1680 | 0.1826   | 0.1826 | 0.1942   | 0.1677 | 0.1949  | 0.2403  | 0.2235  |
| 85                         | 0.2569  | 0.2314  | 0.1675 | 0.1821   | 0.1821 | 0.1937   | 0.1672 | 0.1944  | 0.2396  | 0.2229  |
| 86                         | 0.2562  | 0.2307  | 0.1671 | 0.1816   | 0.1816 | 0.1931   | 0.1668 | 0.1938  | 0.2390  | 0.2223  |
| 87                         | 0.2555  | 0.2301  | 0.1666 | 0.1811   | 0.1811 | 0.1926   | 0.1663 | 0.1933  | 0.2383  | 0.2217  |
| 88                         | 0.2548  | 0.2295  | 0.1662 | 0.1806   | 0.1806 | 0.1921   | 0.1659 | 0.1928  | 0.2377  | 0.2211  |
| 89                         | 0.2541  | 0.2289  | 0.1657 | 0.1801   | 0.1801 | 0.1916   | 0.1654 | 0.1922  | 0.2370  | 0.2205  |
| 90                         | 0.2534  | 0.2282  | 0.1653 | 0.1796   | 0.1796 | 0.1910   | 0.1650 | 0.1917  | 0.2364  | 0.2199  |
| 91                         | 0.2528  | 0.2276  | 0.1648 | 0.1792   | 0.1792 | 0.1905   | 0.1645 | 0.1912  | 0.2357  | 0.2193  |
| 92                         | 0.2521  | 0.2270  | 0.1643 | 0.1787   | 0.1787 | 0.1900   | 0.1641 | 0.1906  | 0.2351  | 0.2187  |
| 93                         | 0.2514  | 0.2264  | 0.1639 | 0.1782   | 0.1782 | 0.1895   | 0.1636 | 0.1901  | 0.2344  | 0.2181  |
| 94                         | 0.2507  | 0.2257  | 0.1634 | 0.1777   | 0.1777 | 0.1889   | 0.1632 | 0.1896  | 0.2338  | 0.2175  |
| 95                         | 0.2500  | 0.2251  | 0.1630 | 0.1772   | 0.1772 | 0.1884   | 0.1627 | 0.1890  | 0.2331  | 0.2169  |
| 96                         | 0.2493  | 0.2245  | 0.1625 | 0.1767   | 0.1767 | 0.1879   | 0.1623 | 0.1885  | 0.2325  | 0.2163  |
| 97                         | 0.2486  | 0.2239  | 0.1621 | 0.1762   | 0.1762 | 0.1874   | 0.1619 | 0.1880  | 0.2319  | 0.2157  |
| 98                         | 0.2479  | 0.2233  | 0.1616 | 0.1757   | 0.1757 | 0.1869   | 0.1614 | 0.1875  | 0.2312  | 0.2151  |
| 99                         | 0.2473  | 0.2227  | 0.1612 | 0.1753   | 0.1753 | 0.1864   | 0.1610 | 0.1870  | 0.2306  | 0.2146  |
| 100                        | 0.2466  | 0.2221  | 0.1608 | 0.1748   | 0.1748 | 0.1859   | 0.1605 | 0.1865  | 0.2300  | 0.2140  |
| 101                        | 0.2459  | 0.2215  | 0.1603 | 0.1743   | 0.1743 | 0.1854   | 0.1601 | 0.1860  | 0.2294  | 0.2134  |
| 102                        | 0.2452  | 0.2209  | 0.1599 | 0.1738   | 0.1738 | 0.1849   | 0.1596 | 0.1855  | 0.2287  | 0.2128  |
| 103                        | 0.2446  | 0.2202  | 0.1595 | 0.1734   | 0.1734 | 0.1843   | 0.1592 | 0.1849  | 0.2281  | 0.2122  |
| 104                        | 0.2439  | 0.2196  | 0.1590 | 0.1729   | 0.1729 | 0.1838   | 0.1588 | 0.1844  | 0.2275  | 0.2116  |
| 105                        | 0.2432  | 0.2190  | 0.1586 | 0.1724   | 0.1724 | 0.1833   | 0.1583 | 0.1839  | 0.2269  | 0.2111  |

| Months-to-URA <sup>2</sup> | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS  | SERS 2/3 | TRS 1  | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------|---------|---------|--------|----------|--------|----------|--------|---------|---------|---------|
| 106                        | 0.2425  | 0.2184  | 0.1582 | 0.1719   | 0.1719 | 0.1828   | 0.1579 | 0.1834  | 0.2262  | 0.2105  |
| 107                        | 0.2419  | 0.2178  | 0.1577 | 0.1715   | 0.1715 | 0.1823   | 0.1574 | 0.1829  | 0.2256  | 0.2099  |
| 108                        | 0.2412  | 0.2172  | 0.1573 | 0.1710   | 0.1710 | 0.1818   | 0.1570 | 0.1824  | 0.2250  | 0.2093  |
| 109                        | 0.2405  | 0.2166  | 0.1569 | 0.1705   | 0.1705 | 0.1813   | 0.1566 | 0.1819  | 0.2244  | 0.2087  |
| 110                        | 0.2399  | 0.2160  | 0.1564 | 0.1701   | 0.1701 | 0.1808   | 0.1562 | 0.1814  | 0.2238  | 0.2082  |
| 111                        | 0.2392  | 0.2155  | 0.1560 | 0.1696   | 0.1696 | 0.1803   | 0.1557 | 0.1809  | 0.2232  | 0.2076  |
| 112                        | 0.2386  | 0.2149  | 0.1556 | 0.1692   | 0.1692 | 0.1798   | 0.1553 | 0.1804  | 0.2226  | 0.2070  |
| 113                        | 0.2379  | 0.2143  | 0.1552 | 0.1687   | 0.1687 | 0.1793   | 0.1549 | 0.1799  | 0.2220  | 0.2065  |
| 114                        | 0.2373  | 0.2137  | 0.1547 | 0.1683   | 0.1683 | 0.1788   | 0.1545 | 0.1794  | 0.2214  | 0.2059  |
| 115                        | 0.2366  | 0.2131  | 0.1543 | 0.1678   | 0.1678 | 0.1784   | 0.1541 | 0.1790  | 0.2207  | 0.2053  |
| 116                        | 0.2360  | 0.2125  | 0.1539 | 0.1673   | 0.1673 | 0.1779   | 0.1537 | 0.1785  | 0.2201  | 0.2048  |
| 117                        | 0.2353  | 0.2120  | 0.1535 | 0.1669   | 0.1669 | 0.1774   | 0.1532 | 0.1780  | 0.2195  | 0.2042  |
| 118                        | 0.2347  | 0.2114  | 0.1530 | 0.1664   | 0.1664 | 0.1769   | 0.1528 | 0.1775  | 0.2189  | 0.2036  |
| 119                        | 0.2340  | 0.2108  | 0.1526 | 0.1660   | 0.1660 | 0.1764   | 0.1524 | 0.1770  | 0.2183  | 0.2031  |
| 120                        | 0.2334  | 0.2102  | 0.1522 | 0.1655   | 0.1655 | 0.1759   | 0.1520 | 0.1765  | 0.2177  | 0.2025  |
| 121                        | 0.2328  | 0.2096  | 0.1518 | 0.1650   | 0.1650 | 0.1754   | 0.1516 | 0.1760  | 0.2171  | 0.2019  |
| 122                        | 0.2321  | 0.2091  | 0.1514 | 0.1646   | 0.1646 | 0.1749   | 0.1512 | 0.1755  | 0.2165  | 0.2014  |
| 123                        | 0.2315  | 0.2085  | 0.1509 | 0.1641   | 0.1641 | 0.1745   | 0.1507 | 0.1751  | 0.2159  | 0.2008  |
| 124                        | 0.2309  | 0.2079  | 0.1505 | 0.1637   | 0.1637 | 0.1740   | 0.1503 | 0.1746  | 0.2153  | 0.2003  |
| 125                        | 0.2302  | 0.2074  | 0.1501 | 0.1632   | 0.1632 | 0.1735   | 0.1499 | 0.1741  | 0.2147  | 0.1997  |
| 126                        | 0.2296  | 0.2068  | 0.1497 | 0.1628   | 0.1628 | 0.1730   | 0.1495 | 0.1736  | 0.2141  | 0.1992  |
| 127                        | 0.2290  | 0.2062  | 0.1493 | 0.1623   | 0.1623 | 0.1726   | 0.1491 | 0.1732  | 0.2136  | 0.1986  |
| 128                        | 0.2283  | 0.2057  | 0.1489 | 0.1619   | 0.1619 | 0.1721   | 0.1487 | 0.1727  | 0.2130  | 0.1981  |
| 129                        | 0.2277  | 0.2051  | 0.1484 | 0.1614   | 0.1614 | 0.1716   | 0.1482 | 0.1722  | 0.2124  | 0.1975  |
| 130                        | 0.2271  | 0.2045  | 0.1480 | 0.1610   | 0.1610 | 0.1711   | 0.1478 | 0.1717  | 0.2118  | 0.1970  |
| 131                        | 0.2264  | 0.2040  | 0.1476 | 0.1605   | 0.1605 | 0.1707   | 0.1474 | 0.1713  | 0.2112  | 0.1964  |
| 132                        | 0.2258  | 0.2034  | 0.1472 | 0.1601   | 0.1601 | 0.1702   | 0.1470 | 0.1708  | 0.2106  | 0.1959  |
| 133                        | 0.2252  | 0.2028  | 0.1468 | 0.1597   | 0.1597 | 0.1697   | 0.1466 | 0.1703  | 0.2100  | 0.1954  |
| 134                        | 0.2246  | 0.2023  | 0.1464 | 0.1592   | 0.1592 | 0.1693   | 0.1462 | 0.1699  | 0.2095  | 0.1948  |
| 135                        | 0.2240  | 0.2017  | 0.1460 | 0.1588   | 0.1588 | 0.1688   | 0.1458 | 0.1694  | 0.2089  | 0.1943  |
| 136                        | 0.2234  | 0.2012  | 0.1456 | 0.1584   | 0.1584 | 0.1684   | 0.1454 | 0.1690  | 0.2083  | 0.1938  |
| 137                        | 0.2228  | 0.2006  | 0.1452 | 0.1579   | 0.1579 | 0.1679   | 0.1450 | 0.1685  | 0.2078  | 0.1933  |
| 138                        | 0.2222  | 0.2001  | 0.1448 | 0.1575   | 0.1575 | 0.1675   | 0.1446 | 0.1681  | 0.2072  | 0.1927  |
| 139                        | 0.2215  | 0.1995  | 0.1445 | 0.1571   | 0.1571 | 0.1670   | 0.1443 | 0.1676  | 0.2066  | 0.1922  |
| 140                        | 0.2209  | 0.1990  | 0.1441 | 0.1566   | 0.1566 | 0.1665   | 0.1439 | 0.1671  | 0.2061  | 0.1917  |
| 141                        | 0.2203  | 0.1984  | 0.1437 | 0.1562   | 0.1562 | 0.1661   | 0.1435 | 0.1667  | 0.2055  | 0.1912  |
| 142                        | 0.2197  | 0.1979  | 0.1433 | 0.1558   | 0.1558 | 0.1656   | 0.1431 | 0.1662  | 0.2049  | 0.1906  |
| 143                        | 0.2191  | 0.1973  | 0.1429 | 0.1553   | 0.1553 | 0.1652   | 0.1427 | 0.1658  | 0.2044  | 0.1901  |
| 144                        | 0.2185  | 0.1968  | 0.1425 | 0.1549   | 0.1549 | 0.1647   | 0.1423 | 0.1653  | 0.2038  | 0.1896  |
| 145                        | 0.2179  | 0.1963  | 0.1421 | 0.1545   | 0.1545 | 0.1642   | 0.1419 | 0.1648  | 0.2032  | 0.1891  |
| 146                        | 0.2173  | 0.1957  | 0.1417 | 0.1541   | 0.1541 | 0.1638   | 0.1415 | 0.1644  | 0.2027  | 0.1886  |
| 147                        | 0.2167  | 0.1952  | 0.1413 | 0.1536   | 0.1536 | 0.1633   | 0.1412 | 0.1639  | 0.2021  | 0.1881  |
| 148                        | 0.2161  | 0.1947  | 0.1409 | 0.1532   | 0.1532 | 0.1629   | 0.1408 | 0.1635  | 0.2016  | 0.1876  |
| 149                        | 0.2155  | 0.1941  | 0.1405 | 0.1528   | 0.1528 | 0.1624   | 0.1404 | 0.1630  | 0.2010  | 0.1871  |
| 150                        | 0.2149  | 0.1936  | 0.1401 | 0.1524   | 0.1524 | 0.1620   | 0.1400 | 0.1626  | 0.2005  | 0.1866  |
| 151                        | 0.2144  | 0.1931  | 0.1398 | 0.1520   | 0.1520 | 0.1615   | 0.1396 | 0.1621  | 0.1999  | 0.1860  |
| 152                        | 0.2138  | 0.1925  | 0.1394 | 0.1516   | 0.1516 | 0.1611   | 0.1392 | 0.1617  | 0.1994  | 0.1855  |
| 153                        | 0.2132  | 0.1920  | 0.1390 | 0.1511   | 0.1511 | 0.1606   | 0.1389 | 0.1612  | 0.1988  | 0.1850  |
| 154                        | 0.2126  | 0.1915  | 0.1386 | 0.1507   | 0.1507 | 0.1602   | 0.1385 | 0.1608  | 0.1983  | 0.1845  |
| 155                        | 0.2120  | 0.1909  | 0.1382 | 0.1503   | 0.1503 | 0.1597   | 0.1381 | 0.1603  | 0.1977  | 0.1840  |

| Months-to-URA <sup>2</sup> | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS  | SERS 2/3 | TRS 1  | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------|---------|---------|--------|----------|--------|----------|--------|---------|---------|---------|
| 156                        | 0.2114  | 0.1904  | 0.1378 | 0.1499   | 0.1499 | 0.1593   | 0.1377 | 0.1599  | 0.1972  | 0.1835  |
| 157                        | 0.2108  | 0.1899  | 0.1374 | 0.1495   | 0.1495 | 0.1589   | 0.1373 | 0.1595  | 0.1967  | 0.1830  |
| 158                        | 0.2103  | 0.1894  | 0.1371 | 0.1491   | 0.1491 | 0.1584   | 0.1369 | 0.1590  | 0.1961  | 0.1825  |
| 159                        | 0.2097  | 0.1888  | 0.1367 | 0.1487   | 0.1487 | 0.1580   | 0.1366 | 0.1586  | 0.1956  | 0.1820  |
| 160                        | 0.2091  | 0.1883  | 0.1363 | 0.1483   | 0.1483 | 0.1576   | 0.1362 | 0.1582  | 0.1951  | 0.1815  |
| 161                        | 0.2086  | 0.1878  | 0.1360 | 0.1479   | 0.1479 | 0.1572   | 0.1358 | 0.1577  | 0.1945  | 0.1810  |
| 162                        | 0.2080  | 0.1873  | 0.1356 | 0.1475   | 0.1475 | 0.1567   | 0.1354 | 0.1573  | 0.1940  | 0.1805  |
| 163                        | 0.2074  | 0.1868  | 0.1352 | 0.1470   | 0.1470 | 0.1563   | 0.1351 | 0.1569  | 0.1935  | 0.1800  |
| 164                        | 0.2069  | 0.1863  | 0.1349 | 0.1466   | 0.1466 | 0.1559   | 0.1347 | 0.1564  | 0.1929  | 0.1795  |
| 165                        | 0.2063  | 0.1857  | 0.1345 | 0.1462   | 0.1462 | 0.1555   | 0.1343 | 0.1560  | 0.1924  | 0.1790  |
| 166                        | 0.2057  | 0.1852  | 0.1341 | 0.1458   | 0.1458 | 0.1550   | 0.1339 | 0.1556  | 0.1919  | 0.1785  |
| 167                        | 0.2052  | 0.1847  | 0.1338 | 0.1454   | 0.1454 | 0.1546   | 0.1336 | 0.1551  | 0.1913  | 0.1780  |
| 168                        | 0.2046  | 0.1842  | 0.1334 | 0.1450   | 0.1450 | 0.1542   | 0.1332 | 0.1547  | 0.1908  | 0.1775  |
| 169                        | 0.2040  | 0.1837  | 0.1330 | 0.1446   | 0.1446 | 0.1538   | 0.1328 | 0.1543  | 0.1903  | 0.1770  |
| 170                        | 0.2035  | 0.1832  | 0.1327 | 0.1442   | 0.1442 | 0.1534   | 0.1325 | 0.1539  | 0.1898  | 0.1765  |
| 171                        | 0.2029  | 0.1827  | 0.1323 | 0.1438   | 0.1438 | 0.1529   | 0.1321 | 0.1534  | 0.1892  | 0.1761  |
| 172                        | 0.2024  | 0.1822  | 0.1319 | 0.1434   | 0.1434 | 0.1525   | 0.1318 | 0.1530  | 0.1887  | 0.1756  |
| 173                        | 0.2018  | 0.1817  | 0.1316 | 0.1430   | 0.1430 | 0.1521   | 0.1314 | 0.1526  | 0.1882  | 0.1751  |
| 174                        | 0.2013  | 0.1812  | 0.1312 | 0.1426   | 0.1426 | 0.1517   | 0.1311 | 0.1522  | 0.1877  | 0.1746  |
| 175                        | 0.2007  | 0.1808  | 0.1308 | 0.1423   | 0.1423 | 0.1513   | 0.1307 | 0.1518  | 0.1872  | 0.1742  |
| 176                        | 0.2001  | 0.1803  | 0.1305 | 0.1419   | 0.1419 | 0.1509   | 0.1303 | 0.1514  | 0.1867  | 0.1737  |
| 177                        | 0.1996  | 0.1798  | 0.1301 | 0.1415   | 0.1415 | 0.1504   | 0.1300 | 0.1509  | 0.1861  | 0.1732  |
| 178                        | 0.1990  | 0.1793  | 0.1297 | 0.1411   | 0.1411 | 0.1500   | 0.1296 | 0.1505  | 0.1856  | 0.1727  |
| 179                        | 0.1985  | 0.1788  | 0.1294 | 0.1407   | 0.1407 | 0.1496   | 0.1293 | 0.1501  | 0.1851  | 0.1723  |
| 180                        | 0.1979  | 0.1783  | 0.1290 | 0.1403   | 0.1403 | 0.1492   | 0.1289 | 0.1497  | 0.1846  | 0.1718  |
| 181                        | 0.1974  | 0.1778  | 0.1287 | 0.1399   | 0.1399 | 0.1488   | 0.1285 | 0.1493  | 0.1841  | 0.1713  |
| 182                        | 0.1968  | 0.1773  | 0.1283 | 0.1395   | 0.1395 | 0.1484   | 0.1282 | 0.1489  | 0.1836  | 0.1709  |
| 183                        | 0.1963  | 0.1769  | 0.1280 | 0.1392   | 0.1392 | 0.1480   | 0.1278 | 0.1485  | 0.1831  | 0.1704  |
| 184                        | 0.1958  | 0.1764  | 0.1276 | 0.1388   | 0.1388 | 0.1476   | 0.1275 | 0.1481  | 0.1826  | 0.1699  |
| 185                        | 0.1952  | 0.1759  | 0.1273 | 0.1384   | 0.1384 | 0.1472   | 0.1271 | 0.1477  | 0.1821  | 0.1695  |
| 186                        | 0.1947  | 0.1754  | 0.1269 | 0.1380   | 0.1380 | 0.1468   | 0.1268 | 0.1473  | 0.1816  | 0.1690  |
| 187                        | 0.1942  | 0.1749  | 0.1266 | 0.1377   | 0.1377 | 0.1463   | 0.1264 | 0.1469  | 0.1812  | 0.1685  |
| 188                        | 0.1936  | 0.1744  | 0.1263 | 0.1373   | 0.1373 | 0.1459   | 0.1261 | 0.1465  | 0.1807  | 0.1681  |
| 189                        | 0.1931  | 0.1740  | 0.1259 | 0.1369   | 0.1369 | 0.1455   | 0.1257 | 0.1461  | 0.1802  | 0.1676  |
| 190                        | 0.1926  | 0.1735  | 0.1256 | 0.1365   | 0.1365 | 0.1451   | 0.1254 | 0.1457  | 0.1797  | 0.1671  |
| 191                        | 0.1920  | 0.1730  | 0.1252 | 0.1362   | 0.1362 | 0.1447   | 0.1250 | 0.1453  | 0.1792  | 0.1667  |
| 192                        | 0.1915  | 0.1725  | 0.1249 | 0.1358   | 0.1358 | 0.1443   | 0.1247 | 0.1449  | 0.1787  | 0.1662  |
| 193                        | 0.1910  | 0.1720  | 0.1246 | 0.1354   | 0.1354 | 0.1439   | 0.1244 | 0.1445  | 0.1782  | 0.1657  |
| 194                        | 0.1905  | 0.1716  | 0.1242 | 0.1351   | 0.1351 | 0.1435   | 0.1240 | 0.1441  | 0.1777  | 0.1653  |
| 195                        | 0.1899  | 0.1711  | 0.1239 | 0.1347   | 0.1347 | 0.1432   | 0.1237 | 0.1437  | 0.1773  | 0.1648  |
| 196                        | 0.1894  | 0.1706  | 0.1235 | 0.1343   | 0.1343 | 0.1428   | 0.1234 | 0.1433  | 0.1768  | 0.1644  |
| 197                        | 0.1889  | 0.1702  | 0.1232 | 0.1340   | 0.1340 | 0.1424   | 0.1230 | 0.1429  | 0.1763  | 0.1639  |
| 198                        | 0.1884  | 0.1697  | 0.1228 | 0.1336   | 0.1336 | 0.1420   | 0.1227 | 0.1425  | 0.1758  | 0.1635  |
| 199                        | 0.1879  | 0.1692  | 0.1225 | 0.1332   | 0.1332 | 0.1416   | 0.1224 | 0.1422  | 0.1753  | 0.1630  |
| 200                        | 0.1874  | 0.1688  | 0.1222 | 0.1329   | 0.1329 | 0.1412   | 0.1220 | 0.1418  | 0.1748  | 0.1626  |
| 201                        | 0.1868  | 0.1683  | 0.1218 | 0.1325   | 0.1325 | 0.1409   | 0.1217 | 0.1414  | 0.1744  | 0.1621  |
| 202                        | 0.1863  | 0.1678  | 0.1215 | 0.1321   | 0.1321 | 0.1405   | 0.1214 | 0.1410  | 0.1739  | 0.1617  |
| 203                        | 0.1858  | 0.1674  | 0.1211 | 0.1318   | 0.1318 | 0.1401   | 0.1210 | 0.1406  | 0.1734  | 0.1612  |
| 204                        | 0.1853  | 0.1669  | 0.1208 | 0.1314   | 0.1314 | 0.1397   | 0.1207 | 0.1402  | 0.1729  | 0.1608  |
| 205                        | 0.1848  | 0.1664  | 0.1205 | 0.1310   | 0.1310 | 0.1393   | 0.1204 | 0.1398  | 0.1724  | 0.1604  |

| Months-to-URA <sup>2</sup> | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS  | SERS 2/3 | TRS 1  | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------|---------|---------|--------|----------|--------|----------|--------|---------|---------|---------|
| 206                        | 0.1843  | 0.1660  | 0.1201 | 0.1307   | 0.1307 | 0.1389   | 0.1200 | 0.1394  | 0.1720  | 0.1599  |
| 207                        | 0.1838  | 0.1655  | 0.1198 | 0.1303   | 0.1303 | 0.1386   | 0.1197 | 0.1391  | 0.1715  | 0.1595  |
| 208                        | 0.1833  | 0.1651  | 0.1195 | 0.1300   | 0.1300 | 0.1382   | 0.1194 | 0.1387  | 0.1710  | 0.1591  |
| 209                        | 0.1828  | 0.1646  | 0.1192 | 0.1296   | 0.1296 | 0.1378   | 0.1191 | 0.1383  | 0.1706  | 0.1586  |
| 210                        | 0.1823  | 0.1642  | 0.1188 | 0.1293   | 0.1293 | 0.1374   | 0.1187 | 0.1379  | 0.1701  | 0.1582  |
| 211                        | 0.1818  | 0.1637  | 0.1185 | 0.1289   | 0.1289 | 0.1370   | 0.1184 | 0.1375  | 0.1696  | 0.1578  |
| 212                        | 0.1813  | 0.1633  | 0.1182 | 0.1285   | 0.1285 | 0.1366   | 0.1181 | 0.1371  | 0.1692  | 0.1573  |
| 213                        | 0.1808  | 0.1628  | 0.1179 | 0.1282   | 0.1282 | 0.1363   | 0.1178 | 0.1368  | 0.1687  | 0.1569  |
| 214                        | 0.1803  | 0.1624  | 0.1175 | 0.1278   | 0.1278 | 0.1359   | 0.1174 | 0.1364  | 0.1682  | 0.1565  |
| 215                        | 0.1798  | 0.1619  | 0.1172 | 0.1275   | 0.1275 | 0.1355   | 0.1171 | 0.1360  | 0.1678  | 0.1560  |
| 216                        | 0.1793  | 0.1615  | 0.1169 | 0.1271   | 0.1271 | 0.1351   | 0.1168 | 0.1356  | 0.1673  | 0.1556  |
| 217                        | 0.1788  | 0.1611  | 0.1166 | 0.1268   | 0.1268 | 0.1347   | 0.1165 | 0.1352  | 0.1668  | 0.1552  |
| 218                        | 0.1783  | 0.1606  | 0.1163 | 0.1264   | 0.1264 | 0.1344   | 0.1162 | 0.1349  | 0.1664  | 0.1547  |
| 219                        | 0.1779  | 0.1602  | 0.1159 | 0.1261   | 0.1261 | 0.1340   | 0.1158 | 0.1345  | 0.1659  | 0.1543  |
| 220                        | 0.1774  | 0.1597  | 0.1156 | 0.1257   | 0.1257 | 0.1337   | 0.1155 | 0.1341  | 0.1655  | 0.1539  |
| 221                        | 0.1769  | 0.1593  | 0.1153 | 0.1254   | 0.1254 | 0.1333   | 0.1152 | 0.1338  | 0.1650  | 0.1535  |
| 222                        | 0.1764  | 0.1588  | 0.1150 | 0.1250   | 0.1250 | 0.1330   | 0.1149 | 0.1334  | 0.1646  | 0.1530  |
| 223                        | 0.1759  | 0.1584  | 0.1147 | 0.1247   | 0.1247 | 0.1326   | 0.1146 | 0.1330  | 0.1641  | 0.1526  |
| 224                        | 0.1754  | 0.1580  | 0.1144 | 0.1244   | 0.1244 | 0.1322   | 0.1143 | 0.1327  | 0.1636  | 0.1522  |
| 225                        | 0.1750  | 0.1575  | 0.1140 | 0.1240   | 0.1240 | 0.1319   | 0.1139 | 0.1323  | 0.1632  | 0.1518  |
| 226                        | 0.1745  | 0.1571  | 0.1137 | 0.1237   | 0.1237 | 0.1315   | 0.1136 | 0.1319  | 0.1627  | 0.1513  |
| 227                        | 0.1740  | 0.1566  | 0.1134 | 0.1233   | 0.1233 | 0.1312   | 0.1133 | 0.1316  | 0.1623  | 0.1509  |
| 228                        | 0.1735  | 0.1562  | 0.1131 | 0.1230   | 0.1230 | 0.1308   | 0.1130 | 0.1312  | 0.1618  | 0.1505  |
| 229                        | 0.1730  | 0.1558  | 0.1128 | 0.1227   | 0.1227 | 0.1304   | 0.1127 | 0.1308  | 0.1614  | 0.1501  |
| 230                        | 0.1726  | 0.1554  | 0.1125 | 0.1223   | 0.1223 | 0.1301   | 0.1124 | 0.1305  | 0.1609  | 0.1497  |
| 231                        | 0.1721  | 0.1549  | 0.1122 | 0.1220   | 0.1220 | 0.1297   | 0.1121 | 0.1301  | 0.1605  | 0.1493  |
| 232                        | 0.1716  | 0.1545  | 0.1119 | 0.1217   | 0.1217 | 0.1294   | 0.1118 | 0.1298  | 0.1601  | 0.1489  |
| 233                        | 0.1712  | 0.1541  | 0.1116 | 0.1213   | 0.1213 | 0.1290   | 0.1115 | 0.1294  | 0.1596  | 0.1485  |
| 234                        | 0.1707  | 0.1537  | 0.1113 | 0.1210   | 0.1210 | 0.1287   | 0.1112 | 0.1291  | 0.1592  | 0.1481  |
| 235                        | 0.1702  | 0.1533  | 0.1109 | 0.1207   | 0.1207 | 0.1283   | 0.1108 | 0.1287  | 0.1588  | 0.1477  |
| 236                        | 0.1698  | 0.1529  | 0.1106 | 0.1203   | 0.1203 | 0.1279   | 0.1105 | 0.1284  | 0.1583  | 0.1473  |
| 237                        | 0.1693  | 0.1524  | 0.1103 | 0.1200   | 0.1200 | 0.1276   | 0.1102 | 0.1280  | 0.1579  | 0.1469  |
| 238                        | 0.1688  | 0.1520  | 0.1100 | 0.1197   | 0.1197 | 0.1272   | 0.1099 | 0.1277  | 0.1575  | 0.1465  |
| 239                        | 0.1684  | 0.1516  | 0.1097 | 0.1193   | 0.1193 | 0.1269   | 0.1096 | 0.1273  | 0.1570  | 0.1461  |
| 240                        | 0.1679  | 0.1512  | 0.1094 | 0.1190   | 0.1190 | 0.1265   | 0.1093 | 0.1270  | 0.1566  | 0.1457  |
| 241                        | 0.1674  | 0.1508  | 0.1091 | 0.1187   | 0.1187 | 0.1262   | 0.1090 | 0.1267  | 0.1562  | 0.1453  |
| 242                        | 0.1670  | 0.1504  | 0.1088 | 0.1184   | 0.1184 | 0.1258   | 0.1087 | 0.1263  | 0.1557  | 0.1449  |
| 243                        | 0.1665  | 0.1500  | 0.1085 | 0.1180   | 0.1180 | 0.1255   | 0.1084 | 0.1260  | 0.1553  | 0.1445  |
| 244                        | 0.1661  | 0.1496  | 0.1082 | 0.1177   | 0.1177 | 0.1251   | 0.1081 | 0.1256  | 0.1549  | 0.1441  |
| 245                        | 0.1656  | 0.1492  | 0.1079 | 0.1174   | 0.1174 | 0.1248   | 0.1078 | 0.1253  | 0.1545  | 0.1437  |
| 246                        | 0.1652  | 0.1488  | 0.1076 | 0.1171   | 0.1171 | 0.1244   | 0.1075 | 0.1249  | 0.1540  | 0.1433  |
| 247                        | 0.1647  | 0.1483  | 0.1074 | 0.1168   | 0.1168 | 0.1241   | 0.1073 | 0.1246  | 0.1536  | 0.1429  |
| 248                        | 0.1642  | 0.1479  | 0.1071 | 0.1165   | 0.1165 | 0.1238   | 0.1070 | 0.1243  | 0.1532  | 0.1425  |
| 249                        | 0.1638  | 0.1475  | 0.1068 | 0.1161   | 0.1161 | 0.1234   | 0.1067 | 0.1239  | 0.1528  | 0.1421  |
| 250                        | 0.1633  | 0.1471  | 0.1065 | 0.1158   | 0.1158 | 0.1231   | 0.1064 | 0.1236  | 0.1523  | 0.1417  |
| 251                        | 0.1629  | 0.1467  | 0.1062 | 0.1155   | 0.1155 | 0.1227   | 0.1061 | 0.1232  | 0.1519  | 0.1413  |
| 252                        | 0.1624  | 0.1463  | 0.1059 | 0.1152   | 0.1152 | 0.1224   | 0.1058 | 0.1229  | 0.1515  | 0.1409  |
| 253                        | 0.1620  | 0.1459  | 0.1056 | 0.1149   | 0.1149 | 0.1221   | 0.1055 | 0.1226  | 0.1511  | 0.1405  |
| 254                        | 0.1615  | 0.1455  | 0.1053 | 0.1146   | 0.1146 | 0.1217   | 0.1052 | 0.1222  | 0.1507  | 0.1401  |
| 255                        | 0.1611  | 0.1451  | 0.1051 | 0.1142   | 0.1142 | 0.1214   | 0.1049 | 0.1219  | 0.1503  | 0.1398  |

| Months-to-URA <sup>2</sup> | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS  | SERS 2/3 | TRS 1  | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------|---------|---------|--------|----------|--------|----------|--------|---------|---------|---------|
| 256                        | 0.1607  | 0.1447  | 0.1048 | 0.1139   | 0.1139 | 0.1211   | 0.1046 | 0.1216  | 0.1499  | 0.1394  |
| 257                        | 0.1602  | 0.1443  | 0.1045 | 0.1136   | 0.1136 | 0.1208   | 0.1043 | 0.1212  | 0.1495  | 0.1390  |
| 258                        | 0.1598  | 0.1439  | 0.1042 | 0.1133   | 0.1133 | 0.1204   | 0.1040 | 0.1209  | 0.1491  | 0.1386  |
| 259                        | 0.1594  | 0.1435  | 0.1039 | 0.1130   | 0.1130 | 0.1201   | 0.1038 | 0.1206  | 0.1486  | 0.1383  |
| 260                        | 0.1589  | 0.1431  | 0.1036 | 0.1127   | 0.1127 | 0.1198   | 0.1035 | 0.1202  | 0.1482  | 0.1379  |
| 261                        | 0.1585  | 0.1427  | 0.1034 | 0.1123   | 0.1123 | 0.1195   | 0.1032 | 0.1199  | 0.1478  | 0.1375  |
| 262                        | 0.1581  | 0.1423  | 0.1031 | 0.1120   | 0.1120 | 0.1191   | 0.1029 | 0.1196  | 0.1474  | 0.1371  |
| 263                        | 0.1576  | 0.1419  | 0.1028 | 0.1117   | 0.1117 | 0.1188   | 0.1026 | 0.1192  | 0.1470  | 0.1368  |
| 264                        | 0.1572  | 0.1415  | 0.1025 | 0.1114   | 0.1114 | 0.1185   | 0.1023 | 0.1189  | 0.1466  | 0.1364  |
| 265                        | 0.1568  | 0.1411  | 0.1022 | 0.1111   | 0.1111 | 0.1182   | 0.1020 | 0.1186  | 0.1462  | 0.1360  |
| 266                        | 0.1563  | 0.1407  | 0.1019 | 0.1108   | 0.1108 | 0.1178   | 0.1017 | 0.1182  | 0.1458  | 0.1357  |
| 267                        | 0.1559  | 0.1404  | 0.1017 | 0.1105   | 0.1105 | 0.1175   | 0.1015 | 0.1179  | 0.1454  | 0.1353  |
| 268                        | 0.1555  | 0.1400  | 0.1014 | 0.1102   | 0.1102 | 0.1172   | 0.1012 | 0.1176  | 0.1450  | 0.1349  |
| 269                        | 0.1551  | 0.1396  | 0.1011 | 0.1099   | 0.1099 | 0.1169   | 0.1009 | 0.1173  | 0.1446  | 0.1346  |
| 270                        | 0.1546  | 0.1392  | 0.1008 | 0.1096   | 0.1096 | 0.1165   | 0.1006 | 0.1169  | 0.1442  | 0.1342  |
| 271                        | 0.1542  | 0.1389  | 0.1006 | 0.1093   | 0.1093 | 0.1162   | 0.1004 | 0.1166  | 0.1439  | 0.1338  |
| 272                        | 0.1538  | 0.1385  | 0.1003 | 0.1090   | 0.1090 | 0.1159   | 0.1001 | 0.1163  | 0.1435  | 0.1335  |
| 273                        | 0.1534  | 0.1381  | 0.1000 | 0.1087   | 0.1087 | 0.1156   | 0.0998 | 0.1160  | 0.1431  | 0.1331  |
| 274                        | 0.1529  | 0.1377  | 0.0997 | 0.1084   | 0.1084 | 0.1152   | 0.0995 | 0.1156  | 0.1427  | 0.1327  |
| 275                        | 0.1525  | 0.1374  | 0.0995 | 0.1081   | 0.1081 | 0.1149   | 0.0993 | 0.1153  | 0.1423  | 0.1324  |
| 276                        | 0.1521  | 0.1370  | 0.0992 | 0.1078   | 0.1078 | 0.1146   | 0.0990 | 0.1150  | 0.1419  | 0.1320  |
| 277                        | 0.1517  | 0.1366  | 0.0989 | 0.1075   | 0.1075 | 0.1143   | 0.0987 | 0.1147  | 0.1415  | 0.1316  |
| 278                        | 0.1513  | 0.1362  | 0.0986 | 0.1072   | 0.1072 | 0.1140   | 0.0985 | 0.1144  | 0.1411  | 0.1313  |
| 279                        | 0.1509  | 0.1359  | 0.0984 | 0.1069   | 0.1069 | 0.1137   | 0.0982 | 0.1141  | 0.1408  | 0.1309  |
| 280                        | 0.1505  | 0.1355  | 0.0981 | 0.1066   | 0.1066 | 0.1134   | 0.0979 | 0.1138  | 0.1404  | 0.1306  |
| 281                        | 0.1501  | 0.1351  | 0.0978 | 0.1063   | 0.1063 | 0.1131   | 0.0977 | 0.1135  | 0.1400  | 0.1302  |
| 282                        | 0.1497  | 0.1347  | 0.0975 | 0.1060   | 0.1060 | 0.1128   | 0.0974 | 0.1132  | 0.1396  | 0.1299  |
| 283                        | 0.1492  | 0.1344  | 0.0973 | 0.1058   | 0.1058 | 0.1124   | 0.0971 | 0.1128  | 0.1392  | 0.1295  |
| 284                        | 0.1488  | 0.1340  | 0.0970 | 0.1055   | 0.1055 | 0.1121   | 0.0969 | 0.1125  | 0.1388  | 0.1291  |
| 285                        | 0.1484  | 0.1336  | 0.0967 | 0.1052   | 0.1052 | 0.1118   | 0.0966 | 0.1122  | 0.1385  | 0.1288  |
| 286                        | 0.1480  | 0.1332  | 0.0964 | 0.1049   | 0.1049 | 0.1115   | 0.0963 | 0.1119  | 0.1381  | 0.1284  |
| 287                        | 0.1476  | 0.1329  | 0.0962 | 0.1046   | 0.1046 | 0.1112   | 0.0961 | 0.1116  | 0.1377  | 0.1281  |
| 288                        | 0.1472  | 0.1325  | 0.0959 | 0.1043   | 0.1043 | 0.1109   | 0.0958 | 0.1113  | 0.1373  | 0.1277  |
| 289                        | 0.1468  | 0.1321  | 0.0956 | 0.1040   | 0.1040 | 0.1106   | 0.0955 | 0.1110  | 0.1369  | 0.1273  |
| 290                        | 0.1464  | 0.1318  | 0.0954 | 0.1037   | 0.1037 | 0.1103   | 0.0953 | 0.1107  | 0.1365  | 0.1270  |
| 291                        | 0.1460  | 0.1314  | 0.0951 | 0.1035   | 0.1035 | 0.1100   | 0.0950 | 0.1104  | 0.1362  | 0.1266  |
| 292                        | 0.1456  | 0.1311  | 0.0949 | 0.1032   | 0.1032 | 0.1097   | 0.0948 | 0.1101  | 0.1358  | 0.1263  |
| 293                        | 0.1452  | 0.1307  | 0.0946 | 0.1029   | 0.1029 | 0.1094   | 0.0945 | 0.1098  | 0.1354  | 0.1259  |
| 294                        | 0.1448  | 0.1304  | 0.0944 | 0.1026   | 0.1026 | 0.1091   | 0.0943 | 0.1095  | 0.1350  | 0.1256  |
| 295                        | 0.1444  | 0.1300  | 0.0941 | 0.1023   | 0.1023 | 0.1088   | 0.0940 | 0.1092  | 0.1347  | 0.1252  |
| 296                        | 0.1440  | 0.1296  | 0.0938 | 0.1020   | 0.1020 | 0.1085   | 0.0937 | 0.1089  | 0.1343  | 0.1249  |
| 297                        | 0.1436  | 0.1293  | 0.0936 | 0.1018   | 0.1018 | 0.1082   | 0.0935 | 0.1086  | 0.1339  | 0.1245  |
| 298                        | 0.1432  | 0.1289  | 0.0933 | 0.1015   | 0.1015 | 0.1079   | 0.0932 | 0.1083  | 0.1335  | 0.1242  |
| 299                        | 0.1428  | 0.1286  | 0.0931 | 0.1012   | 0.1012 | 0.1076   | 0.0930 | 0.1080  | 0.1332  | 0.1238  |
| 300                        | 0.1424  | 0.1282  | 0.0928 | 0.1009   | 0.1009 | 0.1073   | 0.0927 | 0.1077  | 0.1328  | 0.1235  |
| 301                        | 0.1420  | 0.1279  | 0.0925 | 0.1006   | 0.1006 | 0.1070   | 0.0924 | 0.1074  | 0.1324  | 0.1232  |
| 302                        | 0.1416  | 0.1275  | 0.0923 | 0.1004   | 0.1004 | 0.1067   | 0.0922 | 0.1071  | 0.1321  | 0.1228  |
| 303                        | 0.1413  | 0.1272  | 0.0920 | 0.1001   | 0.1001 | 0.1064   | 0.0919 | 0.1068  | 0.1317  | 0.1225  |
| 304                        | 0.1409  | 0.1268  | 0.0918 | 0.0998   | 0.0998 | 0.1061   | 0.0917 | 0.1065  | 0.1314  | 0.1222  |
| 305                        | 0.1405  | 0.1265  | 0.0915 | 0.0996   | 0.0996 | 0.1058   | 0.0914 | 0.1062  | 0.1310  | 0.1218  |

| Months-to-URA <sup>2</sup> | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS  | SERS 2/3 | TRS 1  | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------|---------|---------|--------|----------|--------|----------|--------|---------|---------|---------|
| 306                        | 0.1401  | 0.1261  | 0.0913 | 0.0993   | 0.0993 | 0.1055   | 0.0912 | 0.1059  | 0.1307  | 0.1215  |
| 307                        | 0.1397  | 0.1258  | 0.0910 | 0.0990   | 0.0990 | 0.1053   | 0.0909 | 0.1057  | 0.1303  | 0.1212  |
| 308                        | 0.1393  | 0.1255  | 0.0908 | 0.0988   | 0.0988 | 0.1050   | 0.0907 | 0.1054  | 0.1299  | 0.1208  |
| 309                        | 0.1390  | 0.1251  | 0.0905 | 0.0985   | 0.0985 | 0.1047   | 0.0904 | 0.1051  | 0.1296  | 0.1205  |
| 310                        | 0.1386  | 0.1248  | 0.0903 | 0.0982   | 0.0982 | 0.1044   | 0.0902 | 0.1048  | 0.1292  | 0.1202  |
| 311                        | 0.1382  | 0.1244  | 0.0900 | 0.0980   | 0.0980 | 0.1041   | 0.0899 | 0.1045  | 0.1289  | 0.1198  |
| 312                        | 0.1378  | 0.1241  | 0.0898 | 0.0977   | 0.0977 | 0.1038   | 0.0897 | 0.1042  | 0.1285  | 0.1195  |
| 313                        | 0.1374  | 0.1238  | 0.0896 | 0.0974   | 0.0974 | 0.1035   | 0.0895 | 0.1039  | 0.1281  | 0.1192  |
| 314                        | 0.1370  | 0.1234  | 0.0893 | 0.0972   | 0.0972 | 0.1032   | 0.0892 | 0.1036  | 0.1278  | 0.1189  |
| 315                        | 0.1367  | 0.1231  | 0.0891 | 0.0969   | 0.0969 | 0.1030   | 0.0890 | 0.1034  | 0.1274  | 0.1185  |
| 316                        | 0.1363  | 0.1227  | 0.0888 | 0.0966   | 0.0966 | 0.1027   | 0.0887 | 0.1031  | 0.1271  | 0.1182  |
| 317                        | 0.1359  | 0.1224  | 0.0886 | 0.0964   | 0.0964 | 0.1024   | 0.0885 | 0.1028  | 0.1267  | 0.1179  |
| 318                        | 0.1355  | 0.1220  | 0.0883 | 0.0961   | 0.0961 | 0.1021   | 0.0882 | 0.1025  | 0.1264  | 0.1176  |
| 319                        | 0.1352  | 0.1217  | 0.0881 | 0.0958   | 0.0958 | 0.1019   | 0.0880 | 0.1022  | 0.1260  | 0.1173  |
| 320                        | 0.1348  | 0.1214  | 0.0879 | 0.0956   | 0.0956 | 0.1016   | 0.0878 | 0.1019  | 0.1257  | 0.1170  |
| 321                        | 0.1344  | 0.1210  | 0.0876 | 0.0953   | 0.0953 | 0.1013   | 0.0875 | 0.1017  | 0.1253  | 0.1166  |
| 322                        | 0.1340  | 0.1207  | 0.0874 | 0.0950   | 0.0950 | 0.1010   | 0.0873 | 0.1014  | 0.1250  | 0.1163  |
| 323                        | 0.1337  | 0.1203  | 0.0871 | 0.0948   | 0.0948 | 0.1008   | 0.0870 | 0.1011  | 0.1246  | 0.1160  |
| 324                        | 0.1333  | 0.1200  | 0.0869 | 0.0945   | 0.0945 | 0.1005   | 0.0868 | 0.1008  | 0.1243  | 0.1157  |
| 325                        | 0.1329  | 0.1197  | 0.0867 | 0.0942   | 0.0942 | 0.1002   | 0.0866 | 0.1005  | 0.1240  | 0.1154  |
| 326                        | 0.1326  | 0.1194  | 0.0864 | 0.0940   | 0.0940 | 0.0999   | 0.0863 | 0.1003  | 0.1236  | 0.1151  |
| 327                        | 0.1322  | 0.1190  | 0.0862 | 0.0937   | 0.0937 | 0.0997   | 0.0861 | 0.1000  | 0.1233  | 0.1147  |
| 328                        | 0.1319  | 0.1187  | 0.0860 | 0.0935   | 0.0935 | 0.0994   | 0.0859 | 0.0997  | 0.1230  | 0.1144  |
| 329                        | 0.1315  | 0.1184  | 0.0857 | 0.0932   | 0.0932 | 0.0991   | 0.0856 | 0.0995  | 0.1226  | 0.1141  |
| 330                        | 0.1312  | 0.1181  | 0.0855 | 0.0930   | 0.0930 | 0.0988   | 0.0854 | 0.0992  | 0.1223  | 0.1138  |
| 331                        | 0.1308  | 0.1178  | 0.0853 | 0.0927   | 0.0927 | 0.0986   | 0.0852 | 0.0989  | 0.1220  | 0.1135  |
| 332                        | 0.1304  | 0.1175  | 0.0850 | 0.0924   | 0.0924 | 0.0983   | 0.0849 | 0.0987  | 0.1216  | 0.1132  |
| 333                        | 0.1301  | 0.1171  | 0.0848 | 0.0922   | 0.0922 | 0.0980   | 0.0847 | 0.0984  | 0.1213  | 0.1128  |
| 334                        | 0.1297  | 0.1168  | 0.0846 | 0.0919   | 0.0919 | 0.0977   | 0.0845 | 0.0981  | 0.1210  | 0.1125  |
| 335                        | 0.1294  | 0.1165  | 0.0843 | 0.0917   | 0.0917 | 0.0975   | 0.0842 | 0.0979  | 0.1206  | 0.1122  |
| 336                        | 0.1290  | 0.1162  | 0.0841 | 0.0914   | 0.0914 | 0.0972   | 0.0840 | 0.0976  | 0.1203  | 0.1119  |
| 337                        | 0.1286  | 0.1159  | 0.0839 | 0.0912   | 0.0912 | 0.0969   | 0.0838 | 0.0973  | 0.1200  | 0.1116  |
| 338                        | 0.1283  | 0.1156  | 0.0836 | 0.0909   | 0.0909 | 0.0967   | 0.0835 | 0.0971  | 0.1196  | 0.1113  |
| 339                        | 0.1279  | 0.1152  | 0.0834 | 0.0907   | 0.0907 | 0.0964   | 0.0833 | 0.0968  | 0.1193  | 0.1110  |
| 340                        | 0.1276  | 0.1149  | 0.0832 | 0.0904   | 0.0904 | 0.0962   | 0.0831 | 0.0965  | 0.1190  | 0.1107  |
| 341                        | 0.1272  | 0.1146  | 0.0830 | 0.0902   | 0.0902 | 0.0959   | 0.0829 | 0.0963  | 0.1187  | 0.1104  |
| 342                        | 0.1269  | 0.1143  | 0.0827 | 0.0899   | 0.0899 | 0.0957   | 0.0826 | 0.0960  | 0.1183  | 0.1101  |
| 343                        | 0.1265  | 0.1140  | 0.0825 | 0.0897   | 0.0897 | 0.0954   | 0.0824 | 0.0957  | 0.1180  | 0.1098  |
| 344                        | 0.1262  | 0.1137  | 0.0823 | 0.0895   | 0.0895 | 0.0951   | 0.0822 | 0.0955  | 0.1177  | 0.1095  |
| 345                        | 0.1258  | 0.1133  | 0.0821 | 0.0892   | 0.0892 | 0.0949   | 0.0820 | 0.0952  | 0.1174  | 0.1092  |
| 346                        | 0.1255  | 0.1130  | 0.0818 | 0.0890   | 0.0890 | 0.0946   | 0.0817 | 0.0949  | 0.1170  | 0.1089  |
| 347                        | 0.1251  | 0.1127  | 0.0816 | 0.0887   | 0.0887 | 0.0944   | 0.0815 | 0.0947  | 0.1167  | 0.1086  |
| 348                        | 0.1248  | 0.1124  | 0.0814 | 0.0885   | 0.0885 | 0.0941   | 0.0813 | 0.0944  | 0.1164  | 0.1083  |
| 349                        | 0.1245  | 0.1121  | 0.0812 | 0.0883   | 0.0883 | 0.0938   | 0.0811 | 0.0941  | 0.1161  | 0.1080  |
| 350                        | 0.1241  | 0.1118  | 0.0809 | 0.0880   | 0.0880 | 0.0936   | 0.0808 | 0.0939  | 0.1158  | 0.1077  |
| 351                        | 0.1238  | 0.1115  | 0.0807 | 0.0878   | 0.0878 | 0.0933   | 0.0806 | 0.0936  | 0.1154  | 0.1074  |
| 352                        | 0.1235  | 0.1112  | 0.0805 | 0.0875   | 0.0875 | 0.0931   | 0.0804 | 0.0934  | 0.1151  | 0.1071  |
| 353                        | 0.1231  | 0.1109  | 0.0803 | 0.0873   | 0.0873 | 0.0928   | 0.0802 | 0.0931  | 0.1148  | 0.1068  |
| 354                        | 0.1228  | 0.1106  | 0.0800 | 0.0870   | 0.0870 | 0.0926   | 0.0799 | 0.0929  | 0.1145  | 0.1065  |
| 355                        | 0.1225  | 0.1103  | 0.0798 | 0.0868   | 0.0868 | 0.0923   | 0.0797 | 0.0926  | 0.1142  | 0.1063  |

| Months-to-URA <sup>2</sup> | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS  | SERS 2/3 | TRS 1  | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------|---------|---------|--------|----------|--------|----------|--------|---------|---------|---------|
| 356                        | 0.1221  | 0.1100  | 0.0796 | 0.0866   | 0.0866 | 0.0920   | 0.0795 | 0.0923  | 0.1139  | 0.1060  |
| 357                        | 0.1218  | 0.1097  | 0.0794 | 0.0863   | 0.0863 | 0.0918   | 0.0793 | 0.0921  | 0.1135  | 0.1057  |
| 358                        | 0.1215  | 0.1094  | 0.0791 | 0.0861   | 0.0861 | 0.0915   | 0.0790 | 0.0918  | 0.1132  | 0.1054  |
| 359                        | 0.1211  | 0.1091  | 0.0789 | 0.0858   | 0.0858 | 0.0913   | 0.0788 | 0.0916  | 0.1129  | 0.1051  |
| 360                        | 0.1208  | 0.1088  | 0.0787 | 0.0856   | 0.0856 | 0.0910   | 0.0786 | 0.0913  | 0.1126  | 0.1048  |
| 361                        | 0.1205  | 0.1085  | 0.0785 | 0.0854   | 0.0854 | 0.0908   | 0.0784 | 0.0911  | 0.1123  | 0.1045  |
| 362                        | 0.1201  | 0.1082  | 0.0783 | 0.0851   | 0.0851 | 0.0905   | 0.0782 | 0.0908  | 0.1120  | 0.1042  |
| 363                        | 0.1198  | 0.1079  | 0.0781 | 0.0849   | 0.0849 | 0.0903   | 0.0780 | 0.0906  | 0.1117  | 0.1040  |
| 364                        | 0.1195  | 0.1076  | 0.0779 | 0.0847   | 0.0847 | 0.0900   | 0.0778 | 0.0903  | 0.1114  | 0.1037  |
| 365                        | 0.1191  | 0.1073  | 0.0777 | 0.0844   | 0.0844 | 0.0898   | 0.0776 | 0.0901  | 0.1111  | 0.1034  |
| 366                        | 0.1188  | 0.1070  | 0.0775 | 0.0842   | 0.0842 | 0.0895   | 0.0774 | 0.0898  | 0.1108  | 0.1031  |
| 367                        | 0.1185  | 0.1067  | 0.0772 | 0.0840   | 0.0840 | 0.0893   | 0.0771 | 0.0896  | 0.1105  | 0.1028  |
| 368                        | 0.1181  | 0.1064  | 0.0770 | 0.0837   | 0.0837 | 0.0891   | 0.0769 | 0.0894  | 0.1102  | 0.1025  |
| 369                        | 0.1178  | 0.1061  | 0.0768 | 0.0835   | 0.0835 | 0.0888   | 0.0767 | 0.0891  | 0.1099  | 0.1023  |
| 370                        | 0.1175  | 0.1058  | 0.0766 | 0.0833   | 0.0833 | 0.0886   | 0.0765 | 0.0889  | 0.1096  | 0.1020  |
| 371                        | 0.1171  | 0.1055  | 0.0764 | 0.0830   | 0.0830 | 0.0883   | 0.0763 | 0.0886  | 0.1093  | 0.1017  |
| 372                        | 0.1168  | 0.1052  | 0.0762 | 0.0828   | 0.0828 | 0.0881   | 0.0761 | 0.0884  | 0.1090  | 0.1014  |
| 373                        | 0.1165  | 0.1049  | 0.0760 | 0.0826   | 0.0826 | 0.0879   | 0.0759 | 0.0882  | 0.1087  | 0.1011  |
| 374                        | 0.1162  | 0.1046  | 0.0758 | 0.0824   | 0.0824 | 0.0876   | 0.0757 | 0.0879  | 0.1084  | 0.1008  |
| 375                        | 0.1159  | 0.1044  | 0.0756 | 0.0821   | 0.0821 | 0.0874   | 0.0755 | 0.0877  | 0.1081  | 0.1006  |
| 376                        | 0.1156  | 0.1041  | 0.0754 | 0.0819   | 0.0819 | 0.0871   | 0.0753 | 0.0874  | 0.1078  | 0.1003  |
| 377                        | 0.1153  | 0.1038  | 0.0752 | 0.0817   | 0.0817 | 0.0869   | 0.0751 | 0.0872  | 0.1075  | 0.1000  |
| 378                        | 0.1150  | 0.1035  | 0.0750 | 0.0815   | 0.0815 | 0.0866   | 0.0749 | 0.0869  | 0.1072  | 0.0997  |
| 379                        | 0.1146  | 0.1032  | 0.0747 | 0.0813   | 0.0813 | 0.0864   | 0.0746 | 0.0867  | 0.1070  | 0.0995  |
| 380                        | 0.1143  | 0.1029  | 0.0745 | 0.0811   | 0.0811 | 0.0862   | 0.0744 | 0.0865  | 0.1067  | 0.0992  |
| 381                        | 0.1140  | 0.1027  | 0.0743 | 0.0808   | 0.0808 | 0.0859   | 0.0742 | 0.0862  | 0.1064  | 0.0989  |
| 382                        | 0.1137  | 0.1024  | 0.0741 | 0.0806   | 0.0806 | 0.0857   | 0.0740 | 0.0860  | 0.1061  | 0.0986  |
| 383                        | 0.1134  | 0.1021  | 0.0739 | 0.0804   | 0.0804 | 0.0854   | 0.0738 | 0.0857  | 0.1058  | 0.0984  |
| 384                        | 0.1131  | 0.1018  | 0.0737 | 0.0802   | 0.0802 | 0.0852   | 0.0736 | 0.0855  | 0.1055  | 0.0981  |
| 385                        | 0.1128  | 0.1015  | 0.0735 | 0.0800   | 0.0800 | 0.0850   | 0.0734 | 0.0853  | 0.1052  | 0.0978  |
| 386                        | 0.1125  | 0.1012  | 0.0733 | 0.0798   | 0.0798 | 0.0847   | 0.0732 | 0.0850  | 0.1049  | 0.0976  |
| 387                        | 0.1122  | 0.1010  | 0.0731 | 0.0795   | 0.0795 | 0.0845   | 0.0730 | 0.0848  | 0.1046  | 0.0973  |
| 388                        | 0.1119  | 0.1007  | 0.0729 | 0.0793   | 0.0793 | 0.0843   | 0.0728 | 0.0846  | 0.1043  | 0.0970  |
| 389                        | 0.1116  | 0.1004  | 0.0727 | 0.0791   | 0.0791 | 0.0840   | 0.0726 | 0.0843  | 0.1040  | 0.0968  |
| 390                        | 0.1113  | 0.1001  | 0.0725 | 0.0789   | 0.0789 | 0.0838   | 0.0724 | 0.0841  | 0.1037  | 0.0965  |
| 391                        | 0.1109  | 0.0999  | 0.0723 | 0.0787   | 0.0787 | 0.0836   | 0.0722 | 0.0839  | 0.1035  | 0.0962  |
| 392                        | 0.1106  | 0.0996  | 0.0721 | 0.0785   | 0.0785 | 0.0833   | 0.0720 | 0.0836  | 0.1032  | 0.0960  |
| 393                        | 0.1103  | 0.0993  | 0.0719 | 0.0782   | 0.0782 | 0.0831   | 0.0718 | 0.0834  | 0.1029  | 0.0957  |
| 394                        | 0.1100  | 0.0990  | 0.0717 | 0.0780   | 0.0780 | 0.0829   | 0.0716 | 0.0832  | 0.1026  | 0.0954  |
| 395                        | 0.1097  | 0.0988  | 0.0715 | 0.0778   | 0.0778 | 0.0826   | 0.0714 | 0.0829  | 0.1023  | 0.0952  |
| 396                        | 0.1094  | 0.0985  | 0.0713 | 0.0776   | 0.0776 | 0.0824   | 0.0712 | 0.0827  | 0.1020  | 0.0949  |
| 397                        | 0.1091  | 0.0982  | 0.0711 | 0.0774   | 0.0774 | 0.0822   | 0.0710 | 0.0825  | 0.1017  | 0.0946  |
| 398                        | 0.1088  | 0.0980  | 0.0709 | 0.0772   | 0.0772 | 0.0820   | 0.0708 | 0.0823  | 0.1014  | 0.0944  |
| 399                        | 0.1085  | 0.0977  | 0.0707 | 0.0769   | 0.0769 | 0.0817   | 0.0706 | 0.0820  | 0.1012  | 0.0941  |
| 400                        | 0.1082  | 0.0974  | 0.0705 | 0.0767   | 0.0767 | 0.0815   | 0.0704 | 0.0818  | 0.1009  | 0.0939  |
| 401                        | 0.1079  | 0.0972  | 0.0703 | 0.0765   | 0.0765 | 0.0813   | 0.0702 | 0.0816  | 0.1006  | 0.0936  |
| 402                        | 0.1076  | 0.0969  | 0.0701 | 0.0763   | 0.0763 | 0.0811   | 0.0700 | 0.0814  | 0.1003  | 0.0934  |
| 403                        | 0.1074  | 0.0966  | 0.0700 | 0.0761   | 0.0761 | 0.0809   | 0.0699 | 0.0812  | 0.1001  | 0.0931  |
| 404                        | 0.1071  | 0.0964  | 0.0698 | 0.0759   | 0.0759 | 0.0807   | 0.0697 | 0.0810  | 0.0998  | 0.0928  |
| 405                        | 0.1068  | 0.0961  | 0.0696 | 0.0756   | 0.0756 | 0.0804   | 0.0695 | 0.0807  | 0.0995  | 0.0926  |

| Months-to-URA <sup>2</sup> | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS  | SERS 2/3 | TRS 1  | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------|---------|---------|--------|----------|--------|----------|--------|---------|---------|---------|
| 406                        | 0.1065  | 0.0958  | 0.0694 | 0.0754   | 0.0754 | 0.0802   | 0.0693 | 0.0805  | 0.0992  | 0.0923  |
| 407                        | 0.1062  | 0.0956  | 0.0692 | 0.0752   | 0.0752 | 0.0800   | 0.0691 | 0.0803  | 0.0990  | 0.0921  |
| 408                        | 0.1059  | 0.0953  | 0.0690 | 0.0750   | 0.0750 | 0.0798   | 0.0689 | 0.0801  | 0.0987  | 0.0918  |
| 409                        | 0.1056  | 0.0950  | 0.0688 | 0.0748   | 0.0748 | 0.0796   | 0.0687 | 0.0799  | 0.0984  | 0.0916  |
| 410                        | 0.1053  | 0.0948  | 0.0686 | 0.0746   | 0.0746 | 0.0794   | 0.0685 | 0.0797  | 0.0982  | 0.0913  |
| 411                        | 0.1050  | 0.0945  | 0.0685 | 0.0744   | 0.0744 | 0.0791   | 0.0684 | 0.0794  | 0.0979  | 0.0911  |
| 412                        | 0.1047  | 0.0943  | 0.0683 | 0.0742   | 0.0742 | 0.0789   | 0.0682 | 0.0792  | 0.0976  | 0.0908  |
| 413                        | 0.1044  | 0.0940  | 0.0681 | 0.0740   | 0.0740 | 0.0787   | 0.0680 | 0.0790  | 0.0974  | 0.0906  |
| 414                        | 0.1041  | 0.0938  | 0.0679 | 0.0738   | 0.0738 | 0.0785   | 0.0678 | 0.0788  | 0.0971  | 0.0903  |
| 415                        | 0.1039  | 0.0935  | 0.0677 | 0.0736   | 0.0736 | 0.0783   | 0.0676 | 0.0786  | 0.0968  | 0.0901  |
| 416                        | 0.1036  | 0.0932  | 0.0675 | 0.0734   | 0.0734 | 0.0781   | 0.0674 | 0.0784  | 0.0966  | 0.0899  |
| 417                        | 0.1033  | 0.0930  | 0.0674 | 0.0732   | 0.0732 | 0.0778   | 0.0673 | 0.0781  | 0.0963  | 0.0896  |
| 418                        | 0.1030  | 0.0927  | 0.0672 | 0.0730   | 0.0730 | 0.0776   | 0.0671 | 0.0779  | 0.0960  | 0.0894  |
| 419                        | 0.1027  | 0.0925  | 0.0670 | 0.0728   | 0.0728 | 0.0774   | 0.0669 | 0.0777  | 0.0958  | 0.0891  |
| 420                        | 0.1024  | 0.0922  | 0.0668 | 0.0726   | 0.0726 | 0.0772   | 0.0667 | 0.0775  | 0.0955  | 0.0889  |
| 421                        | 0.1021  | 0.0919  | 0.0666 | 0.0724   | 0.0724 | 0.0770   | 0.0665 | 0.0773  | 0.0952  | 0.0887  |
| 422                        | 0.1018  | 0.0917  | 0.0664 | 0.0722   | 0.0722 | 0.0768   | 0.0663 | 0.0771  | 0.0950  | 0.0884  |
| 423                        | 0.1016  | 0.0914  | 0.0663 | 0.0720   | 0.0720 | 0.0766   | 0.0662 | 0.0769  | 0.0947  | 0.0882  |
| 424                        | 0.1013  | 0.0912  | 0.0661 | 0.0718   | 0.0718 | 0.0764   | 0.0660 | 0.0767  | 0.0945  | 0.0879  |
| 425                        | 0.1010  | 0.0909  | 0.0659 | 0.0716   | 0.0716 | 0.0762   | 0.0658 | 0.0765  | 0.0942  | 0.0877  |
| 426                        | 0.1007  | 0.0907  | 0.0657 | 0.0714   | 0.0714 | 0.0760   | 0.0656 | 0.0763  | 0.0940  | 0.0874  |
| 427                        | 0.1005  | 0.0904  | 0.0655 | 0.0713   | 0.0713 | 0.0757   | 0.0654 | 0.0760  | 0.0937  | 0.0872  |
| 428                        | 0.1002  | 0.0902  | 0.0653 | 0.0711   | 0.0711 | 0.0755   | 0.0652 | 0.0758  | 0.0934  | 0.0870  |
| 429                        | 0.0999  | 0.0899  | 0.0652 | 0.0709   | 0.0709 | 0.0753   | 0.0651 | 0.0756  | 0.0932  | 0.0867  |
| 430                        | 0.0996  | 0.0897  | 0.0650 | 0.0707   | 0.0707 | 0.0751   | 0.0649 | 0.0754  | 0.0929  | 0.0865  |
| 431                        | 0.0994  | 0.0894  | 0.0648 | 0.0705   | 0.0705 | 0.0749   | 0.0647 | 0.0752  | 0.0927  | 0.0862  |
| 432                        | 0.0991  | 0.0892  | 0.0646 | 0.0703   | 0.0703 | 0.0747   | 0.0645 | 0.0750  | 0.0924  | 0.0860  |
| 433                        | 0.0988  | 0.0890  | 0.0644 | 0.0701   | 0.0701 | 0.0745   | 0.0643 | 0.0748  | 0.0921  | 0.0858  |
| 434                        | 0.0986  | 0.0887  | 0.0642 | 0.0699   | 0.0699 | 0.0743   | 0.0641 | 0.0746  | 0.0919  | 0.0855  |
| 435                        | 0.0983  | 0.0885  | 0.0641 | 0.0697   | 0.0697 | 0.0741   | 0.0640 | 0.0744  | 0.0916  | 0.0853  |
| 436                        | 0.0980  | 0.0883  | 0.0639 | 0.0695   | 0.0695 | 0.0739   | 0.0638 | 0.0742  | 0.0914  | 0.0851  |
| 437                        | 0.0978  | 0.0880  | 0.0637 | 0.0693   | 0.0693 | 0.0737   | 0.0636 | 0.0740  | 0.0911  | 0.0848  |
| 438                        | 0.0975  | 0.0878  | 0.0635 | 0.0691   | 0.0691 | 0.0735   | 0.0634 | 0.0738  | 0.0909  | 0.0846  |
| 439                        | 0.0972  | 0.0876  | 0.0634 | 0.0690   | 0.0690 | 0.0733   | 0.0633 | 0.0735  | 0.0906  | 0.0844  |
| 440                        | 0.0970  | 0.0873  | 0.0632 | 0.0688   | 0.0688 | 0.0731   | 0.0631 | 0.0733  | 0.0904  | 0.0841  |
| 441                        | 0.0967  | 0.0871  | 0.0630 | 0.0686   | 0.0686 | 0.0729   | 0.0629 | 0.0731  | 0.0901  | 0.0839  |
| 442                        | 0.0964  | 0.0869  | 0.0628 | 0.0684   | 0.0684 | 0.0727   | 0.0627 | 0.0729  | 0.0899  | 0.0837  |
| 443                        | 0.0962  | 0.0866  | 0.0627 | 0.0682   | 0.0682 | 0.0725   | 0.0626 | 0.0727  | 0.0896  | 0.0834  |
| 444                        | 0.0959  | 0.0864  | 0.0625 | 0.0680   | 0.0680 | 0.0723   | 0.0624 | 0.0725  | 0.0894  | 0.0832  |
| 445                        | 0.0956  | 0.0862  | 0.0623 | 0.0678   | 0.0678 | 0.0721   | 0.0622 | 0.0723  | 0.0892  | 0.0830  |
| 446                        | 0.0954  | 0.0859  | 0.0622 | 0.0676   | 0.0676 | 0.0719   | 0.0621 | 0.0721  | 0.0889  | 0.0827  |
| 447                        | 0.0951  | 0.0857  | 0.0620 | 0.0675   | 0.0675 | 0.0717   | 0.0619 | 0.0719  | 0.0887  | 0.0825  |
| 448                        | 0.0949  | 0.0855  | 0.0618 | 0.0673   | 0.0673 | 0.0715   | 0.0617 | 0.0717  | 0.0884  | 0.0823  |
| 449                        | 0.0946  | 0.0852  | 0.0617 | 0.0671   | 0.0671 | 0.0713   | 0.0616 | 0.0715  | 0.0882  | 0.0821  |
| 450                        | 0.0944  | 0.0850  | 0.0615 | 0.0669   | 0.0669 | 0.0711   | 0.0614 | 0.0713  | 0.0879  | 0.0818  |
| 451                        | 0.0941  | 0.0848  | 0.0613 | 0.0667   | 0.0667 | 0.0709   | 0.0612 | 0.0712  | 0.0877  | 0.0816  |
| 452                        | 0.0938  | 0.0845  | 0.0612 | 0.0665   | 0.0665 | 0.0707   | 0.0611 | 0.0710  | 0.0875  | 0.0814  |
| 453                        | 0.0936  | 0.0843  | 0.0610 | 0.0664   | 0.0664 | 0.0705   | 0.0609 | 0.0708  | 0.0872  | 0.0812  |
| 454                        | 0.0933  | 0.0841  | 0.0608 | 0.0662   | 0.0662 | 0.0703   | 0.0607 | 0.0706  | 0.0870  | 0.0809  |
| 455                        | 0.0931  | 0.0838  | 0.0607 | 0.0660   | 0.0660 | 0.0701   | 0.0606 | 0.0704  | 0.0867  | 0.0807  |

| Months to URA <sup>2</sup> | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS  | SERS 2/3 | TRS 1  | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------|---------|---------|--------|----------|--------|----------|--------|---------|---------|---------|
| 456                        | 0.0928  | 0.0836  | 0.0605 | 0.0658   | 0.0658 | 0.0699   | 0.0604 | 0.0702  | 0.0865  | 0.0805  |
| 457                        | 0.0925  | 0.0834  | 0.0603 | 0.0656   | 0.0656 | 0.0697   | 0.0602 | 0.0700  | 0.0863  | 0.0803  |
| 458                        | 0.0923  | 0.0831  | 0.0602 | 0.0654   | 0.0654 | 0.0695   | 0.0601 | 0.0698  | 0.0860  | 0.0801  |
| 459                        | 0.0920  | 0.0829  | 0.0600 | 0.0653   | 0.0653 | 0.0694   | 0.0599 | 0.0696  | 0.0858  | 0.0798  |
| 460                        | 0.0918  | 0.0827  | 0.0598 | 0.0651   | 0.0651 | 0.0692   | 0.0598 | 0.0694  | 0.0856  | 0.0796  |
| 461                        | 0.0915  | 0.0824  | 0.0597 | 0.0649   | 0.0649 | 0.0690   | 0.0596 | 0.0692  | 0.0853  | 0.0794  |
| 462                        | 0.0913  | 0.0822  | 0.0595 | 0.0647   | 0.0647 | 0.0688   | 0.0595 | 0.0690  | 0.0851  | 0.0792  |
| 463                        | 0.0910  | 0.0820  | 0.0593 | 0.0645   | 0.0645 | 0.0686   | 0.0593 | 0.0689  | 0.0849  | 0.0790  |
| 464                        | 0.0908  | 0.0817  | 0.0592 | 0.0643   | 0.0643 | 0.0684   | 0.0591 | 0.0687  | 0.0846  | 0.0788  |
| 465                        | 0.0905  | 0.0815  | 0.0590 | 0.0642   | 0.0642 | 0.0683   | 0.0590 | 0.0685  | 0.0844  | 0.0785  |
| 466                        | 0.0903  | 0.0813  | 0.0588 | 0.0640   | 0.0640 | 0.0681   | 0.0588 | 0.0683  | 0.0842  | 0.0783  |
| 467                        | 0.0900  | 0.0810  | 0.0587 | 0.0638   | 0.0638 | 0.0679   | 0.0587 | 0.0681  | 0.0839  | 0.0781  |
| 468                        | 0.0898  | 0.0808  | 0.0585 | 0.0636   | 0.0636 | 0.0677   | 0.0585 | 0.0679  | 0.0837  | 0.0779  |
| 469                        | 0.0896  | 0.0806  | 0.0583 | 0.0634   | 0.0634 | 0.0675   | 0.0583 | 0.0677  | 0.0835  | 0.0777  |
| 470                        | 0.0893  | 0.0804  | 0.0582 | 0.0633   | 0.0633 | 0.0673   | 0.0582 | 0.0675  | 0.0832  | 0.0775  |
| 471                        | 0.0891  | 0.0801  | 0.0580 | 0.0631   | 0.0631 | 0.0672   | 0.0580 | 0.0674  | 0.0830  | 0.0773  |
| 472                        | 0.0888  | 0.0799  | 0.0579 | 0.0629   | 0.0629 | 0.0670   | 0.0579 | 0.0672  | 0.0828  | 0.0771  |
| 473                        | 0.0886  | 0.0797  | 0.0577 | 0.0628   | 0.0628 | 0.0668   | 0.0577 | 0.0670  | 0.0826  | 0.0769  |
| 474                        | 0.0883  | 0.0795  | 0.0576 | 0.0626   | 0.0626 | 0.0666   | 0.0576 | 0.0668  | 0.0823  | 0.0767  |
| 475                        | 0.0881  | 0.0793  | 0.0574 | 0.0624   | 0.0624 | 0.0664   | 0.0574 | 0.0666  | 0.0821  | 0.0764  |
| 476                        | 0.0879  | 0.0791  | 0.0572 | 0.0623   | 0.0623 | 0.0662   | 0.0572 | 0.0664  | 0.0819  | 0.0762  |
| 477                        | 0.0876  | 0.0788  | 0.0571 | 0.0621   | 0.0621 | 0.0661   | 0.0571 | 0.0663  | 0.0817  | 0.0760  |
| 478                        | 0.0874  | 0.0786  | 0.0569 | 0.0619   | 0.0619 | 0.0659   | 0.0569 | 0.0661  | 0.0814  | 0.0758  |
| 479                        | 0.0871  | 0.0784  | 0.0568 | 0.0618   | 0.0618 | 0.0657   | 0.0568 | 0.0659  | 0.0812  | 0.0756  |
| 480                        | 0.0869  | 0.0782  | 0.0566 | 0.0616   | 0.0616 | 0.0655   | 0.0566 | 0.0657  | 0.0810  | 0.0754  |

<sup>2</sup>Months to URA means the number of months between the age at which you establish or restore the service credit and the age at which you would be eligible to retire with an unreduced retirement allowance (URA).

(4) **Tables – Factor 2 and Factor 3.** Factors 2 and 3 will be used in the calculation of the cost to establish or restore service credit only for a member in PERS Plan 1, TRS Plan 1, WSPRS Plan 1 or 2, and only if the service credit would allow the member to retire earlier.

**FACTOR 2**

| Plan    | Factor 2 |
|---------|----------|
| PERS 1  | 0.00434  |
| TRS 1   | 0.00383  |
| WSPRS 1 | 0.00489  |
| WSPRS 2 | 0.00460  |

**FACTOR 3**

| Months to URA | Factor 3 |
|---------------|----------|
| 0             | 1.0000   |
| 1             | 0.9973   |
| 2             | 0.9946   |
| 3             | 0.9919   |
| 4             | 0.9892   |
| 5             | 0.9865   |

| Months to URA | Factor 3 |
|---------------|----------|
| 6             | 0.9838   |
| 7             | 0.9811   |
| 8             | 0.9784   |
| 9             | 0.9757   |
| 10            | 0.9730   |
| 11            | 0.9703   |
| 12            | 0.9676   |
| 13            | 0.9650   |
| 14            | 0.9624   |
| 15            | 0.9597   |
| 16            | 0.9571   |
| 17            | 0.9545   |
| 18            | 0.9519   |
| 19            | 0.9493   |
| 20            | 0.9467   |
| 21            | 0.9440   |
| 22            | 0.9414   |
| 23            | 0.9388   |

| <b>Months to URA</b> | <b>Factor 3</b> |
|----------------------|-----------------|
| 24                   | 0.9362          |
| 25                   | 0.9337          |
| 26                   | 0.9311          |
| 27                   | 0.9286          |
| 28                   | 0.9261          |
| 29                   | 0.9236          |
| 30                   | 0.9210          |
| 31                   | 0.9185          |
| 32                   | 0.9160          |
| 33                   | 0.9135          |
| 34                   | 0.9109          |
| 35                   | 0.9084          |
| 36                   | 0.9059          |
| 37                   | 0.9034          |
| 38                   | 0.9010          |
| 39                   | 0.8985          |
| 40                   | 0.8961          |
| 41                   | 0.8936          |
| 42                   | 0.8912          |
| 43                   | 0.8887          |
| 44                   | 0.8863          |
| 45                   | 0.8838          |
| 46                   | 0.8814          |
| 47                   | 0.8789          |
| 48                   | 0.8765          |
| 49                   | 0.8741          |
| 50                   | 0.8718          |
| 51                   | 0.8694          |
| 52                   | 0.8670          |
| 53                   | 0.8647          |
| 54                   | 0.8623          |
| 55                   | 0.8599          |
| 56                   | 0.8576          |
| 57                   | 0.8552          |
| 58                   | 0.8528          |
| 59                   | 0.8505          |
| 60                   | 0.8481          |
| 61                   | 0.8458          |
| 62                   | 0.8435          |
| 63                   | 0.8412          |
| 64                   | 0.8389          |
| 65                   | 0.8366          |
| 66                   | 0.8343          |

| <b>Months to URA</b> | <b>Factor 3</b> |
|----------------------|-----------------|
| 67                   | 0.8321          |
| 68                   | 0.8298          |
| 69                   | 0.8275          |
| 70                   | 0.8252          |
| 71                   | 0.8229          |
| 72                   | 0.8206          |
| 73                   | 0.8184          |
| 74                   | 0.8162          |
| 75                   | 0.8139          |
| 76                   | 0.8117          |
| 77                   | 0.8095          |
| 78                   | 0.8073          |
| 79                   | 0.8051          |
| 80                   | 0.8029          |
| 81                   | 0.8006          |
| 82                   | 0.7984          |
| 83                   | 0.7962          |
| 84                   | 0.7940          |
| 85                   | 0.7919          |
| 86                   | 0.7897          |
| 87                   | 0.7876          |
| 88                   | 0.7854          |
| 89                   | 0.7833          |
| 90                   | 0.7811          |
| 91                   | 0.7790          |
| 92                   | 0.7769          |
| 93                   | 0.7747          |
| 94                   | 0.7726          |
| 95                   | 0.7704          |
| 96                   | 0.7683          |
| 97                   | 0.7662          |
| 98                   | 0.7641          |
| 99                   | 0.7621          |
| 100                  | 0.7600          |
| 101                  | 0.7579          |
| 102                  | 0.7558          |
| 103                  | 0.7538          |
| 104                  | 0.7517          |
| 105                  | 0.7496          |
| 106                  | 0.7475          |
| 107                  | 0.7455          |
| 108                  | 0.7434          |
| 109                  | 0.7414          |

| <b>Months to URA</b> | <b>Factor 3</b> |
|----------------------|-----------------|
| 110                  | 0.7394          |
| 111                  | 0.7374          |
| 112                  | 0.7354          |
| 113                  | 0.7334          |
| 114                  | 0.7314          |
| 115                  | 0.7293          |
| 116                  | 0.7273          |
| 117                  | 0.7253          |
| 118                  | 0.7233          |
| 119                  | 0.7213          |
| 120                  | 0.7193          |
| 121                  | 0.7174          |
| 122                  | 0.7154          |
| 123                  | 0.7135          |
| 124                  | 0.7115          |
| 125                  | 0.7096          |
| 126                  | 0.7076          |
| 127                  | 0.7057          |
| 128                  | 0.7038          |
| 129                  | 0.7018          |
| 130                  | 0.6999          |
| 131                  | 0.6979          |
| 132                  | 0.6960          |
| 133                  | 0.6941          |
| 134                  | 0.6922          |
| 135                  | 0.6904          |
| 136                  | 0.6885          |
| 137                  | 0.6866          |
| 138                  | 0.6847          |
| 139                  | 0.6829          |
| 140                  | 0.6810          |
| 141                  | 0.6791          |
| 142                  | 0.6772          |
| 143                  | 0.6754          |
| 144                  | 0.6735          |
| 145                  | 0.6717          |
| 146                  | 0.6698          |
| 147                  | 0.6680          |
| 148                  | 0.6662          |
| 149                  | 0.6644          |
| 150                  | 0.6625          |
| 151                  | 0.6607          |
| 152                  | 0.6589          |

| <b>Months to URA</b> | <b>Factor 3</b> |
|----------------------|-----------------|
| 153                  | 0.6571          |
| 154                  | 0.6552          |
| 155                  | 0.6534          |
| 156                  | 0.6516          |
| 157                  | 0.6498          |
| 158                  | 0.6481          |
| 159                  | 0.6463          |
| 160                  | 0.6446          |
| 161                  | 0.6428          |
| 162                  | 0.6411          |
| 163                  | 0.6393          |
| 164                  | 0.6375          |
| 165                  | 0.6358          |
| 166                  | 0.6340          |
| 167                  | 0.6323          |
| 168                  | 0.6305          |
| 169                  | 0.6288          |
| 170                  | 0.6271          |
| 171                  | 0.6254          |
| 172                  | 0.6237          |
| 173                  | 0.6220          |
| 174                  | 0.6203          |
| 175                  | 0.6186          |
| 176                  | 0.6169          |
| 177                  | 0.6152          |
| 178                  | 0.6135          |
| 179                  | 0.6118          |
| 180                  | 0.6101          |
| 181                  | 0.6084          |
| 182                  | 0.6068          |
| 183                  | 0.6051          |
| 184                  | 0.6035          |
| 185                  | 0.6018          |
| 186                  | 0.6002          |
| 187                  | 0.5985          |
| 188                  | 0.5969          |
| 189                  | 0.5952          |
| 190                  | 0.5936          |
| 191                  | 0.5919          |
| 192                  | 0.5903          |
| 193                  | 0.5887          |
| 194                  | 0.5871          |
| 195                  | 0.5855          |

| <b>Months to URA</b> | <b>Factor 3</b> |
|----------------------|-----------------|
| 196                  | 0.5839          |
| 197                  | 0.5823          |
| 198                  | 0.5807          |
| 199                  | 0.5792          |
| 200                  | 0.5776          |
| 201                  | 0.5760          |
| 202                  | 0.5744          |
| 203                  | 0.5728          |
| 204                  | 0.5712          |
| 205                  | 0.5697          |
| 206                  | 0.5681          |
| 207                  | 0.5666          |
| 208                  | 0.5650          |
| 209                  | 0.5635          |
| 210                  | 0.5619          |
| 211                  | 0.5604          |
| 212                  | 0.5589          |
| 213                  | 0.5573          |
| 214                  | 0.5558          |
| 215                  | 0.5542          |
| 216                  | 0.5527          |
| 217                  | 0.5512          |
| 218                  | 0.5497          |
| 219                  | 0.5482          |
| 220                  | 0.5467          |
| 221                  | 0.5452          |
| 222                  | 0.5437          |
| 223                  | 0.5423          |
| 224                  | 0.5408          |
| 225                  | 0.5393          |
| 226                  | 0.5378          |
| 227                  | 0.5363          |
| 228                  | 0.5348          |
| 229                  | 0.5333          |
| 230                  | 0.5319          |
| 231                  | 0.5304          |
| 232                  | 0.5290          |
| 233                  | 0.5275          |
| 234                  | 0.5261          |
| 235                  | 0.5246          |
| 236                  | 0.5232          |
| 237                  | 0.5217          |
| 238                  | 0.5203          |

| <b>Months to URA</b> | <b>Factor 3</b> |
|----------------------|-----------------|
| 239                  | 0.5188          |
| 240                  | 0.5174          |
| 241                  | 0.5160          |
| 242                  | 0.5146          |
| 243                  | 0.5132          |
| 244                  | 0.5118          |
| 245                  | 0.5104          |
| 246                  | 0.5090          |
| 247                  | 0.5077          |
| 248                  | 0.5063          |
| 249                  | 0.5049          |
| 250                  | 0.5035          |
| 251                  | 0.5021          |
| 252                  | 0.5007          |
| 253                  | 0.4993          |
| 254                  | 0.4980          |
| 255                  | 0.4966          |
| 256                  | 0.4953          |
| 257                  | 0.4939          |
| 258                  | 0.4926          |
| 259                  | 0.4912          |
| 260                  | 0.4898          |
| 261                  | 0.4885          |
| 262                  | 0.4871          |
| 263                  | 0.4858          |
| 264                  | 0.4844          |
| 265                  | 0.4831          |
| 266                  | 0.4818          |
| 267                  | 0.4805          |
| 268                  | 0.4792          |
| 269                  | 0.4779          |
| 270                  | 0.4766          |
| 271                  | 0.4752          |
| 272                  | 0.4739          |
| 273                  | 0.4726          |
| 274                  | 0.4713          |
| 275                  | 0.4700          |
| 276                  | 0.4687          |
| 277                  | 0.4674          |
| 278                  | 0.4662          |
| 279                  | 0.4649          |
| 280                  | 0.4636          |
| 281                  | 0.4624          |

| <b>Months to URA</b> | <b>Factor 3</b> |
|----------------------|-----------------|
| 282                  | 0.4611          |
| 283                  | 0.4598          |
| 284                  | 0.4586          |
| 285                  | 0.4573          |
| 286                  | 0.4560          |
| 287                  | 0.4548          |
| 288                  | 0.4535          |
| 289                  | 0.4523          |
| 290                  | 0.4510          |
| 291                  | 0.4498          |
| 292                  | 0.4486          |
| 293                  | 0.4474          |
| 294                  | 0.4461          |
| 295                  | 0.4449          |
| 296                  | 0.4437          |
| 297                  | 0.4425          |
| 298                  | 0.4412          |
| 299                  | 0.4400          |
| 300                  | 0.4388          |
| 301                  | 0.4376          |
| 302                  | 0.4364          |
| 303                  | 0.4353          |
| 304                  | 0.4341          |
| 305                  | 0.4329          |
| 306                  | 0.4317          |
| 307                  | 0.4305          |
| 308                  | 0.4293          |
| 309                  | 0.4282          |
| 310                  | 0.4270          |
| 311                  | 0.4258          |
| 312                  | 0.4246          |
| 313                  | 0.4235          |
| 314                  | 0.4223          |
| 315                  | 0.4212          |
| 316                  | 0.4200          |
| 317                  | 0.4189          |
| 318                  | 0.4177          |
| 319                  | 0.4166          |
| 320                  | 0.4155          |
| 321                  | 0.4143          |
| 322                  | 0.4132          |
| 323                  | 0.4120          |
| 324                  | 0.4109          |

| <b>Months to URA</b> | <b>Factor 3</b> |
|----------------------|-----------------|
| 325                  | 0.4098          |
| 326                  | 0.4087          |
| 327                  | 0.4075          |
| 328                  | 0.4064          |
| 329                  | 0.4053          |
| 330                  | 0.4042          |
| 331                  | 0.4031          |
| 332                  | 0.4020          |
| 333                  | 0.4008          |
| 334                  | 0.3997          |
| 335                  | 0.3986          |
| 336                  | 0.3975          |
| 337                  | 0.3964          |
| 338                  | 0.3954          |
| 339                  | 0.3943          |
| 340                  | 0.3932          |
| 341                  | 0.3922          |
| 342                  | 0.3911          |
| 343                  | 0.3900          |
| 344                  | 0.3890          |
| 345                  | 0.3879          |
| 346                  | 0.3868          |
| 347                  | 0.3858          |
| 348                  | 0.3847          |
| 349                  | 0.3837          |
| 350                  | 0.3826          |
| 351                  | 0.3816          |
| 352                  | 0.3805          |
| 353                  | 0.3795          |
| 354                  | 0.3784          |
| 355                  | 0.3774          |
| 356                  | 0.3764          |
| 357                  | 0.3753          |
| 358                  | 0.3743          |
| 359                  | 0.3732          |
| 360                  | 0.3722          |
| 361                  | 0.3712          |
| 362                  | 0.3702          |
| 363                  | 0.3692          |
| 364                  | 0.3682          |
| 365                  | 0.3672          |
| 366                  | 0.3662          |
| 367                  | 0.3651          |

| <b>Months to URA</b> | <b>Factor 3</b> |
|----------------------|-----------------|
| 368                  | 0.3641          |
| 369                  | 0.3631          |
| 370                  | 0.3621          |
| 371                  | 0.3611          |
| 372                  | 0.3601          |
| 373                  | 0.3591          |
| 374                  | 0.3582          |
| 375                  | 0.3572          |
| 376                  | 0.3562          |
| 377                  | 0.3553          |
| 378                  | 0.3543          |
| 379                  | 0.3533          |
| 380                  | 0.3524          |
| 381                  | 0.3514          |
| 382                  | 0.3504          |
| 383                  | 0.3495          |
| 384                  | 0.3485          |
| 385                  | 0.3476          |
| 386                  | 0.3466          |
| 387                  | 0.3457          |
| 388                  | 0.3447          |
| 389                  | 0.3438          |
| 390                  | 0.3428          |
| 391                  | 0.3419          |
| 392                  | 0.3410          |
| 393                  | 0.3400          |
| 394                  | 0.3391          |
| 395                  | 0.3381          |
| 396                  | 0.3372          |
| 397                  | 0.3363          |
| 398                  | 0.3354          |
| 399                  | 0.3344          |
| 400                  | 0.3335          |
| 401                  | 0.3326          |
| 402                  | 0.3317          |
| 403                  | 0.3308          |
| 404                  | 0.3299          |
| 405                  | 0.3289          |
| 406                  | 0.3280          |
| 407                  | 0.3271          |
| 408                  | 0.3262          |
| 409                  | 0.3253          |
| 410                  | 0.3244          |

| <b>Months to URA</b> | <b>Factor 3</b> |
|----------------------|-----------------|
| 411                  | 0.3236          |
| 412                  | 0.3227          |
| 413                  | 0.3218          |
| 414                  | 0.3209          |
| 415                  | 0.3201          |
| 416                  | 0.3192          |
| 417                  | 0.3183          |
| 418                  | 0.3174          |
| 419                  | 0.3166          |
| 420                  | 0.3157          |
| 421                  | 0.3148          |
| 422                  | 0.3140          |
| 423                  | 0.3131          |
| 424                  | 0.3123          |
| 425                  | 0.3114          |
| 426                  | 0.3106          |
| 427                  | 0.3097          |
| 428                  | 0.3088          |
| 429                  | 0.3080          |
| 430                  | 0.3071          |
| 431                  | 0.3063          |
| 432                  | 0.3054          |
| 433                  | 0.3046          |
| 434                  | 0.3037          |
| 435                  | 0.3029          |
| 436                  | 0.3021          |
| 437                  | 0.3013          |
| 438                  | 0.3004          |
| 439                  | 0.2996          |
| 440                  | 0.2988          |
| 441                  | 0.2980          |
| 442                  | 0.2971          |
| 443                  | 0.2963          |
| 444                  | 0.2955          |
| 445                  | 0.2947          |
| 446                  | 0.2939          |
| 447                  | 0.2931          |
| 448                  | 0.2923          |
| 449                  | 0.2915          |
| 450                  | 0.2907          |
| 451                  | 0.2900          |
| 452                  | 0.2892          |
| 453                  | 0.2884          |

| <del>Months to URA</del> | <del>Factor 3</del> |
|--------------------------|---------------------|
| 454                      | 0.2876              |
| 455                      | 0.2868              |
| 456                      | 0.2860              |
| 457                      | 0.2852              |
| 458                      | 0.2844              |
| 459                      | 0.2837              |
| 460                      | 0.2829              |
| 461                      | 0.2821              |
| 462                      | 0.2813              |
| 463                      | 0.2806              |
| 464                      | 0.2798              |
| 465                      | 0.2790              |
| 466                      | 0.2782              |
| 467                      | 0.2775              |
| 468                      | 0.2767              |
| 469                      | 0.2759              |
| 470                      | 0.2752              |
| 471                      | 0.2744              |
| 472                      | 0.2737              |
| 473                      | 0.2729              |
| 474                      | 0.2722              |
| 475                      | 0.2714              |
| 476                      | 0.2707              |
| 477                      | 0.2699              |
| 478                      | 0.2692              |
| 479                      | 0.2684              |
| 480                      | 0.2677))            |

|                     |               |                 |
|---------------------|---------------|-----------------|
| LEOFF Plan 2:       | RCW 41.26.460 | WAC 415-104-215 |
| PERS Plan 1:        | RCW 41.40.188 | WAC 415-108-326 |
| PERS Plan 2:        | RCW 41.40.660 | WAC 415-108-326 |
| PERS Plan 3:        | RCW 41.40.845 | WAC 415-108-326 |
| PSERS:              | RCW 41.37.170 | WAC 415-106-600 |
| SERS Plans 2 and 3: | RCW 41.35.220 | WAC 415-110-610 |
| TRS Plan 1:         | RCW 41.32.530 | WAC 415-112-504 |
| TRS Plan 2:         | RCW 41.32.785 | WAC 415-112-505 |
| TRS Plan 3:         | RCW 41.32.851 | WAC 415-112-505 |
| WSPRS Plan 1:       | RCW 43.43.278 | WAC 415-103-215 |
| WSPRS Plan 2:       | RCW 43.43.271 | WAC 415-103-225 |

(4) **How will selecting a benefit option with a survivor feature affect my monthly retirement benefit?** ((Yes.)) If you select a benefit option that has a survivor feature, your monthly retirement benefit will be actuarially reduced to offset the cost of the survivor feature.

(5) **Does my survivor beneficiary's age affect how much my monthly retirement benefit will be reduced?** Yes. Your survivor beneficiary's age is used in determining the amount of your monthly retirement benefit and the benefit of your survivor beneficiary. The younger the survivor beneficiary, the longer he or she is expected to receive a benefit. Your monthly benefit will be reduced accordingly.

(a) **Example:**

Kendra, a PERS Plan 2 member, chooses Option 3 (joint and 50 percent survivorship) at retirement. Her monthly Option 1 benefit amount before adding a survivor option feature is \$2,000.00. She names her nephew, Steve, as her survivor beneficiary. This means, if Kendra dies before Steve, Steve will receive a monthly benefit equal to half the amount Kendra was receiving. Steve is 30 years younger than Kendra. The department will calculate the adjustment to Kendra's monthly retirement benefit by using the survivor option factor ((~~table ("member older") in subsection (6) of this section.~~) associated with a 30-year age difference ((member's age minus beneficiary's age), the value) in which the member is older than the beneficiary. For illustration purposes in this example only, we will use 0.776 as the corresponding ((to PERS Plan 2 and Option 3 is 0.776. This value, 0.776, is multiplied against the amount Kendra would have received under Option 1 (no survivor feature). Kendra's monthly retirement benefit will be reduced to about 77% of her Option 1 level)) Option 3 benefit factor (actuarial factors change periodically). As a result, Kendra's Option 3 monthly benefit amount will be \$1,552.00 (\$2,000.00 x 0.776).

(b) **Example:**

Mark, a LEOFF Plan 2 member, chooses Option 2 (joint and 100 percent survivorship) at retirement. His monthly Option 1 benefit amount before adding a survivor option feature is \$2,000.00. He names his wife, Susan, as his survivor beneficiary. This means, if Mark dies before Susan, Susan will receive a monthly benefit equal to the amount Mark was receiving. Mark is five years younger than Susan. The department will calculate the adjustment to Mark's monthly retirement benefit by using the survivor option factor ((~~table ("member younger") in subsection (11) of this section.~~) that corresponds with a 5-year age difference ((member's age minus beneficiary's age), the value corresponding to LEOFF

**AMENDATORY SECTION** (Amending WSR 10-16-086, filed 7/30/10, effective 9/1/10)

**WAC 415-02-380 How will my retirement benefit be affected if I choose a benefit option with a survivor feature?** This section applies to LEOFF Plans 1 and 2; PERS Plans 1, 2, and 3; PSERS; SERS Plans 2 and 3; TRS Plans 1, 2, and 3; and WSPRS Plans 1 and 2.

(1) **What is a survivor feature?** ((Some)) A survivor feature is a benefit option((s include a survivor feature, which)) that provides a lifetime monthly benefit for your survivor beneficiary after your death.

(2) **What is a ((=))survivor beneficiary((=))?** A survivor beneficiary is the person you name at the time of retirement to receive a lifetime monthly benefit after your death ((is referred to as your "survivor beneficiary)).((=))

(3) **What benefit options include a survivor feature?** Benefit options are described in detail for each system and plan in the following state law and regulations:

|               |               |                 |
|---------------|---------------|-----------------|
| LEOFF Plan 1: | RCW 41.26.164 | WAC 415-104-202 |
|---------------|---------------|-----------------|

Plan 2 and Option 2 is 0.898. This value, 0.898, will be multiplied against the amount Mark would have received under Option 1 (no survivor feature). Mark's monthly retirement benefit will be reduced to about 90% of his Option 1 level) in which the member is younger than the beneficiary. For

illustration purposes in this example only, we will use 0.898 as the corresponding Option 2 benefit factor (actuarial factors change periodically). As a result, Mark's Option 2 monthly benefit amount will be \$1,796.00 (\$2,000.00 x 0.898).

((6) **Table – Member older (PERS and SERS).** The following factors are effective September 1, 2010.

Survivor option factor table: Member older than beneficiary

Age difference: Member's age minus beneficiary's age

| Age Difference | PERS 1<br>Opt. 2<br>100% | PERS 1<br>Opt. 3<br>50% | PERS 1<br>Opt. 4<br>66 2/3% | PERS 2/3<br>Opt. 2<br>100% | PERS 2/3<br>Opt. 3<br>50% | PERS 2/3<br>Opt. 4<br>66 2/3% | SERS 2/3<br>Opt. 2<br>100% | SERS 2/3<br>Opt. 3<br>50% | SERS 2/3<br>Opt. 4<br>66 2/3% |
|----------------|--------------------------|-------------------------|-----------------------------|----------------------------|---------------------------|-------------------------------|----------------------------|---------------------------|-------------------------------|
| 0              | 0.882                    | 0.937                   | 0.918                       | 0.807                      | 0.893                     | 0.862                         | 0.802                      | 0.890                     | 0.859                         |
| 1              | 0.875                    | 0.933                   | 0.913                       | 0.793                      | 0.885                     | 0.852                         | 0.780                      | 0.877                     | 0.842                         |
| 2              | 0.870                    | 0.930                   | 0.909                       | 0.783                      | 0.878                     | 0.844                         | 0.761                      | 0.864                     | 0.827                         |
| 3              | 0.866                    | 0.928                   | 0.906                       | 0.775                      | 0.873                     | 0.838                         | 0.753                      | 0.859                     | 0.821                         |
| 4              | 0.862                    | 0.926                   | 0.903                       | 0.767                      | 0.868                     | 0.832                         | 0.746                      | 0.854                     | 0.815                         |
| 5              | 0.858                    | 0.924                   | 0.901                       | 0.760                      | 0.863                     | 0.826                         | 0.738                      | 0.849                     | 0.809                         |
| 6              | 0.854                    | 0.922                   | 0.898                       | 0.752                      | 0.859                     | 0.820                         | 0.731                      | 0.845                     | 0.803                         |
| 7              | 0.851                    | 0.919                   | 0.895                       | 0.745                      | 0.854                     | 0.814                         | 0.724                      | 0.840                     | 0.797                         |
| 8              | 0.848                    | 0.917                   | 0.893                       | 0.738                      | 0.849                     | 0.809                         | 0.717                      | 0.835                     | 0.792                         |
| 9              | 0.844                    | 0.916                   | 0.890                       | 0.732                      | 0.845                     | 0.803                         | 0.710                      | 0.831                     | 0.786                         |
| 10             | 0.841                    | 0.914                   | 0.888                       | 0.725                      | 0.840                     | 0.798                         | 0.704                      | 0.826                     | 0.781                         |
| 11             | 0.838                    | 0.912                   | 0.886                       | 0.718                      | 0.836                     | 0.793                         | 0.697                      | 0.822                     | 0.776                         |
| 12             | 0.835                    | 0.910                   | 0.883                       | 0.712                      | 0.832                     | 0.788                         | 0.691                      | 0.817                     | 0.771                         |
| 13             | 0.832                    | 0.908                   | 0.881                       | 0.706                      | 0.828                     | 0.783                         | 0.686                      | 0.813                     | 0.766                         |
| 14             | 0.829                    | 0.907                   | 0.879                       | 0.700                      | 0.824                     | 0.778                         | 0.680                      | 0.809                     | 0.761                         |
| 15             | 0.826                    | 0.905                   | 0.877                       | 0.695                      | 0.820                     | 0.774                         | 0.675                      | 0.806                     | 0.757                         |
| 16             | 0.824                    | 0.904                   | 0.875                       | 0.690                      | 0.816                     | 0.769                         | 0.670                      | 0.802                     | 0.752                         |
| 17             | 0.822                    | 0.902                   | 0.874                       | 0.684                      | 0.813                     | 0.765                         | 0.665                      | 0.799                     | 0.748                         |
| 18             | 0.820                    | 0.901                   | 0.872                       | 0.680                      | 0.809                     | 0.761                         | 0.660                      | 0.795                     | 0.744                         |
| 19             | 0.818                    | 0.900                   | 0.871                       | 0.675                      | 0.806                     | 0.757                         | 0.655                      | 0.792                     | 0.740                         |
| 20             | 0.816                    | 0.898                   | 0.869                       | 0.670                      | 0.803                     | 0.753                         | 0.651                      | 0.789                     | 0.737                         |
| 21             | 0.814                    | 0.897                   | 0.868                       | 0.666                      | 0.799                     | 0.749                         | 0.647                      | 0.786                     | 0.733                         |
| 22             | 0.812                    | 0.896                   | 0.867                       | 0.662                      | 0.796                     | 0.746                         | 0.643                      | 0.783                     | 0.730                         |
| 23             | 0.811                    | 0.895                   | 0.865                       | 0.658                      | 0.793                     | 0.742                         | 0.639                      | 0.780                     | 0.726                         |
| 24             | 0.809                    | 0.895                   | 0.864                       | 0.654                      | 0.791                     | 0.739                         | 0.635                      | 0.777                     | 0.723                         |
| 25             | 0.808                    | 0.894                   | 0.863                       | 0.650                      | 0.788                     | 0.736                         | 0.632                      | 0.774                     | 0.720                         |
| 26             | 0.807                    | 0.893                   | 0.862                       | 0.646                      | 0.785                     | 0.733                         | 0.628                      | 0.772                     | 0.717                         |
| 27             | 0.806                    | 0.892                   | 0.861                       | 0.643                      | 0.783                     | 0.730                         | 0.625                      | 0.769                     | 0.714                         |
| 28             | 0.804                    | 0.892                   | 0.860                       | 0.640                      | 0.780                     | 0.727                         | 0.622                      | 0.767                     | 0.711                         |
| 29             | 0.803                    | 0.891                   | 0.860                       | 0.637                      | 0.778                     | 0.724                         | 0.619                      | 0.764                     | 0.709                         |
| 30             | 0.802                    | 0.890                   | 0.859                       | 0.634                      | 0.776                     | 0.722                         | 0.616                      | 0.762                     | 0.706                         |
| 31             | 0.801                    | 0.890                   | 0.858                       | 0.631                      | 0.773                     | 0.719                         | 0.613                      | 0.760                     | 0.704                         |
| 32             | 0.800                    | 0.889                   | 0.857                       | 0.628                      | 0.771                     | 0.717                         | 0.611                      | 0.758                     | 0.702                         |
| 33             | 0.799                    | 0.888                   | 0.856                       | 0.625                      | 0.769                     | 0.714                         | 0.608                      | 0.756                     | 0.699                         |
| 34             | 0.798                    | 0.888                   | 0.856                       | 0.623                      | 0.767                     | 0.712                         | 0.606                      | 0.754                     | 0.697                         |
| 35             | 0.797                    | 0.887                   | 0.855                       | 0.620                      | 0.766                     | 0.710                         | 0.603                      | 0.752                     | 0.695                         |
| 36             | 0.796                    | 0.887                   | 0.854                       | 0.618                      | 0.764                     | 0.708                         | 0.601                      | 0.751                     | 0.693                         |
| 37             | 0.796                    | 0.886                   | 0.854                       | 0.616                      | 0.762                     | 0.706                         | 0.599                      | 0.749                     | 0.691                         |
| 38             | 0.795                    | 0.886                   | 0.853                       | 0.613                      | 0.760                     | 0.704                         | 0.597                      | 0.747                     | 0.689                         |
| 39             | 0.794                    | 0.885                   | 0.853                       | 0.611                      | 0.759                     | 0.702                         | 0.595                      | 0.746                     | 0.687                         |

| Age Difference | PERS 1<br>Opt. 2<br>100% | PERS 1<br>Opt. 3<br>50% | PERS 1<br>Opt. 4<br>66 2/3% | PERS 2/3<br>Opt. 2<br>100% | PERS 2/3<br>Opt. 3<br>50% | PERS 2/3<br>Opt. 4<br>66 2/3% | SERS 2/3<br>Opt. 2<br>100% | SERS 2/3<br>Opt. 3<br>50% | SERS 2/3<br>Opt. 4<br>66 2/3% |
|----------------|--------------------------|-------------------------|-----------------------------|----------------------------|---------------------------|-------------------------------|----------------------------|---------------------------|-------------------------------|
| 40             | 0.793                    | 0.885                   | 0.852                       | 0.609                      | 0.757                     | 0.700                         | 0.593                      | 0.744                     | 0.686                         |

(7) ~~Table Member younger (PERS and SERS).~~ The following factors are effective September 1, 2010.

Survivor option factor table: Member younger than beneficiary

Age difference: Member's age minus beneficiary's age

| Age Difference | PERS 1<br>Opt. 2<br>100% | PERS 1<br>Opt. 3<br>50% | PERS 1<br>Opt. 4<br>66 2/3% | PERS 2/3<br>Opt. 2<br>100% | PERS 2/3<br>Opt. 3<br>50% | PERS 2/3<br>Opt. 4<br>66 2/3% | SERS 2/3<br>Opt. 2<br>100% | SERS 2/3<br>Opt. 3<br>50% | SERS 2/3<br>Opt. 4<br>66 2/3% |
|----------------|--------------------------|-------------------------|-----------------------------|----------------------------|---------------------------|-------------------------------|----------------------------|---------------------------|-------------------------------|
| -20            | 0.961                    | 0.980                   | 0.974                       | 0.945                      | 0.972                     | 0.963                         | 0.953                      | 0.976                     | 0.968                         |
| -19            | 0.959                    | 0.979                   | 0.972                       | 0.942                      | 0.970                     | 0.960                         | 0.950                      | 0.974                     | 0.966                         |
| -18            | 0.956                    | 0.978                   | 0.971                       | 0.938                      | 0.968                     | 0.958                         | 0.947                      | 0.973                     | 0.964                         |
| -17            | 0.954                    | 0.976                   | 0.969                       | 0.934                      | 0.966                     | 0.955                         | 0.943                      | 0.971                     | 0.962                         |
| -16            | 0.951                    | 0.975                   | 0.967                       | 0.929                      | 0.963                     | 0.952                         | 0.940                      | 0.969                     | 0.959                         |
| -15            | 0.948                    | 0.973                   | 0.965                       | 0.925                      | 0.961                     | 0.949                         | 0.936                      | 0.967                     | 0.956                         |
| -14            | 0.945                    | 0.972                   | 0.963                       | 0.920                      | 0.959                     | 0.945                         | 0.932                      | 0.965                     | 0.953                         |
| -13            | 0.942                    | 0.970                   | 0.961                       | 0.916                      | 0.956                     | 0.942                         | 0.927                      | 0.962                     | 0.950                         |
| -12            | 0.939                    | 0.969                   | 0.959                       | 0.910                      | 0.953                     | 0.938                         | 0.923                      | 0.960                     | 0.947                         |
| -11            | 0.936                    | 0.967                   | 0.957                       | 0.905                      | 0.950                     | 0.935                         | 0.918                      | 0.957                     | 0.944                         |
| -10            | 0.933                    | 0.965                   | 0.954                       | 0.900                      | 0.947                     | 0.931                         | 0.914                      | 0.955                     | 0.941                         |
| -9             | 0.930                    | 0.964                   | 0.952                       | 0.894                      | 0.944                     | 0.927                         | 0.909                      | 0.952                     | 0.937                         |
| -8             | 0.926                    | 0.962                   | 0.950                       | 0.888                      | 0.941                     | 0.923                         | 0.903                      | 0.949                     | 0.933                         |
| -7             | 0.923                    | 0.960                   | 0.947                       | 0.882                      | 0.937                     | 0.918                         | 0.898                      | 0.946                     | 0.930                         |
| -6             | 0.919                    | 0.958                   | 0.945                       | 0.876                      | 0.934                     | 0.914                         | 0.893                      | 0.943                     | 0.926                         |
| -5             | 0.916                    | 0.956                   | 0.942                       | 0.870                      | 0.930                     | 0.909                         | 0.887                      | 0.940                     | 0.922                         |
| -4             | 0.912                    | 0.954                   | 0.940                       | 0.864                      | 0.927                     | 0.905                         | 0.880                      | 0.936                     | 0.917                         |
| -3             | 0.907                    | 0.951                   | 0.936                       | 0.853                      | 0.921                     | 0.897                         | 0.868                      | 0.929                     | 0.908                         |
| -2             | 0.901                    | 0.948                   | 0.932                       | 0.843                      | 0.915                     | 0.890                         | 0.862                      | 0.926                     | 0.903                         |
| -1             | 0.892                    | 0.943                   | 0.925                       | 0.826                      | 0.905                     | 0.877                         | 0.841                      | 0.913                     | 0.888                         |
| 0              | 0.882                    | 0.937                   | 0.918                       | 0.807                      | 0.893                     | 0.862                         | 0.802                      | 0.890                     | 0.859                         |

(8) ~~Table Member older (PSERS).~~ The following factors are effective September 1, 2010.

Survivor option factor table: Member older than beneficiary

Age difference: Member's age minus beneficiary's age

| Age Difference | Option 2<br>100% | Option 3<br>50% | Option 4<br>66 2/3 % |
|----------------|------------------|-----------------|----------------------|
| 0              | 0.813            | 0.897           | 0.867                |
| 1              | 0.806            | 0.892           | 0.861                |
| 2              | 0.798            | 0.888           | 0.856                |
| 3              | 0.791            | 0.883           | 0.850                |
| 4              | 0.784            | 0.879           | 0.845                |
| 5              | 0.776            | 0.874           | 0.839                |
| 6              | 0.769            | 0.870           | 0.833                |
| 7              | 0.762            | 0.865           | 0.828                |
| 8              | 0.755            | 0.861           | 0.822                |
| 9              | 0.748            | 0.856           | 0.817                |

| Age Difference | Option 2<br>100% | Option 3<br>50% | Option 4<br>66 2/3 % |
|----------------|------------------|-----------------|----------------------|
| 10             | 0.742            | 0.852           | 0.812                |
| 11             | 0.735            | 0.847           | 0.806                |
| 12             | 0.729            | 0.843           | 0.801                |
| 13             | 0.723            | 0.839           | 0.796                |
| 14             | 0.717            | 0.835           | 0.791                |
| 15             | 0.711            | 0.831           | 0.787                |
| 16             | 0.706            | 0.827           | 0.782                |
| 17             | 0.700            | 0.824           | 0.778                |
| 18             | 0.695            | 0.820           | 0.774                |
| 19             | 0.690            | 0.817           | 0.770                |
| 20             | 0.686            | 0.814           | 0.766                |
| 21             | 0.681            | 0.810           | 0.762                |
| 22             | 0.677            | 0.807           | 0.759                |
| 23             | 0.673            | 0.804           | 0.755                |

| Age Difference | Option 2<br>100% | Option 3<br>50% | Option 4<br>66 2/3 % |
|----------------|------------------|-----------------|----------------------|
| 24             | 0.669            | 0.802           | 0.752                |
| 25             | 0.665            | 0.799           | 0.749                |
| 26             | 0.662            | 0.796           | 0.746                |
| 27             | 0.658            | 0.794           | 0.743                |
| 28             | 0.655            | 0.791           | 0.740                |
| 29             | 0.652            | 0.789           | 0.737                |
| 30             | 0.649            | 0.787           | 0.735                |
| 31             | 0.646            | 0.785           | 0.732                |
| 32             | 0.643            | 0.783           | 0.730                |
| 33             | 0.641            | 0.781           | 0.728                |
| 34             | 0.638            | 0.779           | 0.726                |
| 35             | 0.636            | 0.777           | 0.724                |
| 36             | 0.633            | 0.776           | 0.722                |
| 37             | 0.631            | 0.774           | 0.720                |
| 38             | 0.629            | 0.772           | 0.718                |
| 39             | 0.627            | 0.771           | 0.716                |
| 40             | 0.625            | 0.769           | 0.714                |

| Age Difference | Option 2<br>100% | Option 3<br>50% | Option 4<br>66 2/3 % |
|----------------|------------------|-----------------|----------------------|
| -18            | 0.925            | 0.961           | 0.949                |
| -17            | 0.921            | 0.959           | 0.946                |
| -16            | 0.916            | 0.956           | 0.942                |
| -15            | 0.911            | 0.953           | 0.939                |
| -14            | 0.905            | 0.950           | 0.935                |
| -13            | 0.900            | 0.947           | 0.931                |
| -12            | 0.894            | 0.944           | 0.927                |
| -11            | 0.888            | 0.941           | 0.922                |
| -10            | 0.882            | 0.937           | 0.918                |
| -9             | 0.876            | 0.934           | 0.913                |
| -8             | 0.869            | 0.930           | 0.909                |
| -7             | 0.862            | 0.926           | 0.904                |
| -6             | 0.856            | 0.922           | 0.899                |
| -5             | 0.849            | 0.918           | 0.894                |
| -4             | 0.842            | 0.914           | 0.889                |
| -3             | 0.835            | 0.910           | 0.883                |
| -2             | 0.827            | 0.906           | 0.878                |
| -1             | 0.820            | 0.901           | 0.872                |
| 0              | 0.813            | 0.897           | 0.867                |

(9) **Table—Member younger (PSERS).** The following factors are effective September 1, 2010:

Survivor option factor table: Member younger than beneficiary

Age difference: Member's age minus beneficiary's age

| Age Difference | Option 2<br>100% | Option 3<br>50% | Option 4<br>66 2/3 % |
|----------------|------------------|-----------------|----------------------|
| -20            | 0.934            | 0.966           | 0.955                |
| -19            | 0.930            | 0.963           | 0.952                |

(10) **Table—Member older (LEOFF Plan 2 and WSPRS Plans 1 and 2).** The following factors for LEOFF Plan 2 are effective January 1, 2010; WSPRS Plans 1 and 2 are effective September 1, 2010.

Survivor option factor table: Member older than beneficiary

Age difference: Member's age minus beneficiary's age

| Age Difference | WSP 1<br>Option B<br>100% | WSP 2<br>Option 2<br>100% | WSP 2<br>Option 3<br>50% | WSP 2<br>Option 4<br>66 2/3 % | LEOFF 2<br>Option 2<br>100% | LEOFF 2<br>Option 3<br>50% | LEOFF 2<br>Option 4<br>66 2/3 % |
|----------------|---------------------------|---------------------------|--------------------------|-------------------------------|-----------------------------|----------------------------|---------------------------------|
| 0              | 0.953                     | 0.889                     | 0.941                    | 0.923                         | 0.881                       | 0.937                      | 0.918                           |
| 1              | 0.950                     | 0.884                     | 0.938                    | 0.920                         | 0.876                       | 0.934                      | 0.914                           |
| 2              | 0.947                     | 0.879                     | 0.936                    | 0.916                         | 0.871                       | 0.931                      | 0.910                           |
| 3              | 0.944                     | 0.874                     | 0.933                    | 0.913                         | 0.866                       | 0.928                      | 0.906                           |
| 4              | 0.941                     | 0.870                     | 0.930                    | 0.909                         | 0.861                       | 0.925                      | 0.903                           |
| 5              | 0.938                     | 0.865                     | 0.928                    | 0.906                         | 0.855                       | 0.922                      | 0.899                           |
| 6              | 0.934                     | 0.860                     | 0.925                    | 0.902                         | 0.850                       | 0.919                      | 0.895                           |
| 7              | 0.931                     | 0.855                     | 0.922                    | 0.899                         | 0.845                       | 0.916                      | 0.891                           |
| 8              | 0.928                     | 0.851                     | 0.919                    | 0.895                         | 0.840                       | 0.913                      | 0.887                           |
| 9              | 0.925                     | 0.846                     | 0.917                    | 0.892                         | 0.835                       | 0.910                      | 0.883                           |
| 10             | 0.921                     | 0.842                     | 0.914                    | 0.889                         | 0.830                       | 0.907                      | 0.880                           |
| 11             | 0.918                     | 0.837                     | 0.911                    | 0.885                         | 0.825                       | 0.904                      | 0.876                           |
| 12             | 0.915                     | 0.833                     | 0.909                    | 0.882                         | 0.820                       | 0.901                      | 0.872                           |
| 13             | 0.912                     | 0.829                     | 0.906                    | 0.879                         | 0.815                       | 0.898                      | 0.869                           |
| 14             | 0.909                     | 0.824                     | 0.904                    | 0.876                         | 0.811                       | 0.895                      | 0.865                           |

| Age Difference | WSP-1<br>Option-B<br>100% | WSP-2<br>Option-2<br>100% | WSP-2<br>Option-3<br>50% | WSP-2<br>Option-4<br>66-2/3% | LEOFF-2<br>Option-2<br>100% | LEOFF-2<br>Option-3<br>50% | LEOFF-2<br>Option-4<br>66-2/3% |
|----------------|---------------------------|---------------------------|--------------------------|------------------------------|-----------------------------|----------------------------|--------------------------------|
| 15             | 0.906                     | 0.820                     | 0.901                    | 0.873                        | 0.806                       | 0.893                      | 0.862                          |
| 16             | 0.903                     | 0.816                     | 0.899                    | 0.870                        | 0.802                       | 0.890                      | 0.858                          |
| 17             | 0.900                     | 0.812                     | 0.896                    | 0.867                        | 0.797                       | 0.887                      | 0.855                          |
| 18             | 0.898                     | 0.809                     | 0.894                    | 0.864                        | 0.793                       | 0.885                      | 0.852                          |
| 19             | 0.895                     | 0.805                     | 0.892                    | 0.861                        | 0.789                       | 0.882                      | 0.849                          |
| 20             | 0.892                     | 0.801                     | 0.890                    | 0.858                        | 0.785                       | 0.880                      | 0.846                          |
| 21             | 0.890                     | 0.798                     | 0.888                    | 0.856                        | 0.782                       | 0.877                      | 0.843                          |
| 22             | 0.887                     | 0.795                     | 0.886                    | 0.853                        | 0.778                       | 0.875                      | 0.840                          |
| 23             | 0.885                     | 0.791                     | 0.884                    | 0.851                        | 0.774                       | 0.873                      | 0.837                          |
| 24             | 0.882                     | 0.788                     | 0.882                    | 0.848                        | 0.771                       | 0.871                      | 0.835                          |
| 25             | 0.880                     | 0.785                     | 0.880                    | 0.846                        | 0.768                       | 0.869                      | 0.832                          |
| 26             | 0.878                     | 0.782                     | 0.878                    | 0.844                        | 0.765                       | 0.867                      | 0.830                          |
| 27             | 0.876                     | 0.780                     | 0.876                    | 0.842                        | 0.762                       | 0.865                      | 0.827                          |
| 28             | 0.874                     | 0.777                     | 0.875                    | 0.839                        | 0.759                       | 0.863                      | 0.825                          |
| 29             | 0.872                     | 0.775                     | 0.873                    | 0.837                        | 0.756                       | 0.861                      | 0.823                          |
| 30             | 0.871                     | 0.772                     | 0.871                    | 0.836                        | 0.753                       | 0.859                      | 0.821                          |
| 31             | 0.869                     | 0.770                     | 0.870                    | 0.834                        | 0.751                       | 0.858                      | 0.819                          |
| 32             | 0.868                     | 0.767                     | 0.868                    | 0.832                        | 0.748                       | 0.856                      | 0.817                          |
| 33             | 0.866                     | 0.765                     | 0.867                    | 0.830                        | 0.746                       | 0.854                      | 0.815                          |
| 34             | 0.865                     | 0.763                     | 0.866                    | 0.829                        | 0.743                       | 0.853                      | 0.813                          |
| 35             | 0.864                     | 0.761                     | 0.864                    | 0.827                        | 0.741                       | 0.851                      | 0.811                          |
| 36             | 0.863                     | 0.759                     | 0.863                    | 0.826                        | 0.739                       | 0.850                      | 0.810                          |
| 37             | 0.862                     | 0.758                     | 0.862                    | 0.824                        | 0.737                       | 0.849                      | 0.808                          |
| 38             | 0.861                     | 0.756                     | 0.861                    | 0.823                        | 0.735                       | 0.848                      | 0.807                          |
| 39             | 0.860                     | 0.754                     | 0.860                    | 0.822                        | 0.734                       | 0.846                      | 0.805                          |
| 40             | 0.859                     | 0.753                     | 0.859                    | 0.820                        | 0.732                       | 0.845                      | 0.804                          |

(11) **Table – Member younger (LEOFF Plan 2 and WSPRS Plans 1 and 2).** The following factors for LEOFF Plan 2 are effective January 1, 2010; WSPRS Plans 1 and 2 are effective September 1, 2010.

Survivor option factor table: Member younger than beneficiary

Age difference: Member's age minus beneficiary's age

| Age Difference | WSP-1<br>Option-B<br>100% | WSP-2<br>Option-2<br>100% | WSP-2<br>Option-3<br>50% | WSP-2<br>Option-4<br>66-2/3% | LEOFF-2<br>Option-2<br>100% | LEOFF-2<br>Option-3<br>50% | LEOFF-2<br>Option-4<br>66-2/3% |
|----------------|---------------------------|---------------------------|--------------------------|------------------------------|-----------------------------|----------------------------|--------------------------------|
| -20            | 0.993                     | 0.962                     | 0.981                    | 0.975                        | 0.961                       | 0.980                      | 0.974                          |
| -19            | 0.992                     | 0.960                     | 0.979                    | 0.973                        | 0.958                       | 0.979                      | 0.972                          |
| -18            | 0.991                     | 0.957                     | 0.978                    | 0.971                        | 0.955                       | 0.977                      | 0.970                          |
| -17            | 0.990                     | 0.954                     | 0.977                    | 0.969                        | 0.952                       | 0.976                      | 0.968                          |
| -16            | 0.989                     | 0.952                     | 0.975                    | 0.967                        | 0.949                       | 0.974                      | 0.966                          |
| -15            | 0.987                     | 0.949                     | 0.974                    | 0.965                        | 0.946                       | 0.972                      | 0.963                          |
| -14            | 0.986                     | 0.945                     | 0.972                    | 0.963                        | 0.943                       | 0.971                      | 0.961                          |
| -13            | 0.984                     | 0.942                     | 0.970                    | 0.961                        | 0.939                       | 0.969                      | 0.959                          |
| -12            | 0.983                     | 0.939                     | 0.968                    | 0.958                        | 0.936                       | 0.967                      | 0.956                          |
| -11            | 0.981                     | 0.935                     | 0.967                    | 0.956                        | 0.932                       | 0.965                      | 0.953                          |
| -10            | 0.979                     | 0.931                     | 0.965                    | 0.953                        | 0.928                       | 0.963                      | 0.951                          |
| -9             | 0.977                     | 0.928                     | 0.962                    | 0.951                        | 0.924                       | 0.960                      | 0.948                          |
| -8             | 0.975                     | 0.924                     | 0.960                    | 0.948                        | 0.919                       | 0.958                      | 0.945                          |
| -7             | 0.972                     | 0.920                     | 0.958                    | 0.945                        | 0.915                       | 0.956                      | 0.942                          |
| -6             | 0.970                     | 0.916                     | 0.956                    | 0.942                        | 0.911                       | 0.953                      | 0.939                          |
| -5             | 0.967                     | 0.911                     | 0.954                    | 0.939                        | 0.906                       | 0.951                      | 0.935                          |

| Age Difference | WSP1<br>Option B<br>100% | WSP2<br>Option 2<br>100% | WSP2<br>Option 3<br>50% | WSP2<br>Option 4<br>66-2/3% | LEOFF2<br>Option 2<br>100% | LEOFF2<br>Option 3<br>50% | LEOFF2<br>Option 4<br>66-2/3% |
|----------------|--------------------------|--------------------------|-------------------------|-----------------------------|----------------------------|---------------------------|-------------------------------|
| -4             | 0.965                    | 0.907                    | 0.951                   | 0.936                       | 0.901                      | 0.948                     | 0.932                         |
| -3             | 0.962                    | 0.902                    | 0.949                   | 0.933                       | 0.896                      | 0.945                     | 0.928                         |
| -2             | 0.959                    | 0.898                    | 0.946                   | 0.930                       | 0.891                      | 0.943                     | 0.925                         |
| -1             | 0.956                    | 0.893                    | 0.944                   | 0.926                       | 0.886                      | 0.940                     | 0.921                         |
| 0              | 0.953                    | 0.889                    | 0.941                   | 0.923                       | 0.881                      | 0.937                     | 0.918                         |

(12) ~~Table~~ **Member younger (TRS)**. The following factors are effective September 1, 2010.

Survivor option factor table: Member younger than beneficiary

Age difference: Member's age minus beneficiary's age

| Age Difference | TRS1<br>Option 2<br>100% | TRS1<br>Option 3<br>50% | TRS1<br>Option 4<br>66-2/3% | TRS 2/3<br>Option 2<br>100% | TRS 2/3<br>Option 3<br>50% | TRS 2/3<br>Option 4<br>66-2/3% |
|----------------|--------------------------|-------------------------|-----------------------------|-----------------------------|----------------------------|--------------------------------|
| -20            | 0.969                    | 0.984                   | 0.979                       | 0.956                       | 0.977                      | 0.970                          |
| -19            | 0.967                    | 0.983                   | 0.978                       | 0.953                       | 0.976                      | 0.968                          |
| -18            | 0.965                    | 0.982                   | 0.976                       | 0.949                       | 0.974                      | 0.966                          |
| -17            | 0.963                    | 0.981                   | 0.975                       | 0.946                       | 0.972                      | 0.963                          |
| -16            | 0.961                    | 0.980                   | 0.973                       | 0.942                       | 0.970                      | 0.961                          |
| -15            | 0.958                    | 0.979                   | 0.972                       | 0.939                       | 0.968                      | 0.958                          |
| -14            | 0.956                    | 0.977                   | 0.970                       | 0.935                       | 0.966                      | 0.955                          |
| -13            | 0.953                    | 0.976                   | 0.968                       | 0.930                       | 0.964                      | 0.953                          |
| -12            | 0.951                    | 0.975                   | 0.967                       | 0.926                       | 0.962                      | 0.950                          |
| -11            | 0.948                    | 0.973                   | 0.965                       | 0.922                       | 0.959                      | 0.946                          |
| -10            | 0.946                    | 0.972                   | 0.963                       | 0.917                       | 0.957                      | 0.943                          |
| -9             | 0.943                    | 0.971                   | 0.961                       | 0.912                       | 0.954                      | 0.940                          |
| -8             | 0.940                    | 0.969                   | 0.959                       | 0.907                       | 0.951                      | 0.936                          |
| -7             | 0.937                    | 0.968                   | 0.957                       | 0.902                       | 0.949                      | 0.933                          |
| -6             | 0.934                    | 0.966                   | 0.955                       | 0.897                       | 0.946                      | 0.929                          |
| -5             | 0.931                    | 0.964                   | 0.953                       | 0.891                       | 0.943                      | 0.925                          |
| -4             | 0.928                    | 0.963                   | 0.951                       | 0.886                       | 0.939                      | 0.921                          |
| -3             | 0.925                    | 0.961                   | 0.949                       | 0.880                       | 0.936                      | 0.917                          |
| -2             | 0.918                    | 0.957                   | 0.944                       | 0.865                       | 0.928                      | 0.906                          |
| -1             | 0.912                    | 0.954                   | 0.940                       | 0.851                       | 0.920                      | 0.896                          |
| 0              | 0.903                    | 0.949                   | 0.933                       | 0.831                       | 0.908                      | 0.880                          |

(13) ~~Table~~ **Member older (TRS)**. The following factors are effective September 1, 2010.

Survivor option factor table: Member older than beneficiary

Age difference: Member's age minus beneficiary's age

| Age Difference | TRS1<br>Option 2<br>100% | TRS1<br>Option 3<br>50% | TRS1<br>Option 4<br>66-2/3% | TRS 2/3<br>Option 2<br>100% | TRS 2/3<br>Option 3<br>50% | TRS 2/3<br>Option 4<br>66-2/3% |
|----------------|--------------------------|-------------------------|-----------------------------|-----------------------------|----------------------------|--------------------------------|
| 0              | 0.903                    | 0.949                   | 0.933                       | 0.831                       | 0.908                      | 0.880                          |
| 1              | 0.896                    | 0.945                   | 0.928                       | 0.815                       | 0.898                      | 0.869                          |
| 2              | 0.891                    | 0.942                   | 0.924                       | 0.803                       | 0.891                      | 0.859                          |
| 3              | 0.887                    | 0.940                   | 0.922                       | 0.795                       | 0.886                      | 0.853                          |
| 4              | 0.884                    | 0.939                   | 0.920                       | 0.789                       | 0.882                      | 0.848                          |
| 5              | 0.881                    | 0.937                   | 0.918                       | 0.782                       | 0.877                      | 0.843                          |
| 6              | 0.878                    | 0.935                   | 0.915                       | 0.775                       | 0.873                      | 0.838                          |
| 7              | 0.875                    | 0.933                   | 0.913                       | 0.768                       | 0.869                      | 0.833                          |
| 8              | 0.872                    | 0.932                   | 0.911                       | 0.762                       | 0.865                      | 0.827                          |
| 9              | 0.870                    | 0.930                   | 0.909                       | 0.755                       | 0.861                      | 0.822                          |

| Age Difference | FRS 1 Option 2 100% | FRS 1 Option 3 50% | FRS 1 Option 4 66 2/3% | FRS 2/3 Option 2 100% | FRS 2/3 Option 3 50% | FRS 2/3 Option 4 66 2/3% |
|----------------|---------------------|--------------------|------------------------|-----------------------|----------------------|--------------------------|
| 10             | 0.867               | 0.929              | 0.907                  | 0.749                 | 0.856                | 0.817                    |
| 11             | 0.865               | 0.928              | 0.906                  | 0.743                 | 0.852                | 0.812                    |
| 12             | 0.863               | 0.926              | 0.904                  | 0.737                 | 0.849                | 0.808                    |
| 13             | 0.860               | 0.925              | 0.902                  | 0.731                 | 0.845                | 0.803                    |
| 14             | 0.858               | 0.924              | 0.901                  | 0.726                 | 0.841                | 0.799                    |
| 15             | 0.856               | 0.923              | 0.899                  | 0.720                 | 0.837                | 0.794                    |
| 16             | 0.854               | 0.921              | 0.898                  | 0.715                 | 0.834                | 0.790                    |
| 17             | 0.853               | 0.920              | 0.897                  | 0.710                 | 0.830                | 0.786                    |
| 18             | 0.851               | 0.919              | 0.895                  | 0.705                 | 0.827                | 0.782                    |
| 19             | 0.849               | 0.919              | 0.894                  | 0.701                 | 0.824                | 0.778                    |
| 20             | 0.848               | 0.918              | 0.893                  | 0.696                 | 0.821                | 0.775                    |
| 21             | 0.847               | 0.917              | 0.892                  | 0.692                 | 0.818                | 0.771                    |
| 22             | 0.845               | 0.916              | 0.891                  | 0.688                 | 0.815                | 0.768                    |
| 23             | 0.844               | 0.915              | 0.890                  | 0.684                 | 0.812                | 0.764                    |
| 24             | 0.843               | 0.915              | 0.889                  | 0.680                 | 0.809                | 0.761                    |
| 25             | 0.842               | 0.914              | 0.889                  | 0.676                 | 0.807                | 0.758                    |
| 26             | 0.841               | 0.913              | 0.888                  | 0.673                 | 0.804                | 0.755                    |
| 27             | 0.840               | 0.913              | 0.887                  | 0.669                 | 0.802                | 0.752                    |
| 28             | 0.839               | 0.912              | 0.887                  | 0.666                 | 0.800                | 0.750                    |
| 29             | 0.838               | 0.912              | 0.886                  | 0.663                 | 0.797                | 0.747                    |
| 30             | 0.837               | 0.911              | 0.885                  | 0.660                 | 0.795                | 0.744                    |
| 31             | 0.837               | 0.911              | 0.885                  | 0.657                 | 0.793                | 0.742                    |
| 32             | 0.836               | 0.911              | 0.884                  | 0.655                 | 0.791                | 0.740                    |
| 33             | 0.835               | 0.910              | 0.884                  | 0.652                 | 0.789                | 0.737                    |
| 34             | 0.835               | 0.910              | 0.883                  | 0.649                 | 0.787                | 0.735                    |
| 35             | 0.834               | 0.910              | 0.883                  | 0.647                 | 0.786                | 0.733                    |
| 36             | 0.834               | 0.909              | 0.882                  | 0.645                 | 0.784                | 0.731                    |
| 37             | 0.833               | 0.909              | 0.882                  | 0.643                 | 0.782                | 0.730                    |
| 38             | 0.832               | 0.909              | 0.882                  | 0.641                 | 0.781                | 0.728                    |
| 39             | 0.832               | 0.908              | 0.881                  | 0.639                 | 0.779                | 0.726                    |
| 40             | 0.831               | 0.908              | 0.881                  | 0.637                 | 0.778                | 0.724                    |

(14) ~~Table~~ Member younger (LEOFF Plan 1). The following factors are effective September 1, 2010:

Survivor option factor table: Member younger than beneficiary

Age difference: Member's age minus beneficiary's age

| Age Difference | Option 2 100% | Option 3 50% | Option 4 66 2/3 % |
|----------------|---------------|--------------|-------------------|
| -20            | 0.959         | 0.979        | 0.972             |
| -19            | 0.957         | 0.978        | 0.971             |
| -18            | 0.954         | 0.976        | 0.969             |
| -17            | 0.951         | 0.975        | 0.967             |
| -16            | 0.948         | 0.973        | 0.965             |
| -15            | 0.945         | 0.972        | 0.962             |
| -14            | 0.941         | 0.970        | 0.960             |
| -13            | 0.938         | 0.968        | 0.958             |
| -12            | 0.934         | 0.966        | 0.955             |

| Age Difference | Option 2 100% | Option 3 50% | Option 4 66 2/3 % |
|----------------|---------------|--------------|-------------------|
| -11            | 0.931         | 0.964        | 0.953             |
| -10            | 0.927         | 0.962        | 0.950             |
| -9             | 0.923         | 0.960        | 0.947             |
| -8             | 0.919         | 0.958        | 0.944             |
| -7             | 0.915         | 0.955        | 0.941             |
| -6             | 0.910         | 0.953        | 0.938             |
| -5             | 0.906         | 0.951        | 0.935             |
| -4             | 0.901         | 0.948        | 0.932             |
| -3             | 0.897         | 0.945        | 0.929             |
| -2             | 0.892         | 0.943        | 0.925             |
| -1             | 0.887         | 0.940        | 0.922             |
| 0              | 0.882         | 0.937        | 0.918             |

(15) ~~Table Member older (LEOFF Plan 1)~~. The following factors are effective September 1, 2010:

Survivor option factor table: Member older than beneficiary

Age difference: Member's age minus beneficiary's age

| Age Difference | Option 2 100% | Option 3 50% | Option 4 66 2/3% |
|----------------|---------------|--------------|------------------|
| 0              | 0.882         | 0.937        | 0.918            |
| 1              | 0.877         | 0.935        | 0.915            |
| 2              | 0.872         | 0.932        | 0.911            |
| 3              | 0.867         | 0.929        | 0.907            |
| 4              | 0.862         | 0.926        | 0.904            |
| 5              | 0.857         | 0.923        | 0.900            |
| 6              | 0.852         | 0.920        | 0.896            |
| 7              | 0.847         | 0.917        | 0.892            |
| 8              | 0.842         | 0.914        | 0.889            |
| 9              | 0.837         | 0.911        | 0.885            |
| 10             | 0.832         | 0.908        | 0.882            |
| 11             | 0.827         | 0.906        | 0.878            |
| 12             | 0.823         | 0.903        | 0.874            |
| 13             | 0.818         | 0.900        | 0.871            |
| 14             | 0.814         | 0.897        | 0.868            |
| 15             | 0.809         | 0.895        | 0.864            |
| 16             | 0.805         | 0.892        | 0.861            |
| 17             | 0.801         | 0.889        | 0.858            |
| 18             | 0.797         | 0.887        | 0.855            |
| 19             | 0.793         | 0.884        | 0.851            |
| 20             | 0.789         | 0.882        | 0.849            |
| 21             | 0.785         | 0.880        | 0.846            |
| 22             | 0.781         | 0.877        | 0.843            |
| 23             | 0.778         | 0.875        | 0.840            |
| 24             | 0.774         | 0.873        | 0.837            |
| 25             | 0.771         | 0.871        | 0.835            |
| 26             | 0.768         | 0.869        | 0.832            |
| 27             | 0.765         | 0.867        | 0.830            |
| 28             | 0.762         | 0.865        | 0.828            |
| 29             | 0.759         | 0.863        | 0.825            |
| 30             | 0.756         | 0.861        | 0.823            |
| 31             | 0.754         | 0.860        | 0.821            |
| 32             | 0.751         | 0.858        | 0.819            |
| 33             | 0.749         | 0.856        | 0.817            |
| 34             | 0.746         | 0.855        | 0.815            |
| 35             | 0.744         | 0.853        | 0.814            |
| 36             | 0.742         | 0.852        | 0.812            |
| 37             | 0.740         | 0.851        | 0.810            |

| Age Difference | Option 2 100% | Option 3 50% | Option 4 66 2/3% |
|----------------|---------------|--------------|------------------|
| 38             | 0.738         | 0.849        | 0.809            |
| 39             | 0.736         | 0.848        | 0.807            |
| 40             | 0.734         | 0.847        | 0.806            |

AMENDATORY SECTION (Amending WSR 10-16-086, filed 7/30/10, effective 9/1/10)

**WAC 415-103-215 What are the WSPRS Plan 1 retirement benefit options?** This section only applies to members commissioned before January 1, 2003.

(1) When retiring for service, a married member can choose either Option A (historic retirement option) under RCW 43.43.260 and 43.43.270 or Option B under RCW 43.43.278. Both options include a survivor feature that entitles the eligible surviving spouse and any eligible children to receive a monthly benefit after the retiree dies.

(2) **Option A (historic retirement option and survivor benefit).** The department pays the retiree a monthly retirement benefit in accordance with RCW 43.43.260 (Benefits). The department pays survivor benefits in accordance with RCW 43.43.270 (Retirement allowances).

(a) **Surviving spouse.** When the retiree dies, the department pays the retiree's surviving spouse a monthly retirement benefit equal to the gross monthly benefit then payable to the retiree, or a benefit equal to fifty percent of the average final salary (AFS) used to determine the retiree's benefit, whichever is less.

(b) **Surviving children when there is a surviving spouse.** If the retiree has a surviving spouse and surviving unmarried children under the age of eighteen years, each child shall be entitled to a benefit equal to five percent of the retiree's average final salary (AFS) at retirement. The combined benefits to the surviving spouse and all children cannot exceed sixty percent of the retiree's AFS.

(3) **Option B (actuarially equivalent retirement option and survivor benefit).** The department pays the retiree a monthly retirement benefit that is actuarially reduced from the benefit calculated under Option A. The department pays survivor benefits in accordance with RCW 43.43.278 using an actuarial ((factors in) reduction. See WAC 415-02-380 ((10) and (11)) for more information on how your benefit is affected by choosing an optional survivor feature.

(a) **Surviving spouse.** When the retiree dies, the department pays the retiree's surviving spouse a monthly retirement benefit equal to the gross monthly benefit then payable to the retiree.

(b) **Surviving children when there is a surviving spouse.** If the retiree has a surviving spouse and surviving unmarried children under the age of eighteen years, each surviving unmarried child under the age of eighteen years shall be entitled to a benefit equal to five percent of the retiree's average final salary (AFS) at retirement.

(4) **Benefits included in Option A and Option B.**

(a) **Cost-of-living adjustment.** The retiree's annual adjustment every July is based upon the provisions in RCW 43.43.260(5). The annual adjustment applies to the eligible

surviving spouse and any eligible children, who receive a monthly benefit after the retiree dies.

(b) **Surviving spouse eligibility.** To be eligible for a benefit, the surviving spouse of a retiree must either:

(i) Have been married to the retiree prior to his or her retirement and continuously thereafter until the retiree's death; or

(ii) Have been married to the retiree for at least two years prior to the retiree's death.

(c) **Remarriage of surviving spouse.** If a surviving spouse who is receiving benefits under this subsection marries another member of WSPRS and that retiree dies before the spouse, the spouse will receive only the higher of the two survivors' benefits for which he or she qualifies. The surviving spouse cannot receive more than one survivor benefit at a time under this subsection.

(d) **Surviving children when there is no surviving spouse.** If there is no surviving spouse or the surviving spouse dies, the unmarried child or children under the age of eighteen years shall be entitled to a benefit equal to thirty percent of the retiree's AFS for one child and an additional ten percent of AFS for each additional child. The combined benefits to the surviving children cannot exceed sixty percent of the retiree's AFS. Benefit payments under this subsection will be divided equally among the children.

(e) **End of benefits.** All benefits end when the surviving spouse dies or the youngest unmarried child reaches age eighteen, whichever occurs last.

(f) **Distribution of remaining contributions.** Any remaining balance of the retiree's accumulated contributions will be paid to:

(i) The person(s), trust, organization, or retiree's estate specified by the retiree on the appropriate department designated form, duly executed and properly on file with the department on or before the retiree's death; or

(ii) To the retiree's legal representative, if no person or entity designated in (f)(i) of this subsection is living or in existence at the time of the retiree's death.

**(5) Pop-up provision.**

(a) This subsection only applies to members retiring on or after July 1, 2000, who select Option B.

(b) If the retiree and spouse divorce, or if the spouse dies before the retiree, the retiree's monthly retirement benefit increases, effective the first day of the following month, to:

(i) The amount that the retiree would have received had the retiree chosen Option A at retirement; plus

(ii) Any cost of living adjustments (COLA) the retiree received prior to the divorce or the spouse's death.

(c) Pop-up recalculation example:

Option B: ~~((Bob retires on))~~ When Bob retired in September ~~((+))~~ 2010~~((-))~~, his Option A monthly benefit ~~((is))~~ was \$3,000. He ~~((selects))~~ selected Option B so that his spouse, Linda, ~~((will))~~ would receive his monthly benefit and COLA after he dies. Bob is 5 years younger than Linda. For illustration purposes in this example, 0.967 is being used as the Option B actuarial reduction factor (actuarial factors change periodically). As a result, the department ~~((will calculate the adjustment to Bob's monthly retirement))~~ calculated Bob's Option B benefit amount by ((using the survivor option factor found in WAC 415-02-380(11)). With a 5-year age dif-

~~ference, the value corresponding to WSP Plan 1 Option B is 0.967. This value, 0.967, will be multiplied against the \$3,000 Option A benefit amount)) multiplying \$3,000 (Option A) by 0.967. Bob's Option B monthly benefit amount ((will be)) at retirement was \$2,901. Bob ((receives)) received his first COLA on July 1, 2012, in the amount of \$87.03. Bob's monthly benefit amount with the COLA ((is)) was \$2,988.03.~~

Linda ~~((dies))~~ died in September 2012. Under the "pop-up" provision, Bob's monthly benefit increased in October 2012 to a total of \$3,087.03. His new benefit amount ~~((includes))~~ included the \$3,000 he would have received had he originally chosen Option A, plus the COLA he received in 2012 (\$87.03).

(d) If a retiree whose benefit increases under this subsection dies and there is no eligible child, all benefit payments end. Any remaining balance of the retiree's accumulated contributions will be paid to:

(i) The person(s), trust, organization, or retiree's estate specified by the retiree on the appropriate department designated form, duly executed and properly on file with the department on or before the retiree's death; or

(ii) To the retiree's legal representative, if no person or entity designated in (d)(i) of this subsection is living or in existence at the time of the retiree's death.

(6) ~~((For more information))~~ See chapter 415-02 WAC starting with WAC 415-02-300 for ((the tables,)) information on how the department uses factors and schedules((, and factors the department uses for calculating)) to calculate retirement benefits.

(7) Terms used in this section:

"Pop-up" - See WAC 415-02-030.

AMENDATORY SECTION (Amending WSR 05-23-062, filed 11/14/05, effective 12/15/05)

**WAC 415-103-225 What are my WSPRS Plan 2 retirement benefit options?** This section applies to WSPRS Plan 2 members. Upon retirement for service under RCW 43.43.250, you must choose to have your monthly retirement allowance paid to you by one of the options described in this section.

(1) **Which option will pay my beneficiary a monthly allowance after my death?** Options described in subsection (2)(b) through (d) of this section include a survivor feature. The person you name at the time of retirement to receive a monthly allowance after your death is referred to as your "survivor beneficiary." Upon your death your survivor beneficiary will be entitled to receive a monthly allowance for the duration of his or her life. Your monthly retirement allowance will be actuarially reduced to offset the cost of the survivor feature. ~~((The factors used to determine the amount of the reduction are in))~~ See WAC 415-02-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

(2) **What are my benefit options?**

(a) **Option one: Standard allowance (no survivor option).** The department will pay you a monthly retirement allowance throughout your life. Your monthly allowance will cease upon your death.

(b) **Option two: Joint and whole allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(c) **Option three: Joint and one-half allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to one-half of the gross monthly retirement allowance you were receiving.

(d) **Option four: Joint and two-thirds allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to two-thirds (66.667 percent) of the gross monthly retirement allowance you were receiving.

(3) **Do I need my spouse's consent on the option I choose?** If you are married, you must submit your spouse's notarized signature indicating consent to the retirement option you select. If you do not provide spousal consent, the department will pay you a monthly retirement allowance based on option three (joint and one-half allowance) and record your spouse as the survivor beneficiary as required by RCW 43.43.271(2). If your survivor beneficiary has been designated by a dissolution order according to subsection (4) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) **Can a dissolution order require that a former spouse be designated as a survivor beneficiary?** Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) **What happens if I choose a benefit option with a survivor feature and my survivor beneficiary dies before I do?** Your monthly retirement allowance will increase, provided you submit proof of your survivor beneficiary's death to the department. The increase will begin accruing the first day of the month following the death. Your increased monthly allowance will be:

(a) The amount you would have received had you chosen the standard allowance option at the time of retirement; plus

(b) Any cost-of-living adjustments (COLAs) you received prior to your survivor beneficiary's death, based on your original option selection.

**Example:**

John (~~retires~~) retired from WSPRS in 2008. John (~~chooses~~) chose a benefit option with a survivor feature and (~~names~~) named Beatrice, his daughter, as his survivor beneficiary. As a result, John's monthly allowance (~~is~~) was reduced from \$2,000 (standard allowance) to \$1,750. Beatrice (~~dies~~) died in 2013. John's monthly allowance will increase to \$2,191.05, which equals the amount he would have received had he chosen the standard allowance option, plus the COLAs he has received (based on his prior monthly allowance).

| Year                       | Standard Allowance | Survivor Option plus COLAs | COLA incr. (3% max)     | \$ Increase |
|----------------------------|--------------------|----------------------------|-------------------------|-------------|
| 2008                       | 2,000.00           | 1,750.00                   |                         | 0.00        |
| 2009                       |                    | 1,750.00                   | .02                     | 35.00       |
| 2010                       |                    | 1,785.00                   | .03                     | 53.55       |
| 2011                       |                    | 1,838.55                   | .025                    | 45.96       |
| 2012                       |                    | 1,884.51                   | .03                     | 56.54       |
| 2013                       | 2,000.00           | 1,941.05                   | —                       | —           |
|                            |                    |                            | Total COLAs             | 191.05      |
| Original Monthly Allowance |                    | + Total COLAs              | = New Monthly Allowance |             |
| \$2000                     |                    | + \$191.05                 | = \$2,191.05*           |             |

\* In the future, John's COLA will be based on his increased monthly allowance.

(6) **May I change my benefit option after retirement?** Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership, you may choose a different retirement option upon your subsequent retirement.

(b) **Postretirement marriage option.** If you select the standard allowance option at the time of retirement and marry after retirement, you may select a benefit option with a survivor feature and name your current spouse as survivor, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department; and

(iv) You provide proof of your current spouse's birth date (~~and~~ and);

~~(v) You exercise this option one time only.~~

(c) **Removal of a nonspouse survivor option.** If you select a benefit option with a survivor feature and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard allowance. You may exercise this option one time only.

(7) **Who will receive the balance of my accumulated contributions, if any, after my death?**

(a) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(ii) If you have not designated a beneficiary, or if your designated beneficiary is no longer living or in existence, then to your surviving spouse.

(iii) If not paid according to (a)(i) or (ii) of this subsection, then to your estate.

(b) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(ii) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your survivor beneficiary's spouse.

(iii) If not paid according to (b)(i) or (ii) of this subsection, then to your survivor beneficiary's estate.

(8) For more information, see RCW 43.43.271.

AMENDATORY SECTION (Amending WSR 02-18-048, filed 8/28/02, effective 9/1/02)

**WAC 415-103-300 Actuarial (~~(tables, schedules, and)~~ factors and schedules.** See chapter 415-02 WAC starting with WAC 415-02-300 for (~~(the tables,))~~ information on how the department uses factors and schedules(~~(-and factors the department uses for calculating))~~ to calculate optional retirement allowances of members of the Washington state patrol retirement system plan 2.

AMENDATORY SECTION (Amending WSR 02-18-048, filed 8/28/02, effective 9/1/02)

**WAC 415-104-108 Actuarial (~~(tables, schedules, and)~~ factors and schedules.** See chapter 415-02 WAC starting with WAC 415-02-300 for (~~(the tables, schedules, and factors))~~ information on how the department uses (~~(for calculating))~~ actuarial factors and schedules to calculate optional retirement allowances of members of the Washington state law enforcement officers' and firefighters' retirement system.

AMENDATORY SECTION (Amending WSR 08-23-071, filed 11/18/08, effective 12/19/08)

**WAC 415-104-111 How is my LEOFF Plan 2 retirement allowance affected if I return to work after retirement?** This rule applies to you if you are a LEOFF 2 retiree who returns to work in an eligible LEOFF, public employees' retirement system (PERS), public safety employees' retirement system (PSERS), school employees' retirement system (SERS), or teachers' retirement system (TRS) position.

**(1) If you return to employment in a LEOFF eligible position, you must reenter membership and your retirement allowance will stop.** When you separate from service, the department will calculate your retirement allowance according to this subsection.

(a) If you previously retired before age fifty-three, the department will:

(i) Calculate your retirement allowance pursuant to RCW 41.26.420 using:

(A) Your total years of career service, including service earned prior to your initial retirement and service earned after reentering membership; and

(B) Any increase in your final average salary resulting from your reentry into membership; and

(ii) Actuarially reduce your retirement allowance:

(A) Based on the present value of the retirement allowance payments you received during your initial retirement;

(B) To reflect the difference in the number of years between your current age and the attainment of age fifty-three, if you are not yet fifty-three; and

(C) To offset the cost of your benefit option if it includes a survivor feature. See WAC 415-104-215.

(b) If you previously retired at or after age fifty-three, the department will:

(i) Calculate your retirement allowance pursuant to RCW 41.26.420 using:

(A) Your total years of career service, including service earned prior to your initial retirement and service earned after reentering membership; and

(B) Any increase in your final average salary resulting from your reentry into membership; and

(ii) Actuarially reduce your retirement allowance to offset the cost of your benefit option if it includes a survivor feature. See WAC 415-104-215.

(c) Under no circumstances will you receive a retirement allowance creditable to a month during which you earned service credit.

**(2) If you enter employment in a PERS, PSERS, SERS, or TRS eligible position,** you have two options:

(a) You may decline membership in the PERS, PSERS, SERS, or TRS retirement system. Under this option, you will continue to receive your monthly LEOFF Plan 2 retirement allowance; or

(b) You may choose to become a member of the PERS, PSERS, SERS, or TRS retirement system. Under this option, your LEOFF Plan 2 retirement allowance will be suspended while you earn a retirement benefit in the other system. When you terminate employment in the PERS, PSERS, SERS, or TRS eligible position, you will resume receiving your LEOFF Plan 2 retirement allowance, along with a retroactive payment of your LEOFF Plan 2 retirement allowance for the time you were employed.

(i) Your **ongoing LEOFF Plan 2 retirement allowance** will include any cost of living adjustments (COLAs) that you would have received if your LEOFF allowance had not been suspended during the period of non-LEOFF employment.

(ii) Your **retroactive payment** will equal the sum of your suspended LEOFF Plan 2 retirement allowances, including COLAs, during the period of non-LEOFF employment. You may choose to receive your retroactive payment in either of the following forms:

(A) A lump sum; or

(B) An increase in your ongoing LEOFF Plan 2 retirement allowance on an actuarial basis. The amount of the increase is calculated by taking the lump sum amount and multiplying it by an actuarial factor that is determined by your age at the time your retirement allowance is resumed. See (~~(the table in))~~ WAC 415-02-340 for (~~(the))~~ more information on how the department uses actuarial factors to determine the equivalent value of a lump sum amount when compared with monthly payments.

AMENDATORY SECTION (Amending WSR 05-22-110, filed 11/2/05, effective 12/3/05)

**WAC 415-104-202 Survivor benefit options—LEOFF Plan 1.** (1) **To whom does this section apply?** This section applies to you if you are a retiree of LEOFF Plan 1.

(2) **What are flexible survivor benefit options?** RCW 41.26.164 allows a retiree to provide a survivor option for a spouse who is not eligible for survivor benefits under RCW 41.26.160 or 41.26.161. The survivor option will provide a lifetime benefit for the spouse after the retiree's death.

(3) **How will my monthly retirement allowance be affected by selecting a flexible survivor option?** Your monthly retirement allowance will be actuarially reduced beginning the first month following the month in which the department receives the completed form.

(4) **What are the flexible survivor option choices?**

(a) **Joint and whole allowance option.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your surviving spouse a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(b) **Joint and one-half allowance option.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your surviving spouse a monthly allowance equal to one-half of the gross monthly retirement allowance you were receiving.

(c) **Joint and two-thirds allowance option.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your surviving spouse a monthly allowance equal to two-thirds (66.667%) of the gross monthly retirement allowance you were receiving.

(5) **Do I qualify to add a flexible survivor option?** You may select a flexible survivor option if:

(a) Your current spouse is not eligible for survivor benefits under RCW 41.26.160 or 41.26.161;

(b) Some portion of your monthly retirement allowance is payable to you, after any reduction pursuant to a property division obligation under RCW 41.50.670;

(c) You have not previously selected a flexible survivor option; and

(d) You meet the deadline and application requirements in subsection (6) of this section.

(6) **How do I add a flexible survivor option?** You may select a flexible survivor option and name your current spouse as your survivor beneficiary, provided that:

(a) The selection is made:

(i) During a one-year window, on or after the date of the first anniversary and before the second anniversary of the marriage; or

(ii) No later than June 30, 2006, if you cannot comply with (a)(i) of this subsection because you were married prior to July 1, 2005;

(b) You provide a copy of your certified marriage certificate to the department;

(c) You provide proof, satisfactory to the department, of your current spouse's birth date; and

(d) You file the properly completed forms with the department in a timely manner.

(7) **May I remove the flexible survivor option in the future?** Your choice of a flexible survivor option is irrevocable with the following exceptions:

(a) Your spouse dies before you; or

(b) You and your spouse divorce.

See subsection (8) of this section.

(8) **What happens if my spouse dies before me, or if we divorce?** If your spouse dies before you, or if you divorce, your monthly retirement allowance will increase, effective the first day of the following month. Your increased monthly allowance will be the amount you would have received had you not chosen a flexible survivor option plus any cost-of-living adjustments (COLA) you received prior to your spouse's death.

(9) **What happens to my eligible surviving children's share if I select a flexible survivor option?** There is *no* impact to the benefit provided under RCW 41.26.160 or 41.26.161 to surviving children if you select a flexible survivor option.

(10) **Actuarial information.** See chapter 415-02 WAC starting with WAC 415-02-300 for ~~((the tables, schedules, and))~~ information on how the department uses actuarial factors ((the department uses for calculating)) and schedules to calculate retirement allowances.

**Terms used in this section:**

(a) Child or children - RCW 41.26.030(7).

(b) Eligible surviving child - RCW 41.26.160 and 41.26.161.

(c) Eligible surviving spouse - RCW 41.26.161 and 41.26.162.

(d) Surviving spouse - RCW 41.26.030(6).

AMENDATORY SECTION (Amending WSR 05-23-062, filed 11/14/05, effective 12/15/05)

**WAC 415-104-215 What are my retirement benefit options—LEOFF Plan 2?** If you retire for service under RCW 41.26.430 or nonduty disability under RCW 41.26.470, or if you choose to receive a monthly allowance for duty disability under RCW 41.26.470, you must choose to have your monthly retirement allowance paid to you by one of the options described in this section.

(1) **Which option will pay my beneficiary a monthly allowance after my death?** Options described in subsection (2)(b) through (d) of this section include a survivor feature. The person you name at the time of retirement to receive a monthly allowance after your death is referred to as your "survivor beneficiary." Upon your death your survivor beneficiary will be entitled to receive a monthly allowance for the duration of his or her life. Your monthly retirement allowance will be actuarially reduced to offset the cost of the survivor feature. ~~((The factors used to determine the amount of the reduction are in))~~ See WAC 415-02-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

(2) **What are my benefit options?**

(a) **Option one: Standard allowance (no survivor feature).** The department will pay you a monthly retirement allowance throughout your lifetime. Your monthly allowance will cease upon your death.

(b) **Option two: Joint and whole allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(c) **Option three: Joint and one-half allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to one-half of the gross monthly retirement allowance you were receiving.

(d) **Option four: Joint and two-thirds allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to two-thirds (66.667%) of the gross monthly retirement allowance you were receiving.

(3) **Do I need my spouse's consent on the option I choose?** If you are married, you must provide your spouse's notarized signature indicating consent to the retirement option you select. If you do not provide spousal consent, the department will pay you a monthly retirement allowance based on option three (joint and one-half allowance) and record your spouse as the survivor beneficiary as required by RCW 41.26.460(2). If your survivor beneficiary has been designated by a dissolution order according to subsection (4) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) **Can a dissolution order require that a former spouse be designated as a survivor beneficiary?** Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) **What happens if I choose a benefit option with a survivor feature and my survivor beneficiary dies before I do?** Your monthly retirement allowance will increase, provided you submit proof of your survivor beneficiary's death to the department. The increase will begin accruing the first day of the month following the death.

(a) **Members who retire on or after January 1, 1996.** Your increased monthly allowance will be:

- (i) The amount you would have received had you chosen the standard allowance option at the time of retirement; plus
- (ii) Any cost-of-living adjustments (COLAs) you received prior to your survivor beneficiary's death based on your original option selection.

**Example:**

Agnes retires in 1996. She chooses a benefit option with a survivor feature and names Beatrice, her daughter, as her survivor beneficiary. As a result, Agnes's monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Beatrice dies in January 2001. Agnes's monthly allowance will increase to \$2,191.05, which equals the amount she would have received had she chosen the standard allowance option, plus the COLAs she has received (based on her prior monthly allowance).

| Year                                  | Standard Allowance | Survivor Option plus COLAs | COLA incr. (3% max)     | \$ Increase |
|---------------------------------------|--------------------|----------------------------|-------------------------|-------------|
| 1996                                  | 2,000.00           | 1,750.00                   |                         | 0.00        |
| 1997                                  |                    | 1,750.00                   | .02                     | 35.00       |
| 1998                                  |                    | 1,785.00                   | .03                     | 53.55       |
| 1999                                  |                    | 1,838.55                   | .025                    | 45.96       |
| 2000                                  |                    | 1,884.51                   | .03                     | 56.54       |
| 2001                                  | 2,000.00           | 1,941.05                   | —                       | —           |
|                                       |                    |                            | Total COLAs             | 191.05      |
| Original Option One Monthly Allowance |                    | + Total COLAs              | = New Monthly Allowance |             |
| \$2000                                |                    | + \$191.05                 | = \$2,191.05*           |             |

\* In the future, Agnes's COLA will be based on her increased monthly allowance.

(b) **Members who retired before January 1, 1996.** Your monthly retirement allowance will be adjusted according to the provisions of RCW 41.26.460(3).

(6) **May I change my benefit option after retirement?** Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership, you may choose a different retirement option upon your subsequent retirement.

(b) **Postretirement marriage option.** If you select the standard allowance option at the time of retirement and marry after retirement, you may select a benefit option with a survivor feature and name your current spouse as survivor beneficiary, provided that:

- (i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;
- (ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;
- (iii) You provide a copy of your certified marriage certificate to the department; and
- (iv) You provide proof of your current spouse's birth date (~~and~~ ~~(v) You exercise this option one time only~~).

(c) **Removal of a nonspouse survivor option.** If you select a benefit option with a survivor feature and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard allowance. You may exercise this option one time only.

(7) **Who will receive the balance of my accumulated contributions, if any, after my death?**

(a) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

- (i) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.
- (ii) If you have not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your surviving spouse.

(iii) If not paid according to (a)(i) or (ii) of this subsection, then to your estate.

(b) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(ii) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your survivor beneficiary's spouse.

(iii) If not paid according to (b)(i) or (ii) of this subsection, then to your survivor beneficiary's estate.

(8) For more information, see RCW 41.26.460.

**AMENDATORY SECTION** (Amending WSR 06-18-007, filed 8/24/06, effective 9/24/06)

**WAC 415-104-480 LEOFF Plan 2 duty disability benefits.** This section applies to you if you are a LEOFF Plan 2 member who incurs a disability in the line of duty per RCW 41.26.470 (6) and (7) and this section.

(1) **Who is entitled to duty disability benefits?** Any member of LEOFF Plan 2 who the department determines has:

(a) Incurred a physical or mental disability in the line of duty;

(b) Become totally incapacitated for continued employment in a LEOFF eligible position; and

(c) Separated from a LEOFF eligible position due to the disability.

(2) **How is "line of duty" defined?** Line of duty means any action or activity occurring in conjunction with your employment or your status as a law enforcement officer or firefighter and required or authorized by law, rule, regulations, or condition of employment or service.

(3) **When are the duty disability provisions effective?** The duty disability provisions under RCW 41.26.470 (6) and (7) are effective June 10, 2004.

(4) **How do I apply for duty disability benefits?** The department must receive:

(a) A completed three-part disability retirement application on the form provided by the department.

(i) Part 1: Disability retirement application. You must complete and sign the application. If you are married, your spouse must sign consenting to the retirement payment option you choose. Your signature(s) must be notarized.

(ii) Part 2: Employer's statement and report. Your employer must complete, sign and return it directly to the department.

(iii) Part 3: Medical report. You must complete Section 1. The remainder must be completed and signed by a person licensed according to Washington state law to practice medicine and surgery, osteopathic medicine and surgery, chiropractic, clinical psychology, podiatry, dentistry, or optometry;

(b) Additional information requested by the department; and

(c) Any other material you want the department to consider.

(5) **What evidence will the department use to determine whether I am entitled to benefits under this section?** The department will consider any relevant information submitted by you or your employer, or otherwise available to the department, including:

(a) Information and determinations by the department of labor and industries (L&I) or a self-insurer;

(b) Medical, vocational, and other information about your disability;

(c) Your job description;

(d) Your membership records, maintained by the department; and

(e) Any other relevant evidence.

(6) **What would disqualify me for duty disability benefits?** You are not eligible for duty disability benefits if any of the following apply:

(a) Your application does not provide adequate proof that you are totally incapacitated for continued employment in a LEOFF-eligible position;

(b) Your application does not provide adequate proof that your disability was incurred in the line of duty;

(c) The disability occurred as a result of intentional misconduct including but not limited to:

(i) An action you took intentionally to bring about your own disability;

(ii) Gross negligence on your part; or

(iii) Your voluntary intoxication. As used in this section, "intoxication" means a disturbance of mental or physical faculties resulting from the introduction of:

(A) Alcohol into the body as evidenced by:

(I) A blood alcohol level of .20 per centum or greater; or

(II) A blood alcohol level of at least .10 per centum but less than .20 per centum unless the department receives convincing evidence that the officer or firefighter was not acting in an intoxicated manner immediately prior to the injury; or

(B) Drugs or other substances in the body.

(7) **Who decides if I meet the requirements for benefits under this section?** The LEOFF plan administrator.

(8) **May I petition a decision made by the LEOFF plan administrator?** Yes. If the LEOFF plan administrator denies your request for a disability benefit under this section, you may petition for review under chapter 415-04 WAC.

(9) **What are the duty disability retirement benefits?** As a duty disability retiree, you may choose between:

(a) A nontaxable, one-time lump sum payment equal to one hundred fifty percent of your retirement contributions; except that, any payments made to restore service credit after the five-year deadline will be paid at one hundred percent; or

(b) A monthly allowance equal to:

(i) Ten percent of your final average salary (FAS), which is nontaxable; and

(ii) Two percent of your FAS for each year of service beyond five years.

Your monthly allowance will not be adjusted for early retirement. However, if you choose a benefit option with a survivor feature as described in WAC 415-104-215, your monthly allowance will be actuarially reduced to offset the cost. ~~((The factors used to determine the amount of the reduc-~~

tion are in)) See WAC 415-02-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

**Example:** Tom incurs a duty disability at age 42 after twenty years of service. His final average salary is \$5,000 per month. Tom's wife is also age 42. He chooses Benefit Option Two so that, after his death, his wife will receive a monthly allowance equal to the gross monthly allowance he was receiving. ((See WAC 415-104-215 (2)(b).)) For illustration purposes in this example only, we will use 0.87 as the corresponding Option Two joint and survivor factor (actuarial factors change periodically) for zero age difference between Tom and his wife.

Tom will receive a minimum allowance of \$435 (nontaxable) plus an additional \$1,305 (taxable), for a total monthly allowance of \$1,740. The department will use the following formula to determine Tom's monthly allowance:

((Tom's minimum duty disability allowance, calculated at 10 percent of his final average salary (FAS) is:

|   |                        |                    |
|---|------------------------|--------------------|
| Allowance   | $\$5000 \times 10\% =$ | \$500              |
| Allowance after the actuarial reduction for Option Two (survivor feature) | $\$500 \times 0.87 =$  | \$435 (nontaxable) |

In addition, Tom will receive:

|   |  |        |
|---|--|--------|
| Allowance   | $15 \text{ years} \times 2\% \times \text{FAS} (\$5000) =$ | \$1500 |
| Allowance after the actuarial reduction for Option Two (survivor feature) | $\$1500 \times 0.87 =$                                     | \$1305 |

Tom will receive \$435 (nontaxable) plus \$1305 (taxable), for a total monthly allowance of \$1740.)

$$\begin{aligned}
 \$5,000 \times 10\% \times 0.87 &= \$435 \text{ (nontaxable); PLUS} \\
 15 \times 2\% \times \$5,000 \times 0.87 &= \$1,305 \text{ (taxable)} \\
 \text{TOTAL} &= \$1,740
 \end{aligned}$$

(10) **Are my duty disability benefits taxable?** The department reports disability benefits to the Internal Revenue Service as required by federal law. Based on current federal law, part of your benefit may be taxable. You should consult with your own tax advisor regarding all questions of federal or state income, payroll, personal property or other tax consequences regarding any payments you receive from the department.

The department does not:

- (a) Guarantee that payments are exempt from federal income tax;
- (b) Guarantee that it was correct in withholding or not withholding taxes from benefit payments to you;
- (c) Represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of its determination; or
- (d) Assume any liability for your compliance with the Internal Revenue Code.

(11) **If I previously withdrew my contributions, may I apply for duty disability benefits?** If you separated from employment due to a disability and withdrew your contributions, you may apply for duty disability benefits according to the provisions of subsection (4) of this section.

(12) **If I previously withdrew my contributions and am approved for duty disability benefits, what will I receive as a benefit?** If the LEOFF plan administrator determines you are entitled to duty disability benefits, the department will amend Internal Revenue Service reporting to designate your previous withdrawal as nontaxable. In addition, you may choose either of the following:

(a) If you previously withdrew 100% of your contributions, you may choose to receive an additional lump sum payment equal to 50% of the contributions you withdrew. The payment will be nontaxable; or

(b) If you previously withdrew 100% or 150% of your contributions, you may choose to receive a monthly allowance according to subsection (9) of this section. You must repay the amount you withdrew, either in a lump sum payment or by having your monthly allowance permanently actuarially reduced to offset the amount of your previous withdrawal.

**Example:** John was injured on the job and separated from his LEOFF position in March 2002. At the time he separated, he was 43 years old, had 10 years of service, and his final average salary was \$5,000.00 per month. At that time, John chose to withdraw \$75,000, which equaled 150 percent of his retirement contributions.

John subsequently applied under the provisions of RCW 41.26.470 (6) and (7) and was deemed eligible for duty disability benefits.

The department calculated John's benefit according to the methods in subsection (9) of this section. For illustration purposes in this example only, we will use .0049904 as the corresponding annuity factor for age 43 (actuarial factors change periodically). John determined it was to his advantage to take a monthly allowance.

If John repays the entire amount he withdrew in a lump sum, his monthly allowance will be calculated according to the formula in subsection (9)(b) of this section:

|  |                              |                    |
|--|------------------------------|--------------------|
| ((Minimum monthly allowance                                    | 10% X FAS (\$5000)=          | \$500 (nontaxable) |
|  | Plus:                        |                    |
| Monthly allowance  | 5 years X 2% X FAS (\$5000)= | \$500              |
| John's total monthly allowance will be \$1,000 <sup>1</sup> .) |                              |                    |

$$\begin{aligned}
 \$5,000 \times 10\% &= \$500 \text{ (nontaxable); PLUS} \\
 5 \times 2\% \times \$5,000 &= \$500 \text{ (taxable)} \\
 \text{TOTAL} &= \$1,000
 \end{aligned}$$

If John repays the withdrawn amount through a permanent actuarial reduction, his monthly allowance will be reduced as follows:

|  |  |              |
|--|--|--------------|
| ((Monthly allowance (calculated above)             | =  | \$1000       |
| Reduction to repay the withdrawn amount (\$75,000) | \$75,000 X .0049904 (annuity factor, which is based on the retiree's age)= | -\$374.28    |
| Monthly allowance                                  |  | (\$625.722)) |

$$\begin{aligned}
 \text{Monthly amount from above} &= \$1,000; \text{ LESS} \\
 \$75,000 \times .0049904 &= -\$374.28 \\
 \text{Monthly allowance} &= \$625.72^1
 \end{aligned}$$

<sup>1</sup> ((Annuity factors are provided in WAC 415-02-340.  
 2)) If John chooses a benefit option with a survivor feature, as described in WAC 415-104-215, his monthly allowance will be actuarially reduced to offset the cost. ((Survivor option factors are provided in)) See also WAC 415-02-380.

(13) **When does a duty disability retirement benefit end?** The department may require comprehensive medical examinations to reevaluate your eligibility for continued disability benefits according to the provisions of RCW 41.26.470(2). Your duty disability benefit will cease if:

- (a) You return to work in a LEOFF-eligible position; or
- (b) Medical examination reveals that you are no longer totally incapacitated for employment in a LEOFF eligible position and you are no longer entitled to workers' compensation benefits under Title 51 RCW.

(14) **If I retire for a duty disability and die, will my survivor beneficiary receive a monthly allowance?** If you choose a benefit option with a survivor feature under WAC 415-104-215(2) at the time of retirement, your survivor beneficiary will receive a monthly allowance after your death.

(15) **What happens if I return to a LEOFF-eligible position?** If you return to a LEOFF-eligible position, your monthly allowance will stop.

(16) **If I return to a LEOFF-eligible position, how will my future retirement benefit be affected?** When you rere-tire, your monthly allowance will be calculated pursuant to RCW 41.26.500 and WAC 415-104-111.

AMENDATORY SECTION (Amending WSR 07-09-032, filed 4/10/07, effective 5/11/07)

**WAC 415-104-485 LEOFF nonduty disability benefits.** This section applies to you if you are a LEOFF Plan 2 member who incurs a disability not in the line of duty. If your disability or injury was incurred in the line of duty, see WAC 415-104-480.

(1) **Who is entitled to nonduty disability benefits?** Any member of LEOFF Plan 2 who the department determines has:

- (a) Incurred a physical or mental disability while not in the line of duty;
- (b) Become totally incapacitated for continued employment in a LEOFF eligible position; and
- (c) Separated from a LEOFF-eligible position due to the disability.

(2) **How is "line of duty" defined?** Line of duty means any action or activity occurring in conjunction with your employment or your status as a law enforcement officer or firefighter and required or authorized by law, rule, regulations, or condition of employment or service.

(3) **How do I apply for nonduty disability benefits?** The department must receive:

- (a) A completed three-part disability retirement application on the form provided by the department.
  - (i) Part 1: Disability retirement application. You, or a person with legal authority to apply on your behalf, must complete and sign the application. If you are married, your spouse must sign consenting to the retirement payment option you choose. Your signature(s) must be notarized.
  - (ii) Part 2: Employer's statement and report. Your employer must complete, sign and return it directly to the department.
  - (iii) Part 3: Medical report. You must complete Section 1. The remainder must be completed and signed by a person licensed according to Washington state law to practice medicine and surgery, osteopathic medicine and surgery, chiropractic, clinical psychology, podiatry, dentistry, or optometry;

- (b) Additional information requested by the department; and
- (c) Any other material you want the department to consider.

(4) **Is there a time limit for filing an application for nonduty disability benefits?** No. There is no time limit for applying for benefits. However, if you have separated from employment, your application must be based on your condition at the time of separation.

(5) **What evidence will the department use to determine whether I am entitled to benefits under this section?** The department will consider any relevant information submitted by you or your employer, or otherwise available to the department, including:

- (a) Information and determinations by the department of labor and industries (L&I) or a self-insurer;
- (b) Medical, vocational, and other information about your disability;
- (c) Your job description;
- (d) Your membership records, maintained by the department; and
- (e) Any other relevant evidence.

**(6) What would disqualify me for nonduty disability benefits?** You are not eligible for nonduty disability benefits if any of the following apply:

- (a) Your application does not provide adequate proof that you are totally incapacitated for continued employment in a LEOFF-eligible position;
- (b) Your disability is the result of your criminal conduct committed after April 21, 1997. See RCW 41.26.061.

**(7) Who decides if I meet the requirements for benefits under this section?** The LEOFF plan administrator.

**(8) May I petition a decision made by the LEOFF plan administrator?** Yes. If the LEOFF plan administrator denies your request for a disability benefit under this section, you may petition for review under chapter 415-04 WAC.

**(9) What are the nonduty disability retirement benefits?** As a nonduty disability retiree, your retirement benefit is a monthly allowance equal to:

(a) Two percent times your final average salary times your service credit years. This allowance will be actuarially reduced to reflect the difference in age at the time of disability retirement and age 53. If you qualify for alternative early retirement per RCW 41.26.430(3), your reduction will be three percent per year before age 53.

(b) If you choose a benefit option with a survivor feature as described in WAC 415-104-215, your monthly allowance will be actuarially reduced to offset the cost. ~~((The factors used to determine the amount of reduction are in))~~ See WAC 415-104-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

**Example:** Tom incurs a nonduty disability at age 42 after twenty years of service. His final average salary (FAS) is \$5,000 per month. Tom's wife is also age 42. He chooses Benefit Option Two so that, after his death, his wife will receive a monthly allowance equal to the gross monthly allowance he was receiving. ~~((See WAC 415-104-215(2)(b).))~~ For illustration purposes in this example only, we will use 0.39 as the corresponding factor for retiring 11 years early, and 0.87 as the Option Two factor (actuarial factors change periodically). As a result, Tom's monthly allowance will be \$678.60.

The department will use the following formula to determine Tom's monthly allowance:  

$$\frac{20 \text{ (years of service)} \times 2\% \times \$5,000 \text{ (FAS)} \times 0.39 \text{ (early retirement factor)} \times 0.87 \text{ (Option Two factor)}}{1} = \$678.60$$

~~((Tom's nonduty disability allowance is:  
 Nonduty disability allowance  $\$5,000 \times 2\% \times 20 \text{ years}$   
 $= \$2,000$~~

~~Allowance after the actuarial reduction for early retirement  $\$2,000 \times 0.39 = \$780$~~

~~Allowance after the actuarial reduction for Option Two (survivor feature)  $\$780 \times .87 = \$679$~~

**(10) Are my nonduty disability benefits taxable?** The department reports disability benefits to the Internal Revenue Service as required by federal law. Based on current federal law, your benefit may be taxable. You should consult with your own tax advisor regarding all questions of federal or state income, payroll, personal property or other tax consequences regarding any payments you receive from the department.

The department does not:

- (a) Guarantee that payments are exempt from federal income tax;
- (b) Guarantee that it was correct in withholding or not withholding taxes from benefit payments to you;
- (c) Represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of its determination; or
- (d) Assume any liability for your compliance with the Internal Revenue Code.

**(11) If I previously retired for service under the alternative early retirement provisions of RCW 41.26.430(3), but I qualified for a disability retirement, can I apply for duty or nonduty disability benefits?** Yes. If you retired under the alternative early retirement provisions of RCW 41.26.430(3) on or before January 1, 2001, you can apply to retire under the disability provisions of RCW 41.26.470. Your benefit will be reduced by three percent per year before age 53 instead of actuarially reduced by the early retirement factors in WAC 415-02-320.

**(12) If I previously retired for disability but was otherwise qualified for a service retirement under the alternative early retirement provisions of RCW 41.26.430(3), can I have my benefit recalculated to reflect a three percent reduction instead of being actuarially reduced by the early retirement reduction factors in WAC 415-102-320?** Yes. If you retired on or after January 1, 2001, and met the requirements of RCW 41.26.430(3), you can have your disability benefit recalculated under those provisions.

**(13) When does a nonduty disability retirement benefit end?** The department may require comprehensive medical examinations to reevaluate your eligibility for continued disability benefits according to the provisions of RCW 41.26.470(2). Your nonduty disability benefit will cease if:

- (a) You return to work in a LEOFF-eligible position; or
- (b) Medical examination reveals that you are no longer totally incapacitated for employment in a LEOFF-eligible position and you are no longer entitled to workers' compensation benefits under Title 51 RCW.

**(14) If I retire for a nonduty disability and die, will my survivor beneficiary receive a monthly allowance?** If you choose a benefit option with a survivor feature under WAC 415-104-215(2) at the time of retirement, your survivor beneficiary will receive a monthly allowance after your death.

(15) **What happens if I return to a LEOFF-eligible position?** If you return to a LEOFF-eligible position, your monthly allowance will stop.

(16) **If I return to a LEOFF-eligible position, how will my future retirement benefit be affected?** When you rere-tire, your monthly allowance will be calculated pursuant to RCW 41.26.500 and WAC 415-104-111.

AMENDATORY SECTION (Amending WSR 08-02-046, filed 12/27/07, effective 1/27/08)

**WAC 415-106-080 Actuarial (~~(tables,)~~ factors and schedules(~~, and factors~~)).** See chapter 415-02 WAC starting with WAC 415-02-300 for information on how the (~~tables, schedules, and factors the~~) department uses (~~for calculating~~) factors and schedules to calculate optional retirement allowances for PSERS members.

AMENDATORY SECTION (Amending WSR 08-02-046, filed 12/27/07, effective 1/27/08)

**WAC 415-106-600 What are my retirement benefit options?** Upon retirement for service under RCW 41.37.210 or retirement for disability under RCW 41.37.230, you must choose to have your retirement allowance paid to you by one of the options described in this section.

(1) **Which option will pay my beneficiary a monthly allowance after my death?** Options described in subsection (2)(b) through (d) of this section include a survivor feature. The person you name at the time of retirement to receive a monthly allowance after your death is referred to as your "survivor beneficiary." Upon your death your survivor beneficiary will be entitled to receive a monthly allowance for the duration of his or her life. Your monthly retirement allowance will be actuarially reduced to offset the cost of the survivor feature. (~~The factors used to determine the amount of the reduction are in~~) See WAC 415-02-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

(2) **What are my benefit options?**

(a) **Option one: Standard allowance (no survivor feature).** The department will pay you a monthly retirement allowance throughout your lifetime. Your monthly retirement allowance will cease upon your death.

(b) **Option two: Joint and whole allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(c) **Option three: Joint and one-half allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to one-half of the gross monthly retirement allowance you were receiving.

(d) **Option four: Joint and two-thirds allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance

equal to two-thirds (66.667%) of the gross monthly retirement allowance you were receiving.

(3) **Do I need my spouse's consent on the option I choose?** If you are married, you must provide your spouse's notarized signature indicating consent to the retirement option you select. If you do not provide spousal consent, the department will pay you a monthly retirement allowance based on option three (joint and one-half allowance) and record your spouse as the survivor beneficiary as required by RCW 41.37.170(2). If your survivor beneficiary has been designated by a dissolution order according to subsection (4) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) **Can a dissolution order require that a former spouse be designated as a survivor beneficiary?** Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) **What happens if I choose a benefit option with a survivor feature and my survivor beneficiary dies before I do?** Your monthly retirement allowance will increase, provided you submit proof of your survivor beneficiary's death to the department. The increase will accrue from the first day of the month following the death. Your increased monthly allowance will be:

(a) The amount you would have received had you chosen the standard allowance option at the time of retirement; plus

(b) Any cost-of-living adjustments (COLAs) you received prior to your survivor beneficiary's death, based on your original option selection.

Example: John retires from PSERS in 2006. John chooses a benefit option with a survivor feature and names Beatrice, his daughter, as his survivor beneficiary. As a result, John's monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Beatrice dies in 2011. John's monthly allowance will increase to \$2,191.05, which equals the amount he would have received had he chosen the standard allowance option, plus the COLAs he has received (based on his prior monthly allowance).

| Year | Standard Allowance | Survivor Option plus COLAs | COLA incr. (3% max) | \$ Increase |
|------|--------------------|----------------------------|---------------------|-------------|
| 2006 | 2,000.00           | 1,750.00                   |                     | 0.00        |
| 2007 |                    | 1,750.00                   | .02                 | 35.00       |
| 2008 |                    | 1,785.00                   | .03                 | 53.55       |
| 2009 |                    | 1,838.55                   | .025                | 45.96       |
| 2010 |                    | 1,884.51                   | .03                 | 56.54       |
| 2011 | 2,000.00           | 1,941.05                   | —                   | —           |
|      |                    |                            | Total COLAs         | 191.05      |

| Year                | Standard Allowance | Survivor Option plus COLAs | COLA incr. (3% max) | \$ Increase   |
|---------------------|--------------------|----------------------------|---------------------|---------------|
| Original Option One |                    | + Total                    |                     | = New Monthly |
| Monthly Allowance   |                    | COLAs                      |                     | Allowance     |
| \$2000              |                    | + \$191.05                 |                     | = \$2,191.05  |

**(6) May I change my benefit option after retirement?**

Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership for at least two years of uninterrupted service, you may choose a different retirement option upon your subsequent retirement. See RCW 41.37.050(3).

(b) **Postretirement marriage option.** If you select the standard allowance option at the time of retirement and marry after retirement, you may select a benefit option with a survivor feature and name your current spouse as survivor beneficiary, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department; and

(iv) You provide proof of your current spouse's birth date(;~~and~~

~~(v) You exercise this option one time only).~~

(c) **Removal of a nonspouse survivor option.** If you select a benefit option with a survivor feature and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard allowance. You may exercise this option one time only.

**(7) Who will receive the balance of my accumulated contributions, if any, after my death?**

(a) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(ii) If you have not designated a beneficiary, or if your designated beneficiary is no longer living or in existence, then to your surviving spouse.

(iii) If not paid according to (a)(i) or (ii) of this subsection, then to your estate.

(b) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(ii) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your survivor beneficiary's spouse.

(iii) If not paid according to (b)(i) or (ii) of this subsection, then to your survivor beneficiary's estate. See RCW 41.37.170.

**AMENDATORY SECTION** (Amending WSR 05-23-062, filed 11/14/05, effective 12/15/05)

**WAC 415-108-326 What are my retirement benefit options?** Upon retirement for service under RCW 41.40.180, 41.40.630, or 41.40.820, or for disability under RCW 41.40.210, 41.40.230, 41.40.670, or 41.40.825, you must choose to have the defined benefit portion of your retirement allowance paid to you by one of the options described in this section. If you are a Plan 1 member, you may also select an optional supplemental cost of living adjustment (COLA).

**(1) Which option will pay my beneficiary a monthly allowance after my death?** Options described in subsection (2)(b) through (d) of this section include a survivor feature. The person you name at the time of retirement to receive a monthly allowance after your death is referred to as your "survivor beneficiary." Upon your death your survivor beneficiary will be entitled to receive a monthly allowance for the duration of his or her life. Your monthly retirement allowance will be actuarially reduced to offset the cost of the survivor feature. ~~((The factors used to determine the amount of the reduction are in))~~ See WAC 415-02-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

**(2) What are my benefit options?**

(a) **Option one: Standard allowance (no survivor feature).** The department will pay you a monthly retirement allowance throughout your lifetime. Your monthly allowance will cease upon your death.

(b) **Option two: Joint and whole allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(c) **Option three: Joint and one-half allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to one-half of the gross monthly retirement allowance you were receiving.

(d) **Option four: Joint and two-thirds allowance (available to members retiring on or after January 1, 1996).** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to two-thirds (66.667%) of the gross monthly retirement allowance you were receiving.

**(3) Do I need my spouse's consent on the option I choose?** If you are married, you must provide your spouse's notarized signature indicating consent to the retirement option you select. If you do not provide spousal consent, the department will pay you a monthly retirement allowance based on option three (joint and one-half allowance) and record your spouse as the survivor beneficiary as required by RCW 41.40.188, 41.40.660 and 41.40.845. If your survivor

beneficiary has been designated by a dissolution order according to subsection (4) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

**(4) Can a dissolution order require that a former spouse be designated as a survivor beneficiary?** Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

**(5) What is the supplemental COLA option for Plan 1 members?** If you are a Plan 1 member, in addition to choosing a retirement benefit option described in subsection (2) of this section, you may choose to receive a supplemental annual COLA. If you select this option, your monthly retirement allowance will be actuarially reduced to offset the cost of this benefit.

**(6) What happens if I choose a benefit option with a survivor feature and my survivor beneficiary dies before I do?** Your monthly retirement allowance will increase, provided you submit proof of your survivor beneficiary's death to the department. The increase will begin accruing the first day of the month following the death.

**(a) Members who retired on or after January 1, 1996.** Your increased benefit will be:

- (i) The amount you would have received had you chosen the standard allowance option at the time of retirement; plus
- (ii) Any COLAs you received prior to your survivor beneficiary's death, based on your original option selection.

**Example:**

Agnes retires from PERS Plan 2 in 1996. She chooses a benefit option with a survivor feature and names Beatrice, her daughter, as her survivor beneficiary. As a result, Agnes's monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Beatrice dies in 2001. Agnes's monthly allowance will increase to \$2,191.05, which equals the amount she would have received had she chosen the standard allowance option, plus the COLAs she has received (based on her prior monthly allowance).

| Year                       | Standard Allowance       | Survivor Option plus COLAs | COLA incr. (3% max)     | \$ Increase |
|----------------------------|--------------------------|----------------------------|-------------------------|-------------|
| 1996                       | 2,000.00                 | 1,750.00                   |                         | 0.00        |
| 1997                       |                          | 1,750.00                   | .02                     | 35.00       |
| 1998                       |                          | 1,785.00                   | .03                     | 53.55       |
| 1999                       |                          | 1,838.55                   | .025                    | 45.96       |
| 2000                       |                          | 1,884.51                   | .03                     | 56.54       |
| 2001                       | 2,000.00                 | 1,941.05                   | —                       | —           |
|                            |                          |                            | Total ((COLA's)) COLAs  | 191.05      |
| Original Monthly Allowance | + Total ((COLA's)) COLAs |                            | = New Monthly Allowance |             |
| \$2000                     | + \$191.05               |                            | = \$2,191.05*           |             |

\* In the future, Agnes's COLA will be based on her increased monthly allowance.

**(b) Members who retire before January 1, 1996.** Your monthly retirement allowance will be adjusted according to the provisions of RCW 41.40.188(3) (Plan 1) or RCW 41.40.660(3) (Plan 2).

**(7) May I change my benefit option after retirement?** Your choice of a benefit option is irrevocable with the following three exceptions:

**(a) Return to membership.** If you retire and then return to membership for at least two years of uninterrupted service, you may choose a different retirement option upon your subsequent retirement. See RCW 41.40.037.

**(b) Postretirement marriage option.** If you select the standard allowance option at the time of retirement and marry after retirement, you may select a benefit option with a survivor feature and name your current spouse as survivor beneficiary, provided that:

- (i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;
- (ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;
- (iii) You provide a copy of your certified marriage certificate to the department; and
- (iv) You provide proof of your current spouse's birth date (~~and~~
- (v) ~~You exercise this option one time only~~).

**(c) Removal of a nonspouse survivor option.** If you select a benefit option with a survivor feature and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard allowance. You may exercise this option one time only.

**(8) Who will receive the balance of my accumulated contributions, if any, after my death?**

**(a) Plan 1 and 2 members:**

(i) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(B) If you have not designated a beneficiary, or if your designated beneficiary is no longer living or in existence, then to your surviving spouse.

(C) If not paid according to (a)(i)(A) or (B) of this subsection, then to your estate.

(ii) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(B) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your survivor beneficiary's spouse.

(C) If not paid according to (a)(ii)(A) or (B) of this subsection, then to your survivor beneficiary's estate.

(b) **Plan 3 members:** The defined benefit stops upon your death or upon the death of your survivor beneficiary, if applicable. As a Plan 3 member, you do not contribute to the defined benefit portion of your retirement allowance. The defined contribution portion of your benefit will be distributed according to WAC 415-111-310.

(9) For more information, see RCW 41.40.188 (Plan 1), RCW 41.40.660 (Plan 2) and RCW 41.40.845 (Plan 3).

AMENDATORY SECTION (Amending WSR 02-18-048, filed 8/28/02, effective 9/1/02)

**WAC 415-108-340 Actuarial (~~(tables, schedules, and)~~) factors and schedules.** See chapter 415-02 WAC starting with WAC 415-02-300 for information on how the (~~(tables, schedules, and)~~) department uses actuarial factors (~~(the department uses for calculating)~~) and schedules to calculate optional retirement allowances of members of the Washington state public employees' retirement system.

AMENDATORY SECTION (Amending WSR 05-12-106, filed 5/27/05, effective 6/27/05)

**WAC 415-108-436 PERS Plans 2 and 3 disability benefits.** This section covers disability benefits provided for in RCW 41.40.670 and 41.40.825 for members of PERS Plans 2 and 3. Disability provisions are designed primarily to provide an income to members who have been forced to leave the workforce because of an incapacitating disability. This section applies equally to on- or off-the-job injuries and/or illnesses.

Members may also be eligible for benefits from the Washington state departments of labor and industries (workers' compensation benefits) and social and health services, the U.S. Social Security Administration, employers, disability insurers, and others. Please contact these organizations directly for more information.

(1) **Am I eligible for disability benefits?** You are eligible for a disability allowance if, at the time of your separation from employment, you are totally incapacitated to perform the duties of your job or any other position for a PERS employer for which you are qualified by training or experience. Objective medical evidence is required to establish total incapacitation. Vocational and/or occupational evidence may be required at the discretion of the department.

(2) **If eligible, what will I receive as my monthly disability benefits under the standard option?**

(a) If you are a Plan 2 member, you will receive two percent times average final compensation (AFC) times service credit years, permanently actuarially reduced to reflect the difference in the number of years between your age when you separate for disability and age sixty-five. See WAC 415-02-320 for more information on early retirement (~~(factors and examples)~~).

(b) If you are a Plan 3 member, you will receive a defined benefit of one percent times average final compensation times service credit years, permanently actuarially reduced to reflect the difference in the number of years between your age when you separate for disability and age

sixty-five. See WAC 415-02-320 for more information on early retirement (~~(factors and examples)~~).

(c) The degree of your disability or impairment will not impact the amount of your disability benefit.

(3) **May I choose a benefit option that provides a monthly allowance to my survivor beneficiary?** You may choose to have your benefit paid according to any of the benefit options described in WAC 415-108-326. If you choose an option with a survivor feature, your monthly benefit will be actuarially reduced to offset the cost.

(4) **How do I apply?**

(a) You or your representative must contact the department to request an application. The three-part application must be completed by the proper persons and returned to the department.

(i) **Part 1:** Disability retirement application. You must complete, sign and have notarized. If you are married, your spouse must sign consent of the benefit option you choose.

(ii) **Part 2:** Employer's statement and report. Your employer must complete, sign and return directly to the department.

(iii) **Part 3:** Medical report. You must complete section one. Your physician must complete the remainder of the form, attach supporting documentation, sign and return directly to the department. You are responsible for all medical expenses related to your application for benefits.

(b) When the department receives Part 1 of your application, you are considered to be an applicant for disability benefits. However, your eligibility will not be determined until the department receives all three parts of the application.

(5) **What is the time limit for filing an application for disability benefits?** There is no time limit for applying for benefits. However, if you have separated from employment, your application must be based on your condition at the time of separation.

(6) **If I am eligible to retire, may I still apply for disability benefits?** Yes, however, there will be no difference in the dollar amount of your benefit.

(7) **Once my application is approved, when will my benefit begin?**

(a) You will start accruing disability benefits the first day of the calendar month immediately following your separation from employment. If you are continuing to earn service credit while on paid leave or through programs such as shared leave, you are not considered to be separated from employment.

(b) Your first benefit payment will include all retroactive benefits to which you are entitled.

(c) Department approval will expire ninety days after the approval date if you have not officially separated from PERS employment.

(i) If you are continuing to perform the duties of your position or another PERS position, you may reapply for disability benefits according to subsection (4) of this section if your condition worsens.

(ii) If you are on leave, the department may reinstate approval upon your request and your employer's verification of your leave status.

(8) **What are my options if my application is denied?**

(a) You may submit additional information that shows you were totally incapacitated at the time of your separation from employment.

(b) If you continue to work in a PERS position, you may reapply for disability benefits at a later time if your condition worsens.

(c) You may petition for review of the department's decision according to the provisions of chapter 415-04 WAC.

**(9) What information must be provided to the department if I am receiving disability benefits?**

(a) You and your doctor must report any improvement in your condition; and

(b) You must report the name of your employer and monthly salary if you resume employment, regardless of the number of hours you work.

**(10) How long will my disability benefits last?** You may receive benefits throughout your lifetime, subject to the provisions of subsection (15) of this section.

**(11) Are my disability benefits taxable?** You should consult with your tax advisor regarding all questions of federal or state income, payroll, personal property or other tax consequences regarding any payments you receive from the department. The department does not:

(a) Guarantee that payments should or should not be designated as exempt from federal income tax;

(b) Guarantee that it was correct in withholding or not withholding taxes from disability payments;

(c) Represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of its nontaxable determination; or

(d) Assume any liability for your compliance with the Internal Revenue Code.

**(12) Are disability benefits subject to court or administrative orders?** Your benefits may be subject to orders for spousal maintenance, child support, property division, or any other administrative or court order expressly authorized by federal law. For more information, see RCW 41.40.052(3) or contact the department.

**(13) Am I eligible for disability benefits if my disability is the result of my criminal conduct committed after April 21, 1997?** No. For more information, see RCW 41.40.054.

**(14) How is my disability benefit affected if I am a member of more than one retirement system?** If you are a member of more than one retirement system, your benefit is governed by portability law (see chapters 41.54 RCW and 415-113 WAC). You may apply for disability only from your active system. However, if you qualify for a disability benefit from your active system, you will also be eligible for a service retirement calculated under the laws governing the inactive system.

**(15) Is it possible to lose my disability benefits after I begin receiving them?**

(a) The department may, at its expense, require comprehensive medical examinations to reevaluate your eligibility for disability benefits. You will no longer be eligible to receive disability benefits if both of the following apply:

(i) Medical evidence indicates you have recovered from the disability for which the department granted your disability benefits; and

(ii) You have been offered reemployment by an employer, as defined in RCW 41.40.010 (4)(b), at a comparable compensation.

(b) If you return to employment and reenter PERS membership, your benefits will cease.

**(16) If I take my disability benefit in a lump sum and return to work, may I restore my service credit?** Yes, you may restore your service credit if you take a lump sum benefit and return to PERS membership at a later date.

(a) You may restore your service credit within two years of reentering membership or prior to retirement, whichever comes first. You must pay back the lump sum amount you received, minus the monthly amount for which you were eligible, plus interest as determined by the director.

(b) If you restore your service after two years, you will have to pay the actuarial value of the resulting increase in your future retirement benefit. See RCW 41.50.165.

(c) The provisions for restoring service credit vary according to retirement plan.

(i) If you are a member of PERS Plan 2, see RCW 41.40.625.

(ii) If you are a member of PERS Plan 3, see RCW 41.40.815.

AMENDATORY SECTION (Amending WSR 07-10-013, filed 4/20/07, effective 5/21/07)

**WAC 415-108-805 What is the PERS Plan 1 minimum allowance?** RCW 41.40.1984 entitles certain PERS Plan 1 retirees and beneficiaries to a minimum monthly allowance. Subsection (3) of this section provides the amount of the minimum allowance and explains how it may be adjusted.

**(1) Do I qualify for the minimum allowance?** Except as provided in subsection (2) of this section:

(a) You qualify if your current monthly allowance, excluding any amount you receive for an additional (optional) annuity based on extra contributions, is less than the minimum allowance calculated under subsection (3) of this section, and:

(i) You have twenty-five or more years of PERS Plan 1 service credit and have been retired at least twenty years; or

(ii) You have twenty or more years of PERS Plan 1 service credit and have been retired at least twenty-five years.

(b) You qualify if you are a PERS Plan 1 member's survivor beneficiary under WAC 415-108-326 and your current monthly allowance is less than the minimum allowance calculated under subsection (3) of this section, provided:

(i) The member had twenty-five or more years of PERS Plan 1 service credit and retired at least twenty years ago; or

(ii) The member had twenty or more years of PERS Plan 1 service credit and retired at least twenty-five years ago.

**(2) Do I qualify if I receive a duty disability allowance?** You do not qualify to receive the minimum allowance provided by this rule if you are a:

(a) Retiree currently receiving a duty disability retirement allowance under RCW 41.40.220(1);

(b) Retiree currently receiving a statewide city employees' retirement system duty disability retirement allowance under RCW 41.44.170(3); or

(c) Beneficiary currently receiving an allowance under RCW 41.44.170(5).

**(3) How much is the minimum allowance in RCW 41.40.1984, and how is it adjusted?**

(a) **Minimum allowance.** The minimum allowance prior to July 1, 2006, was \$1000. On July 1, 2006, and each July 1 thereafter, the minimum allowance increases by three percent, rounded to the nearest cent.

(b) **Adjustment.** The minimum allowance in (a) of this subsection will be adjusted each July by the same factors that

were otherwise used in the calculation of your monthly allowance, including, but not limited to:

- (i) Early retirement;
- (ii) Automatic cost-of-living (COLA) increases chosen at retirement;
- (iii) Benefit option chosen at retirement (see WAC 415-108-326);
- (iv) Survivor percentage. See Example 2 in this subsection.

Example 1: Bob retired in August 1986 with twenty-five years of service credit. Bob chose benefit option three, so that his wife, Betty, would receive a monthly allowance equal to 50% of his allowance after his death. In August 2006, Bob became eligible for the minimum allowance, calculated as follows:

|  |  |                 |
|--|--|-----------------|
| Minimum allowance in August 2006 =                                     |  | \$1,030.00      |
| <b>Minimum allowance, actuarially reduced for benefit option three</b> | $\$1,030 \times 0.87$ ((benefit option factor based on the difference in age between Bob and Betty)) <del>This is an example of an actuarial factor for illustration purposes only. Actuarial factors periodically change.</del> = | <b>\$896.10</b> |

Example 2: When Bob died in August 2009, Betty's allowance was calculated using the minimum allowance in effect on the date of Bob's death. The minimum allowance was adjusted by the same factors used to calculate Bob's allowance at retirement and also by the survivor percentage (50%) chosen when Bob retired.

|  |  |                 |
|--|--|-----------------|
| Minimum allowance in August 2009               | (includes a 3% per year increase)        | \$1,125.51      |
| Actuarially reduced for benefit option three = | $\$1,125.51 \times 0.87 =$               | \$979.19        |
| <b>Betty's adjusted minimum allowance</b>      | (50% of the allowance Bob was receiving) | <b>\$489.60</b> |

~~((The tables, schedules, and factors the department currently uses to calculate benefits are located in WAC 415-02-300 through 415-02-380. However, factors have changed over time, and your minimum allowance will be adjusted using the same factors that were used to calculate your current monthly allowance.))~~

**(4) If the minimum allowance is less than my current monthly allowance, will my monthly allowance be reduced?** The department will compare the amount of the minimum allowance calculated under subsection (3) of this section with your current monthly allowance. You will always receive the higher of the two benefits.

**(5) If I qualify for the minimum allowance, when will I begin to receive it?**

(a) If your eligibility is based on meeting the requirements of subsection (1)(a)(i) or (b)(i) of this section, and:

- (i) You were eligible on July 1, 2004, you began receiving the minimum allowance in effect at that time, in lieu of your regular monthly allowance, in July 2004.
- (ii) You become eligible after July 1, 2004, you will begin receiving the minimum allowance, in lieu of your regular monthly allowance, the month in which you qualify.

Example:

|              | <b>Regular Allowance<br/>(including COLAs and other<br/>eligible adjustments)</b> | <b>Adjusted Minimum Allowance</b>  | <b>Actual<br/>Amount Paid</b> |
|--------------|---|------------------------------------|-------------------------------|
| July 1, 2006 | \$882.38 (allowance + COLAs)  | <b>\$896.10</b> (\$1,030 x .87)    | \$896.10                      |
| July 1, 2007 | \$914.63 (\$882.38 + COLA)  | <b>\$922.98</b> (\$1,060.90 x .87) | \$922.98                      |
| July 1, 2008 | \$946.88 (\$914.63 + COLA)  | <b>\$950.67</b> (\$1,092.73 x .87) | \$950.67                      |

(b) If your eligibility is based on meeting the requirements of subsection (1)(a)(ii) or (b)(ii) of this section, and:

- (i) You were eligible on July 1, 2006, you began receiving the minimum allowance in effect at that time, in lieu of your regular monthly allowance, in July 2006.
- (ii) You become eligible after July 1, 2006, you will begin receiving the minimum allowance, in lieu of your regular monthly allowance, the month in which you qualify.

**(6) Will I receive cost-of-living adjustments (COLAs)?** You will not receive the uniform COLA (based on your years of service credit) while you are receiving the minimum allowance.

**(7) How long will I continue to receive the minimum allowance?** You will receive the minimum allowance calculated under subsection (3) of this section, for your lifetime or until your regular retirement allowance, plus COLAs and other eligible adjustments, exceeds the minimum allowance. At that time you will automatically start receiving the higher allowance.

|              | <b>Regular Allowance<br/>(including COLAs and other<br/>eligible adjustments)</b> | <b>Adjusted Minimum Allowance</b>  | <b>Actual<br/>Amount Paid</b>   |
|--------------|---|------------------------------------|---|
| July 1, 2009 | \$979.13 (\$946.88 + COLA)  | <b>\$979.19</b> (\$1,125.51 x .87) | \$979.19  |
| July 1, 2010 | <b>\$1,011.38</b> (\$979.13 + COLA)   | \$1,008.57 (\$1,159.28 x .87)      | \$1,011.38<br><br>(reverts to regular allow-<br>ance including COLAs) |

AMENDATORY SECTION (Amending WSR 02-18-048, filed 8/28/02, effective 9/1/02)

**WAC 415-110-340 Actuarial (~~tables,~~) factors and schedules(~~, and factors~~).** See chapter 415-02 WAC starting with WAC 415-02-300 for (~~the tables, schedules, and factors~~) information on how the department uses (~~for calculating~~) actuarial factors and schedules to calculate optional retirement allowances of members of the Washington state school employees' retirement system.

AMENDATORY SECTION (Amending WSR 05-19-014, filed 9/9/05, effective 10/10/05)

**WAC 415-110-436 SERS Plans 2 and 3 disability benefits.** This section covers disability benefits provided for in RCW 41.35.440 and 41.35.690 for members of SERS Plans 2 and 3. Disability provisions are designed primarily to provide an income to members who have been forced to leave the workforce because of an incapacitating disability. This section applies equally to on- or off-the-job injuries and/or illnesses. Members may also be eligible for benefits from the Washington state departments of labor and industries (workers' compensation benefits) and social and health services, the U.S. Social Security Administration, employers, disability insurers, and others. Please contact these organizations directly for more information.

(1) **Am I eligible for disability benefits?** You are eligible for a disability allowance if, at the time of your separation from employment, you are totally incapacitated to perform the duties of your job or any other position for a SERS employer for which you are qualified by training or experience. Objective medical evidence is required to establish total incapacitation. Vocational and/or occupational evidence may be required at the discretion of the department.

(2) **If eligible, what will I receive as my monthly disability benefits under the standard option?**

(a) If you are a Plan 2 member, you will receive two percent times average final compensation (AFC) times service credit years, permanently actuarially reduced to reflect the difference in the number of years between your age when you separate for disability and age sixty-five. See WAC 415-02-320 for more information on early retirement (~~(factors and examples)~~).

(b) If you are a Plan 3 member, you will receive a defined benefit of one percent times average final compensation times service credit years, permanently actuarially reduced to reflect the difference in the number of years between your age when you separate for disability and age sixty-five. See WAC 415-02-320 for more information on early retirement (~~(factors and examples)~~).

(c) The degree of your disability or impairment will not impact the amount of your disability benefit.

(3) **May I choose a benefit option that provides a monthly allowance to my survivor beneficiary?** You may choose to have your benefit paid according to any of the benefit options described in WAC 415-110-326. If you choose an option with a survivor feature, your monthly benefit will be actuarially reduced to offset the cost.

(4) **How do I apply?**

(a) You or your representative must contact the department to request an application. The three-part application must be completed by the proper persons and returned to the department.

(i) **Part 1:** Disability retirement application. You must complete, sign and have notarized. If you are married, your spouse must sign consent of the benefit option you choose.

(ii) **Part 2:** Employer's statement and report. Your employer must complete, sign and return directly to the department.

(iii) **Part 3:** Medical report. You must complete section one. Your physician must complete the remainder of the form, attach supporting documentation, sign and return directly to the department. You are responsible for all medical expenses related to your application for benefits.

(b) When the department receives part 1 of your application, you are considered to be an applicant for disability benefits. However, your eligibility will not be determined until the department receives all three parts of the application.

(5) **What is the time limit for filing an application for disability benefits?** There is no time limit for applying for benefits. However, if you have separated from employment, your application must be based on your condition at the time of separation.

(6) **If I am eligible to retire, may I still apply for disability benefits?** Yes, however, there will be no difference in the dollar amount of your benefit.

(7) **Once my application is approved, when will my benefit begin?**

(a) You will start accruing disability benefits the first day of the calendar month immediately following your separation from employment. If you are continuing to earn service credit while on paid leave or through programs such as shared leave, you are not considered to be separated from employment.

(b) Your first benefit payment will include all retroactive benefits to which you are entitled.

(c) Department approval will expire ninety days after the approval date if you have not officially separated from SERS employment.

(i) If you are continuing to perform the duties of your position or another SERS position, you may reapply for disability benefits according to subsection (4) of this section if your condition worsens.

(ii) If you are on leave, the department may reinstate approval upon your request and your employer's verification of your leave status.

**(8) What are my options if my application is denied?**

(a) You may submit additional information that shows you were totally incapacitated at the time of your separation from employment.

(b) If you continue to work in a SERS position, you may reapply for disability benefits at a later time if your condition worsens.

(c) You may petition for review of the department's decision according to the provisions of chapter 415-04 WAC.

**(9) What information must be provided to the department if I am receiving disability benefits?**

(a) You and your doctor must report any improvement in your condition; and

(b) You must report the name of your employer and monthly salary if you resume employment, regardless of the number of hours you work.

**(10) How long will my disability benefits last?** You may receive benefits throughout your lifetime, subject to the provisions of subsection (15) of this section.

**(11) Are my disability benefits taxable?** You should consult with your tax advisor regarding all questions of federal or state income, payroll, personal property or other tax consequences regarding any payments you receive from the department. The department does not:

(a) Guarantee that payments should or should not be designated as exempt from federal income tax;

(b) Guarantee that it was correct in withholding or not withholding taxes from disability payments;

(c) Represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of its nontaxable determination; or

(d) Assume any liability for your compliance with the Internal Revenue Code.

**(12) Are disability benefits subject to court or administrative orders?** Your benefits may be subject to orders for spousal maintenance, child support, property division, or any other administrative or court order expressly authorized by federal law. For more information, see RCW 41.35.100(3) or contact the department.

**(13) Am I eligible for disability benefits if my disability is the result of my criminal conduct committed after April 21, 1997?** No. For more information, see RCW 41.35.110.

**(14) How is my disability benefit affected if I am a member of more than one retirement system?** If you are a member of more than one retirement system, your benefit is governed by portability law (see chapters 41.54 RCW and 415-113 WAC). You may apply for disability only from your active system. However, if you qualify for a disability benefit from your active system, you will also be eligible for a service retirement calculated under the laws governing the inactive system.

**(15) Is it possible to lose my disability benefits after I begin receiving them?**

(a) The department may, at its expense, require comprehensive medical examinations to reevaluate your eligibility for disability benefits. You will no longer be eligible to receive disability benefits if both of the following apply:

(i) Medical evidence indicates you have recovered from the disability for which the department granted your disability benefits; and

(ii) You have been offered reemployment by an employer, as defined in RCW 41.35.010(4), at a comparable compensation.

(b) If you return to employment and reenter SERS membership, your benefits will cease.

**(16) If I take my disability benefit in a lump sum and return to work, may I restore my service credit?** Yes, you may restore your service credit if you take a lump sum benefit and return to SERS membership at a later date.

(a) You may restore your service credit within two years of reentering membership or prior to retirement, whichever comes first. You must pay back the lump sum amount you received, minus the monthly amount for which you were eligible, plus interest as determined by the director.

(b) If you restore your service after two years, you will have to pay the actuarial value of the resulting increase in your future retirement benefit. See RCW 41.50.165.

(c) The provisions for restoring service credit vary according to retirement plan.

(i) If you are a member of SERS Plan 2, see RCW 41.35.410.

(ii) If you are a member of SERS Plan 3, see RCW 41.35.670.

AMENDATORY SECTION (Amending WSR 05-23-062, filed 11/14/05, effective 12/15/05)

**WAC 415-110-610 What are my retirement benefit options?** Upon retirement for service under RCW 41.35.420 or 41.35.680, or for disability under RCW 41.35.440 or 41.35.690, you must choose to have the defined benefit portion of your retirement allowance paid to you by one of the options described in this section.

**(1) Which option will pay my beneficiary a monthly allowance after my death?** Options described in subsection (2)(b) through (d) of this section include a survivor feature. The person you name at the time of retirement to receive a monthly allowance after your death is referred to as your "survivor beneficiary." Upon your death your survivor beneficiary will be entitled to receive a monthly allowance for the duration of his or her life. Your monthly retirement allowance will be actuarially reduced to offset the cost of the survivor feature. ~~((The factors used to determine the amount of the reduction are in))~~ See WAC 415-02-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

**(2) What are my benefit options?**

**(a) Option one: Standard allowance (no survivor feature).** The department will pay you a monthly retirement allowance throughout your lifetime. Your monthly retirement allowance will cease upon your death.

(b) **Option two: Joint and whole allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(c) **Option three: Joint and one-half allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to one-half of the gross monthly retirement allowance you were receiving.

(d) **Option four: Joint and two-thirds allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to two-thirds (66.667%) of the gross monthly retirement allowance you were receiving.

(3) **Do I need my spouse's consent on the option I choose?** If you are married, you must provide your spouse's notarized signature indicating consent to the retirement option you select. If you do not provide spousal consent, the department will pay you a monthly retirement allowance based on option three (joint and one-half allowance) and record your spouse as the survivor beneficiary as required by RCW 41.35.220. If your survivor beneficiary has been designated by a dissolution order according to subsection (4) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) **Can a dissolution order require that a former spouse be designated as a survivor beneficiary?** Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) **What happens if I choose a benefit option with a survivor feature and my survivor beneficiary dies before I do?** Your monthly retirement allowance will increase, provided you submit proof of your survivor beneficiary's death to the department. The increase will begin accruing the first day of the month following the death. Your increased monthly allowance will be:

(a) The amount you would have received had you chosen the standard allowance option at the time of retirement; plus

(b) Any cost-of-living adjustments (COLAs) you received prior to your survivor beneficiary's death, based on your original option selection.

**Example:**

Agnes retires from SERS Plan 2 in 2006. Agnes chooses a benefit option with a survivor feature and names Beatrice, her daughter, as her survivor beneficiary. As a result, Agnes's monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Beatrice dies in 2011. Agnes's monthly allowance will increase to \$2,191.05, which equals the amount she would have received had she chosen the standard allowance option, plus the COLAs she has received (based on her prior monthly allowance).

| Year | Standard Allowance | Survivor Option plus COLAs | COLA incr. (3% max) | \$ Increase |
|------|--------------------|----------------------------|---------------------|-------------|
| 2006 | 2,000.00           | 1,750.00                   |                     | 0.00        |
| 2007 |                    | 1,750.00                   | .02                 | 35.00       |
| 2008 |                    | 1,785.00                   | .03                 | 53.55       |
| 2009 |                    | 1,838.55                   | .025                | 45.96       |
| 2010 |                    | 1,884.51                   | .03                 | 56.54       |
| 2011 | 2,000.00           | 1,941.05                   | —                   | —           |

Total  
((COLA's))  
COLAs

|                                       |                          |                         |
|---------------------------------------|--------------------------|-------------------------|
| Original Option One Monthly Allowance | + Total ((COLA's)) COLAs | = New Monthly Allowance |
| \$2000                                | + \$191.05               | = \$2,191.05*           |

\* In the future, Agnes's COLAs will be based on her increased monthly allowance.

(6) **May I change my benefit option after retirement?**

Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership for at least two years of uninterrupted service, you may choose a different retirement option upon your subsequent retirement. See RCW 41.35.060.

(b) **Postretirement marriage option.** If you select the standard allowance option at the time of retirement and marry after retirement, you may select a benefit option with a survivor feature and name your current spouse as survivor beneficiary, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-01-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department; and

(iv) You provide proof of your current spouse's birth date (~~and~~

~~(v) You exercise this option one time only~~).

(c) **Removal of a nonspouse survivor option.** If you select a benefit option with a survivor feature and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard allowance. You may exercise this option one time only.

(7) **Who will receive the balance of my accumulated contributions, if any, after my death?**

(a) **Plan 2 members:**

(i) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(B) If you have not designated a beneficiary, or if your designated beneficiary is no longer living or in existence, then to your surviving spouse.

(C) If not paid according to (a)(i)(A) or (B) of this subsection, then to your estate.

(ii) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(B) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your survivor beneficiary's spouse.

(C) If not paid according to (a)(ii)(A) or (B) of this subsection, then to your survivor beneficiary's estate.

(b) **Plan 3 members:** The defined benefit stops upon your death or upon the death of your survivor beneficiary, if applicable. As a Plan 3 member, you do not contribute to the defined benefit portion of your retirement allowance. The defined contribution portion of your benefit will be distributed according to WAC 415-111-310.

(8) For more information, see RCW 41.35.220.

AMENDATORY SECTION (Amending WSR 10-16-086, filed 7/30/10, effective 9/1/10)

**WAC 415-111-320 May I purchase a life annuity with my Plan 3 defined contribution account?** Any time after you become eligible to withdraw funds from your Plan 3 account, you may use part or all of your funds to purchase a life annuity according to this section. To purchase a Total Allocation Portfolio (TAP) Annuity that is administered by the state of Washington you must use funds that are in the Washington state investment board (WSIB) investment program. To purchase an annuity through an insurance company that is offered by the self-directed investment program, you must use funds that are in the self-directed investment program.

(1) **What is a life annuity?** A life annuity is a contract that provides a guaranteed income for the rest of your life in exchange for a lump-sum dollar amount you pay up front. The contract specifies the amount you pay to purchase the annuity, the amount you will receive each month, and any other terms and conditions.

(a) **A single life annuity** is based on your lifetime. It provides guaranteed payments for as long as you live. The payments stop upon your death.

(b) **A joint life annuity** is based on two lifetimes, yours and another person that you choose (referred to as your joint annuitant). It provides guaranteed payments to you during your lifetime, and then, if your joint annuitant survives you, to your joint annuitant for the remainder of his/her lifetime. The payments stop when both you and your joint annuitant die.

(c) **A term-certain—Single life annuity** is based on your lifetime. It provides you with regular payments for as

long as you live. It also guarantees the payments for a specific, predetermined period of time (term-certain). If you die before the specified period of time, payments will continue to your beneficiary for the balance of the specified period.

(d) **A term-certain—Joint life annuity** is based on two lifetimes, yours and your joint annuitant's. It provides regular payments for as long as you or your joint annuitant lives. It also guarantees those payments for a specific, predetermined period of time (term-certain). If you and your joint annuitant should both die before the specified period of time, payments will continue to your beneficiary for the balance of the specified period.

**Example (term-certain—Joint life annuity):**

John purchased a 20-year term-certain joint life annuity. He received monthly payments until his death 10 years later. Upon John's death, Mary, John's joint annuitant, will receive payments for the duration of her life.

- If Mary lives for 5 years after John's death, upon her death the annuity will make payments to John's beneficiary for 5 years, the remainder of the 20-year term.
- If Mary lives for 5 years after John's death, upon her death the annuity will make payments to John's beneficiary for 5 years, the remainder of the 20-year term.

(2) **Are the life annuities offered by each investment program different?** The life annuities offered through the WSIB investment program and the self-directed investment program have distinct features and options. Each program may offer some or all of the annuities described in subsection (1) of this section. Minimum purchase price, payment frequency, survivorship percentages, length of term-certain annuities, and other optional features differ between programs as well.

(3) **How is the original purchase price of the life annuity determined?** You will choose how much of your defined contribution funds to use as your original purchase price. The minimum purchase price depends on the type of annuity you purchase: The minimum purchase price for a TAP annuity is twenty-five thousand dollars and the minimum purchase price for an annuity through a self-directed investment program insurance company is five thousand dollars.

The minimum purchase price for a life annuity is subject to change.

(4) **How are the monthly annuity payments calculated?** The amount of your monthly annuity payment is based on various actuarial assumptions, including without limitation, assumptions about life expectancy and anticipated investment returns. The amount of your monthly annuity payment will vary depending on:

- (a) The original purchase price;
- (b) Your age;
- (c) The age of your joint annuitant (if any);
- (d) The survivorship percentage you select on a joint annuity (if any); and
- (e) Other features of your specific annuity, including, but not limited to, COLAs or refunds of undistributed balances upon your death.

~~((For more information about the factors used in calculating a TAP annuity, see WAC 415-02-390. For more information about the factors used in calculating an annuity through a self-directed investment program insurance company, contact the Plan 3 record keeper.))~~

**(5) May I cancel my purchase of an annuity contract?** Your contract will specify a period of time in which you can cancel your decision to purchase the annuity. Once the rescission period expires, your decision is irrevocable.

**(6) Can the terms of the annuity be changed after the rescission period expires?** You may not make any changes after the rescission period unless your annuity contract explicitly states otherwise. Some contracts allow you to make changes in specific circumstances. For instance, you may make changes to an annuity purchased through the Washington state investment board investment program only as follows:

(a) If you name someone other than your spouse as the joint annuitant, you may convert to a single life annuity at any time after your payments begin. This option may only be used once and is irrevocable.

(b) If you marry after purchasing a single life annuity, you may convert to a joint life annuity and name your new spouse as joint annuitant, provided that:

(i) Your monthly annuity payment is not subject to property division pursuant to a dissolution order (definition of dissolution order in RCW 41.50.500 includes orders of legal separation);

(ii) The selection is made during a one-year window on or after the date of the first anniversary and before the second anniversary of your marriage; and

(iii) You provide satisfactory proof of your new marriage and your new spouse's birth date.

**(7) What are the tax consequences of a life annuity?**

(a) You, your joint annuitant or your beneficiary may be liable for federal and/or state taxes on payments from your annuity in the year in which they are received. You will receive an annual statement indicating the taxable portion of your annuity payments.

(b) For a TAP annuity, if you do not submit a tax withholding Form W-4P to the department before your first payment, taxes will be withheld according to Internal Revenue Service requirements, using a filing status of married with three exemptions.

(c) The department does not:

(i) Guarantee that payments should or should not be designated as exempt from federal income tax;

(ii) Guarantee that it was correct in withholding or not withholding taxes from benefit payments to you;

(iii) Represent or guarantee any particular federal or state income, payroll, personal property or other tax consequence because of the department's determination of the taxable status of a distribution; or

(iv) Assume any liability for your compliance with the Internal Revenue Code.

**(8) How do I purchase a life annuity?**

(a) The forms required to purchase an annuity and the applicable directions are available on the department's web site or upon request from the department, and include:

(i) Plan 3 Request for Payment of Defined Contributions Funds Form;

(ii) Plan 3 Annuity Payment Request Form;

(iii) Spousal consent form, if married;

(iv) Proof of your birth date;

(v) Proof of your joint annuitant's birth date, if applicable; and

(vi) Tax withholding Form W-4P.

(b) You may transfer funds from one investment program to the other in order to have sufficient funds in the appropriate investment program to cover the cost of the annuity purchase.

**(9) What if there is an error in my contract?** Carefully examine your contract upon receipt. If there is an error or omission, you must report the error or omission immediately according to the instructions in your contract.

AMENDATORY SECTION (Amending WSR 02-18-048, filed 8/28/02, effective 9/1/02)

**WAC 415-112-040 Actuarial ~~((tables,))~~ factors and schedules~~((, and factors))~~.** See chapter 415-02 WAC starting with WAC 415-02-300 for ~~((the tables, schedules, and))~~ information on how the department uses actuarial factors ~~((the department uses for calculating))~~ and schedules to calculate optional retirement allowances of members of the Washington state teachers' retirement system.

AMENDATORY SECTION (Amending WSR 10-14-112, filed 7/7/10, effective 8/7/10)

**WAC 415-112-292 May I purchase TRS Plan 2 or Plan 3 service credit for public education experience gained by teaching out-of-state or for the federal government?** If you earned service credit for teaching out-of-state or for the federal government, you may be eligible to purchase that public education experience as TRS service credit. The public education claimed must have been covered by a retirement or pension plan and must have been as a teacher, as defined by that retirement or pension plan.

**(1) Do I qualify to purchase TRS service credit for public education experience outside of the state of Washington?** You are eligible to purchase service credit under this section if you meet all the following requirements at the time of purchase:

(a) You are employed in a TRS Plan 2 or Plan 3 eligible position;

(b) You have at least two years of TRS service credit;

(c) You earned the education experience service credit by teaching in a public school in another state within the United States or with the United States federal government;

(d) The service was covered by a state, political subdivision of a state, or federal retirement plan;

(e) You are not receiving a benefit from the other system; and

(f) You are not eligible for an unreduced benefit from the other system.

**(2) Do I qualify to purchase public education experience service credit if I am a substitute teacher?** You may purchase service credit under this section if your employer is currently reporting you as an active substitute teacher and

you meet the requirements in subsection (1)(b) through (f) of this section.

**(3) If I purchase TRS service credit for public education experience, how may it be used?** The service credit you purchase under this section will be treated the same as service credit you earn in TRS. It will be used in the calculation of your retirement allowance, to qualify for retirement or early retirement, and to meet the Plan 3 ten-year vesting requirement.

**(4) What is the cost of the service credit?** You must pay the actuarial value of the resulting increase in your retirement allowance. The following formula is used to calculate the cost:

$$\text{Average earnings}^1 \times \text{Years of service credit being purchased} \times \text{Actuarial factor } (A) = \text{Cost}$$

**(EXAMPLE)** Will is an active TRS Plan 2 member, age sixty-one, with seventeen years of service credit. If he was eligible to retire, his annual AFC would be \$50,000. He would like to purchase three years and six months of service credit for his public education experience. The cost is calculated as follows:

$$\$50,000 \times 3.5 \times (.2151) \text{ Actuarial factor} = (\$37,642.50) \text{ Cost}$$

~~((The cost for Will to purchase his service credit is \$37,642.50. Factor 1 from the actuarial table in WAC 415-02-370(3) is .2151. This is determined by finding the difference between Will's age at the time of purchase (sixty-one) and age sixty-five; the difference is forty-eight months (four years). From the table, Factor 1 for forty-eight months is .2151.)) For more information on how the department uses factors in determining the cost of purchasing service credit for public education experience, see WAC 415-02-370.~~

**(5) How much TRS service credit may I purchase for out-of-state or federal public education experience?** If you meet the requirements in this section, you may purchase up to seven years (eighty-four months) of TRS service credit. You may purchase service credit in one-month increments but may not purchase a partial month of service credit.

**(6) May I purchase some service credit now and some at a later date?** No, you may not purchase some service credit now and some at a later date. You have one opportunity to purchase service credit under this section. You may purchase service credit from more than one retirement system provided you purchase it at the same time.

**(7) How do I purchase the service credit?** To purchase TRS Plan 2 or Plan 3 service credit for out-of-state or federal public education experience, you must do the following:

(a) You must complete an application provided by the department.

(i) You must complete, sign, and forward the application to your former retirement system(s).

(ii) Your former retirement system(s) must verify your service credit according to the instructions on the application.

(iii) If you are purchasing service credit from more than one retirement system, each retirement system must verify your service on a separate application.

(iv) Upon receipt of your properly completed application, the department will bill you for the service credit using the formula in subsection (4) of this section; the department will set a due date for the payment.

(b) You must make payment in full by the due date. If your payment is not received by the due date, your bill will become null and void. You may request a new bill from the department at a later date and it will reflect factors in effect at that time.

(i) You may make direct payment with either a personal or cashier's check. It may be possible to transfer funds from another eligible retirement account to pay your bill. However, DRS cannot accept funds in excess of the cost to make your purchase. You are advised to check with the administrator of your account to see if you can transfer those dollars.

(ii) Your employer may, at its option, pay some or all of the cost of the service credit.

(iii) If you are a Plan 2 member, your payment will be placed in your member account.

(iv) If you are a Plan 3 member, fifty percent of your payment will be placed in your defined contribution account and fifty percent will be placed in the trust fund from which your retirement allowance will be paid.

**(8) Do I need to give up my right to a benefit from my previous retirement system for the service credit I purchase in TRS?** No, you do not need to give up your right to a benefit from your previous retirement system for the service credit you purchase in TRS. At the time you purchase TRS service credit, you only need to prove that you are not currently receiving a benefit from your previous system and that you are not currently eligible for an unreduced benefit. Your previous retirement system will be required to verify this information on your application.

**(9) May I purchase public education experience service credit to add to my TRS service credit and also use out-of-state teaching service credit to qualify for early retirement?** Yes, you may purchase public education experience to add to your TRS service credit and/or use out-of-state teaching to qualify for early retirement. However, you may not use the same out-of-state service for both programs. Please see WAC 415-112-295. For example, if you have seven years of eligible out-of-state service credit, you may purchase five years to increase your TRS service credit and use the remaining two years to qualify for early retirement.

<sup>1</sup> Up to sixty months of service credit will be used in determining your average earnings; for this formula, average earnings is the amount your average final compensation (AFC) would be if you retired on the date of the service credit purchase.

**AMENDATORY SECTION** (Amending WSR 05-23-062, filed 11/14/05, effective 12/15/05)

**WAC 415-112-504 What are the benefit options for Plan 1 members?** Upon retirement from Plan 1 for service under RCW 41.32.480 or disability under RCW 41.32.550 (1)(c), you must choose to have your retirement allowance paid to you by one of the options described in this section. You may also select an optional supplemental cost-of-living (COLA) adjustment.

(1) **May I withdraw any of my contributions?** You may withdraw some or all of your accumulated contributions as follows:

(a) If you retire according to the provisions of RCW 41.32.498, you may withdraw some or all of your accumulated contributions at the time of retirement. Your monthly retirement allowance will be actuarially reduced according to the amount you withdraw.

(b) If you terminate service due to a disability under the conditions of RCW 41.32.550 (1)(a), you may withdraw all your accumulated contributions in a lump sum payment. You will receive no monthly retirement allowance.

(2) **Which option will pay my beneficiary a monthly allowance after my death?** Options described in subsection (3)(c) through (e) of this section include a survivor feature. The person you name at the time of retirement to receive a monthly allowance after your death is referred to as your "survivor beneficiary." Upon your death your survivor beneficiary will be entitled to receive a monthly allowance for the duration of his or her life. Your monthly retirement allowance will be actuarially reduced to offset the cost of the survivor feature. ~~((The factors used to determine the amount of the reduction are in))~~ See WAC 415-02-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

(3) **What are my benefit options?**

(a) **Maximum benefit allowance (no survivor feature).** The department will pay you the maximum benefit allowed by statute. Under this option you will receive a monthly retirement allowance throughout your lifetime. Your monthly allowance will cease upon your death, and any remaining balance of accumulated contributions will be:

(i) Retained by the retirement fund if you retired for service under RCW 41.32.497 or 41.32.498; or

(ii) Paid according to subsection (9) of this section if you retired because of disability and were receiving a monthly retirement allowance under RCW 41.32.550 (1)(c).

(b) **Option one: Standard allowance for service retirement (no survivor feature).** The department will pay you a monthly retirement allowance throughout your lifetime. Your monthly allowance will cease upon your death, and any remaining balance of accumulated contributions will be paid according to subsection (9) of this section.

(i) This benefit option has a lower monthly allowance than the **maximum benefit allowance** in (a) of this subsection

because, with this option, any remaining accumulated contributions will be paid to your beneficiaries upon your death.

(ii) If you are retiring because of disability under RCW 41.32.550 (1)(c), you will not benefit from this option because your beneficiaries will receive any remaining accumulated contributions under the maximum benefit allowance in (a) of this subsection.

(c) **Option two: Joint and whole allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(d) **Option three: Joint and one-half allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to one-half of the gross monthly retirement allowance you were receiving.

(e) **Option four: Joint and two-thirds allowance** (available to members retiring on or after January 1, 1996). The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to two-thirds (66.667%) of the gross monthly retirement allowance you were receiving.

(4) **Do I need my spouse's consent on the option I choose?** If you are married, you must provide your spouse's notarized signature indicating consent to the retirement option you select. If you do not provide spousal consent, the department will pay you a monthly retirement allowance based on option three (joint and one-half allowance) and record your spouse as the survivor beneficiary as required by RCW 41.32.530(2). If your survivor beneficiary has been designated by a dissolution order according to subsection (5) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(5) **Can a dissolution order require that a former spouse be designated as a survivor beneficiary?** Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(6) **What is the supplemental COLA option?** In addition to choosing a retirement benefit option described in subsection (3) of this section, you may choose a supplemental annual COLA. If you select this option, your monthly retirement allowance will be actuarially reduced to offset the cost of this benefit.

(7) **What happens if I choose a benefit option with a survivor feature and my survivor beneficiary dies before I do?** Your monthly retirement allowance will increase, provided you submit proof of your survivor beneficiary's death to the department. The increase will begin accruing the first day of the month following the death.

(a) **Members who retire on or after January 1, 1996:** Your increased monthly allowance will be:

(i) The amount you would have received had you chosen the maximum benefit at the time of retirement;

(ii) Minus any reduction in the maximum allowance resulting from a withdrawal of contributions;

(iii) Plus any COLAs you received prior to your survivor beneficiary's death, based on your original option selection.

**Example:**

Lucinda retires from TRS Plan 1 in 1996. Lucinda withdraws some of her contributions, which actuarially reduces her maximum monthly allowance from \$2,000 to \$1,963.86. She chooses a benefit option with a survivor feature, and names Garth, her husband, as her survivor beneficiary. As a result, Lucinda's monthly allowance is further reduced from \$1,963.86 to \$1,846.03. Garth dies in January 2001. Lucinda's monthly allowance will increase to \$1,963.86, the amount she would have received had she chosen the maximum benefit option (after reduction for her withdrawals). The total amount of the COLAs she received (based on her prior monthly allowance) will be added to the \$1,963.86.

(b) **Members who retired before January 1, 1996:** Your monthly retirement allowance will be adjusted according to the provisions of RCW 41.32.530(3).

(8) **May I change my benefit option after retirement?** Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership, you may choose a different retirement option upon your subsequent retirement. See RCW 41.32.044.

(b) **Postretirement marriage option.** If you select the maximum benefit option or the standard allowance option at the time of retirement and marry after retirement, you may select a benefit option with a survivor feature and name your current spouse as survivor beneficiary, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department; and

(iv) You provide proof of your current spouse's birth date(=and

(v) You exercise this option one time only).

(c) **Removal of a nonspouse survivor option.** If you select a benefit option with a survivor feature and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard allowance. You may exercise this option one time only.

(9) **Who will receive the balance of my accumulated contributions, if any, after my death?**

(a) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the annuity payments paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid according to this subsection.

(i) Except as provided in (a)(ii) of this subsection, any remaining balance will be paid to the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(ii) If you retired for service and chose the maximum benefit option, any remaining balance will be retained by the retirement fund.

(b) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid to the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(10) For more information, see RCW 41.32.530 and 41.32.550.

AMENDATORY SECTION (Amending WSR 08-10-025, filed 4/25/08, effective 5/26/08)

**WAC 415-112-505 What are the benefit options for Plan 2 and 3 members?** Upon retirement for service under RCW 41.32.765 or 41.32.875, or disability under RCW ((415-112-790)) 41.32.790 or ((415-112-880)) 41.32.880, you must choose to have the defined benefit portion of your retirement allowance paid to you by one of the options described in this section.

(1) **Which option will pay my beneficiary a monthly allowance after my death?** Options described in subsection (2)(b), (c), and (d) of this section include a survivor feature. The person you name at the time of retirement to receive a monthly allowance after your death is referred to as your "survivor beneficiary." Upon your death your survivor beneficiary will be entitled to receive a monthly allowance for the duration of his or her life. Your monthly retirement allowance will be actuarially reduced to offset the cost of the survivor feature. ~~((The factors used to determine the amount of the reduction are in))~~ See WAC 415-02-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

(2) **What are my benefit options?**

(a) **Option one: Standard allowance for service retirement (no survivor feature).** The department will pay you a monthly retirement allowance throughout your lifetime. Your monthly allowance will cease upon your death.

(b) **Option two: Joint and whole allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(c) **Option three: Joint and one-half allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to one-half of the gross monthly retirement allowance you were receiving.

(d) **Option four: Joint and two-thirds allowance** (available to members retiring on or after January 1, 1996). The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to two-thirds (66.667%) of the gross monthly retirement allowance you were receiving.

(3) **Do I need my spouse's consent on the option I choose?** If you are married, you must submit your spouse's notarized signature indicating consent to the retirement option you selected. If you do not provide spousal consent, the department will pay you a monthly retirement allowance based on option three (joint and one-half allowance) and record your spouse as the survivor beneficiary as required by RCW 41.32.785(2) and 41.32.851(2). If your survivor beneficiary has been designated by a dissolution order under RCW 41.50.790, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) **Can a dissolution order require that a former spouse be designated as a survivor beneficiary?** Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) **What happens if I choose a benefit option with a survivor feature and my survivor beneficiary dies before I do?** Your monthly retirement allowance will increase, provided you submit proof of your survivor beneficiary's death to the department. The increase will begin accruing the first day of the month following the death.

(a) **Members who retire on or after January 1, 1996:** Your increased monthly allowance will be:

(i) The amount you would have received had you chosen the standard allowance option; plus

(ii) Any cost-of-living adjustments (COLAs) you received prior to your survivor beneficiary's death, based on your original option selection.

**Example:**

Agnes retires from TRS Plan 2 in 1996. She chooses a benefit option with a survivor feature and names Beatrice, her daughter, as her survivor beneficiary. As a result, Agnes's monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Beatrice dies in 2001. Agnes's monthly allowance will increase to \$2,191.05, which equals the amount she would have received had she chosen the standard allowance option, plus the COLAs she has received (based on her prior monthly allowance).

| Year                       | Standard Allowance | Survivor Option plus COLAs | COLA incr. (3% max) | \$ Increase             |
|----------------------------|--------------------|----------------------------|---------------------|-------------------------|
| 1996                       | 2,000.00           | 1,750.00                   |                     | 0.00                    |
| 1997                       |                    | 1,750.00                   | .02                 | 35.00                   |
| 1998                       |                    | 1,785.00                   | .03                 | 53.55                   |
| 1999                       |                    | 1,838.55                   | .025                | 45.96                   |
| 2000                       |                    | 1,884.51                   | .03                 | 56.54                   |
| 2001                       | 2,000.00           | 1,941.05                   | —                   | —                       |
|                            |                    |                            | Total COLAs         | 191.05                  |
| Original Monthly Allowance |                    | + Total COLAs              |                     | = New Monthly Allowance |
| \$2000                     |                    | + \$191.05                 |                     | = \$2,191.05*           |

\* In the future, Agnes's COLA will be based on her increased monthly allowance.

(b) **Members who retired before January 1, 1996:** Your monthly retirement allowance will be adjusted according to the provisions of RCW 41.32.785(3).

(6) **May I change my benefit option after retirement?** Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership, you may choose a different retirement option upon your subsequent retirement. See RCW 41.32.044.

(b) **Postretirement marriage option.** If you select the standard allowance option at the time of retirement and marry after retirement, you may select a benefit option with a survivor feature and name your current spouse as survivor beneficiary, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department;

(iv) You provide proof of your current spouse's birth date; and

(v) You exercise this option one time only.

(c) **Removal of a nonspouse survivor option.** If you select a benefit option with a survivor feature and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard allowance. You may exercise this option one time only.

(7) **Who will receive the balance of my accumulated contributions, if any, after my death?**

(a) **Plan 2:**

(i) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(B) If you have not designated a beneficiary, or if your designated beneficiary is no longer living, then to your surviving spouse.

(C) If not paid according to (a)(i)(A) or (B) of this subsection, then to your estate.

(ii) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(B) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living, then to your survivor beneficiary's spouse.

(C) If not paid according to (a)(ii)(A) or (B) of this subsection, then to your survivor beneficiary's estate.

(b) **Plan 3:** The defined benefit stops upon your death or upon the death of your survivor beneficiary, if applicable. As

a Plan 3 member, you do not contribute to the defined benefit portion of your retirement allowance. The defined contribution portion of your benefit will be distributed according to WAC 415-111-310.

(8) For more information, see RCW 41.32.785 and 41.32.790 (Plan 2) and RCW 41.32.851 (Plan 3).

AMENDATORY SECTION (Amending WSR 07-10-013, filed 4/20/07, effective 5/21/07)

**WAC 415-112-555 What is the TRS Plan 1 minimum allowance?** RCW 41.32.4851 entitles certain TRS Plan 1 retirees and beneficiaries to a minimum monthly allowance. Subsection (3) of this section provides the amount of the minimum allowance and explains how it may be adjusted.

(1) **Do I qualify for the minimum allowance?** Except as provided in subsection (2) of this section:

(a) You qualify if your current monthly allowance, excluding any amount you receive for an additional (optional) annuity based on extra contributions, is less than the minimum allowance calculated under subsection (3) of this section, and:

- (i) You have twenty-five or more years of TRS Plan 1 service credit and have been retired at least twenty years; or
- (ii) You have twenty or more years of TRS Plan 1 service credit and have been retired at least twenty-five years.

(b) You qualify if you are a TRS Plan 1 member's survivor beneficiary under WAC 415-112-504 and your current

monthly allowance is less than the minimum allowance calculated under subsection (3) of this section, provided:

- (i) The member had twenty-five or more years of TRS Plan 1 service credit and retired at least twenty years ago; or
- (ii) The member had twenty or more years of TRS Plan 1 service credit and retired at least twenty-five years ago.

(2) **Do I qualify if I am receiving a temporary disability benefit?** You do not qualify to receive the minimum allowance provided by this rule if you are currently receiving a temporary disability benefit under RCW 41.32.540.

(3) **How much is the minimum allowance in RCW 41.32.4851, and how is it adjusted?**

(a) **Minimum allowance.** The minimum allowance prior to July 1, 2006, was \$1000. On July 1, 2006, and each July 1 thereafter, the minimum allowance increases by three percent, rounded to the nearest cent.

(b) **Adjustment.** The minimum allowance in (a) of this subsection will be adjusted each July by the same factors that were otherwise used in the calculation of your monthly allowance, including, but not limited to:

- (i) Annuity withdrawal;
- (ii) Early retirement;
- (iii) Automatic cost-of-living (COLA) increases chosen at retirement;
- (iv) Joint survivor option chosen at retirement;
- (v) Survivor percentage. See Example 2 in this subsection.

Example 1: Bob retired in August 1986 with twenty-five years of service credit. Bob chose benefit option three, so that his wife, Betty, would receive a monthly allowance equal to 50% of his allowance after his death. In August 2006, Bob became eligible for the minimum allowance, calculated as follows:

|  |   |                 |
|--|---|-----------------|
| Minimum allowance in August 2006 =                                     |   | \$1,030.00      |
| <b>Minimum allowance, actuarially reduced for benefit option three</b> | $\$1,030 \times 0.87$ (((benefit option factor based on the difference in age between Bob and Betty)) This is an example of an actuarial factor for illustration purposes only. Actuarial factors periodically change.) = | <b>\$896.10</b> |

Example 2: When Bob died in August 2009, Betty's allowance was calculated using the minimum allowance in effect on the date of Bob's death. The minimum allowance was adjusted by the same factors used to calculate Bob's allowance at retirement and also by the survivor percentage (50%) chosen when Bob retired.

|  |  |                 |
|--|--|-----------------|
| Minimum allowance in August 2009               | (includes a 3% per year increase)        | \$1,125.51      |
| Actuarially reduced for benefit option three = | $\$1,125.51 \times 0.87 =$               | \$979.19        |
| <b>Betty's adjusted minimum allowance</b>      | (50% of the allowance Bob was receiving) | <b>\$489.60</b> |

~~((The tables, schedules, and factors the department currently uses to calculate benefits are located in WAC 415-02-300 through 415-02-380. However, factors have changed over time, and your minimum allowance will be adjusted using the same factors that were used to calculate your current monthly allowance.))~~

(4) **If the minimum allowance is less than my current monthly allowance, will my monthly allowance be reduced?** The department will compare the amount of the minimum allowance calculated under subsection (3) of this section with your current monthly allowance. You will always receive the higher of the two benefits.

(5) **If I qualify for the minimum allowance, when will I begin to receive it?**

(a) If your eligibility is based on meeting the requirements of subsection (1)(a)(i) or (b)(i) of this section, and:

- (i) You were eligible on July 1, 2004, you began receiving the minimum allowance in effect at that time, in lieu of your regular monthly allowance, in July 2004.
- (ii) You become eligible after July 1, 2004, you will begin receiving the minimum allowance, in lieu of your regular monthly allowance, the month in which you qualify.

(b) If your eligibility is based on meeting the requirements of subsection (1)(a)(ii) or (b)(ii) of this section, and:

- (i) You were eligible on July 1, 2006, you began receiving the minimum allowance in effect at that time, in lieu of your regular monthly allowance, in July 2006.

(ii) You become eligible after July 1, 2006, you will begin receiving the minimum allowance, in lieu of your regular monthly allowance, the month in which you qualify.

(6) **Will I receive cost-of-living adjustments (COLAs)?** You will not receive the uniform COLA (based on your years of service credit) while you are receiving the minimum allowance.

(7) **How long will I continue to receive the minimum allowance?** You will receive the minimum allowance calculated under subsection (3) of this section for your lifetime or until your regular retirement allowance, plus COLAs and other eligible adjustments, exceeds your minimum allowance. At that time you will automatically start receiving the higher benefit.

|              | <b>Regular Allowance<br/>(including COLAs and other<br/>eligible adjustments)</b> | <b>Adjusted Minimum<br/>Allowance</b> | <b>Actual<br/>Amount Paid</b>                                    |
|--------------|---|---------------------------------------|--|
| July 1, 2006 | \$882.38 (allowance + COLAs)  | <b>\$896.10</b> (\$1,030 x .87)       | \$896.10   |
| July 1, 2007 | \$914.63 (\$882.38 + COLA)  | <b>\$922.98</b> (\$1,060.90 x .87)    | \$922.98   |
| July 1, 2008 | \$946.88 (\$914.63 + COLA)  | <b>\$950.67</b> (\$1,092.73 x .87)    | \$950.67   |
| July 1, 2009 | \$979.13 (\$946.88 + COLA)  | <b>\$979.19</b> (\$1,125.51 x .87)    | \$979.19   |
| July 1, 2010 | <b>\$1,011.38</b> (\$979.13 + COLA)   | \$1,008.57 (\$1,159.28 x .87)         | \$1,011.38<br><br>(reverts to regular allowance including COLAs) |

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 415-02-390 Total allocation portfolio (TAP) annuity factors.

**WSR 13-15-175  
PROPOSED RULES  
GAMBLING COMMISSION**

[Filed July 24, 2013, 10:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-11-130.

Title of Rule and Other Identifying Information: Amending WAC 230-03-060 Fingerprinting of applicants, 230-03-320 Substantial interest holders not required to be licensed as representatives, 230-03-325 Office, clerical, or warehouse workers not required to be licensed as representatives, 230-03-335 Representatives must not work before receiving a license, 230-05-020 Charitable and nonprofit organization fees, 230-05-030 Fees for other businesses, 230-05-035 Individuals license fees, 230-07-155 Reporting annual activity for raffles, enhanced raffles, amusement games, Class A, B, or C bingo, or combination licenses, 230-11-012 Licensees may conduct a joint raffle, 230-11-014 Maximum raffle ticket price, 230-11-020 Record information on ticket stub, 230-11-030 Restrictions on ticket sales, 230-11-040 Place ticket stub in receptacle for drawing, 230-11-050 Using alternative drawing formats, 230-11-055 Authorized alternative drawing formats, 230-11-065 Raffle prizes, and 230-11-070 Defining "members-only" raffles; and new sections WAC 230-03-152 Additional requirements for enhanced raffles, 230-03-232 Applying for a call center license, 230-03-317

Applying for a call center representative license, 230-11-002 The definition of raffle as used in this chapter, 230-11-102 Recordkeeping requirements for enhanced raffles, and 230-11-103 Independent audit required for enhanced raffles.

Hearing Location(s): Grand Mound Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, (360) 273-7718, on September 12 or 13, 2013, at 9:00 a.m. or 1:00 p.m. NOTE: Meeting dates and times are tentative. Visit our web site at [www.wsgc.wa.gov](http://www.wsgc.wa.gov) and select public meeting about ten days before the meeting to confirm meeting date/location/start time.

Date of Intended Adoption: September 12 or 13, 2013.

Submit Written Comments to: Susan Newer, P.O. Box 42400, Olympia, WA 98504-2400, e-mail [Susan.Newer@wsgc.wa.gov](mailto:Susan.Newer@wsgc.wa.gov) [Susan.Newer@wsgc.wa.gov], fax (360) 486-3625, by September 1, 2013.

Assistance for Persons with Disabilities: Contact Gail Grate by September 1, 2013, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making is to implement ESSB 5723, which was passed during the 2013 legislative session to allow bona fide charitable or nonprofit organizations whose primary purpose is serving individuals with intellectual disabilities to conduct "enhanced" raffles under certain conditions if the raffle is approved by the five-person gambling commission. The new law gives the commission rule-making authority to: Set fees for bona fide charitable or nonprofit organizations, call center vendors, and consultants conducting enhanced raffles; to adopt rules governing the licensing and operation of enhanced raffles; and, to define independent audits that will be conducted on enhanced raffles and associated smaller raffles. The new law authorizes up to four raffles per year with a grand prize worth up to \$5 million and allows raffle tickets to be sold for up to \$250 per ticket (the current ticket limit is \$100). The new law allows associated entries and drawings, including "refer a friend," "early bird" and "multiple ticket" drawings. The organiza-

tions would be allowed to use call centers and/or hire consultants, if licensed by the commission; currently call centers and consultants are not allowed. The new law expires June 30, 2017.

Statutory Authority for Adoption: RCW 9.46.070, 9.46.0209.

Statute Being Implemented: ESSB 5723 which passed during the 2013 legislative session.

Name of Proponent: Washington state gambling commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Newer, Lacey, (360) 486-3466; Implementation: David Trujillo, Director, Lacey, (360) 486-3512; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025 because licensees are not required to operate enhanced raffles.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

July 24, 2013  
Susan Newer  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-07-157, filed 3/22/06, effective 1/1/08)

**WAC 230-03-060 Fingerprinting of applicants.**

Applicants or persons holding a substantial interest may undergo a national criminal history background check, using fingerprints for the following licenses:

- (1) Amusement games for commercial use: Class E and above; and
- (2) Card games: Class E, Class F and house-banked card rooms; and
- (3) Punch boards/pull-tabs for commercial stimulant: Class F and above; and
- (4) Manufacturers: Class B and above; and
- (5) Distributors: Class B and above; and
- (6) Gambling service suppliers; and
- (7) Call centers for enhanced raffles; and
- (8) Representatives for distributors, manufacturers, gambling service suppliers, call centers for enhanced raffles, and linked bingo prize providers; and
- ~~((8))~~ (9) Managers of commercial gambling operations; and
- ~~((9))~~ (10) Public card room employees; and
- ~~((10))~~ (11) Linked bingo prize providers.

AMENDATORY SECTION (Amending WSR 06-07-157, filed 3/22/06, effective 1/1/08)

**WAC 230-03-320 Substantial interest holders not required to be licensed as representatives.** If you are a substantial interest holder in a business licensed to operate a manufacturer, distributor, gambling service supplier, call

centers for enhanced raffles, or linked bingo prize provider or a spouse of the same, you do not have to have an additional license to perform representative duties connected with that licensed business.

AMENDATORY SECTION (Amending WSR 06-07-157, filed 3/22/06, effective 1/1/08)

**WAC 230-03-325 Office, clerical, or warehouse workers not required to be licensed as representatives.** Except for workers at enhanced raffle call centers, if you are an office, clerical, or warehouse worker and have contact with customers or potential customers only by telephone at your employer's business premises and work under the immediate and direct supervision of a substantial interest holder or a licensed manager or supervisor, you do not have to have a representative license.

AMENDATORY SECTION (Amending WSR 06-07-157, filed 3/22/06, effective 1/1/08)

**WAC 230-03-335 Representatives must not work before receiving a license.** If you are applying for a license as a representative for a manufacturer, distributor, gambling services supplier, call centers for enhanced raffles, or linked bingo prize provider, you must not work until you receive a license from us.

NEW SECTION

**WAC 230-03-152 Additional requirements for enhanced raffles.** (1) The commissioners may vote to approve a bona fide charitable or nonprofit organization, whose primary purpose is serving individuals with intellectual disabilities, to conduct enhanced raffles when they meet the requirements of RCW 9.46.xxx and submit a plan as designated below.

(2) The bona fide charitable or nonprofit organization must submit a plan to us for each enhanced raffle that includes at least the following information:

- (a) The organization's primary purpose for conducting the enhanced raffle; and
- (b) A brief overview of the licensee's mission and vision including the type of programs supported by the licensee and clients served; and
- (c) Specific details of the raffle rules including:
  - (i) Date and location of the grand prize drawing and associated smaller raffles; and
  - (ii) A description of additional related entries and drawings such as early bird, refer a friend, and multiple ticket drawings; and
  - (iii) Cost of raffle tickets; and
  - (iv) Prizes available; and
  - (v) Security of prizes; and
  - (vi) Plans for selling raffle tickets; and
  - (vii) Description of how the licensee protects the integrity of the raffle; and
- (d) An explanation of how the proceeds from the raffle will be used; and
- (e) A plan to protect the licensee in the event of low ticket sales and other risks; and

- (f) An explanation of how the licensee will purchase the prize(s) for the raffle; and
- (g) A projected budget including:
- (i) Estimated gross gambling receipts, expenses, and net income for the raffle; and
- (ii) Minimum number of projected ticket sales to break even; and
- (iii) Corresponding sales and prize levels with projected revenues and expenses for each level; and
- (iv) Minimum and maximum prizes available; and
- (h) Name of the dedicated employee of the organization who will be responsible for oversight of the enhanced raffle operations; and
- (i) Name of any licensed service supplier managing the enhanced raffle; and
- (j) Name of any licensed call centers contracted to receive enhanced raffle tickets sales; and
- (k) Any other information that we request.

**LICENSING CALL CENTERS**

NEW SECTION

**WAC 230-03-232 Applying for an enhanced raffle call center license.** (1) You must apply for an enhanced raffle call center license if you receive authorized enhanced raffle ticket sales.

(2) The licensing process may include an on-site review of your call center process to ensure compliance with applicable gambling laws and rules, and your qualifications for licensure.

NEW SECTION

**WAC 230-03-317 Applying for an enhanced raffle call center representative license.** You must apply for an enhanced raffle call center representative license if you are employed by a licensed enhanced raffle call center.

AMENDATORY SECTION (Amending WSR 07-23-083, filed 11/20/07, effective 1/1/08)

**WAC 230-05-020 Charitable or nonprofit organization fees.** Bona fide charitable and nonprofit organizations must pay the following fees to us when applying for gambling licenses, permits, miscellaneous changes, or inspection services:

**1. Amusement games**

| License | Annual Gross Gambling Receipts | Fee   |
|---------|--------------------------------|-------|
| Class A | Premises only                  | \$58  |
| Class B | Up to \$10,000                 | \$58  |
| Class C | Up to \$25,000                 | \$319 |
| Class D | Up to \$50,000                 | \$513 |
| Class E | Over \$50,000                  | \$894 |

**2. Bingo**

| License | Annual Gross Gambling Receipts | Fee      | One Time Variance* |
|---------|--------------------------------|----------|--------------------|
| Class A | Up to \$25,000                 | \$58     | \$1,000            |
| Class B | Up to \$75,000                 | \$185    | \$1,000            |
| Class C | Up to \$150,000                | \$380    | \$2,000            |
| Class D | Up to \$350,000                | \$1,026  | \$4,000            |
| Class E | Up to \$650,000                | \$1,732  | \$8,000            |
| Class F | Up to \$1,500,000              | \$3,486  | \$15,000           |
| Class G | Up to \$2,000,000              | \$5,028  | \$23,000           |
| Class H | Up to \$3,000,000              | \$6,722  | \$30,000           |
| Class I | Up to \$4,000,000              | \$8,400  | \$38,000           |
| Class J | Up to \$5,000,000              | \$10,078 | \$45,000           |
| Class K | Up to \$6,000,000              | \$11,306 | \$53,000           |
| Class L | Up to \$7,000,000              | \$12,922 | \$60,000           |
| Class M | Up to \$8,000,000              | \$14,542 | \$65,000           |
| Class N | Up to \$9,000,000              | \$15,818 | \$70,000           |
| Class O | Up to \$10,000,000             | \$17,454 | \$75,000           |
| Class P | Up to \$11,000,000             | \$19,090 | \$80,000           |
| Class Q | Up to \$12,000,000             | \$22,908 | \$85,000           |
| Class R | Up to \$13,000,000             | \$26,180 | \$90,000           |
| Class S | Up to \$14,000,000             | \$29,454 | \$95,000           |

\* See chapter 230-06 WAC, Exceeding license class.

**3. Card games**

| License | Description   | Fee   |
|---------|---|-------|
| Class A | Nonhouse-banked - fee to play   | \$641 |
| Class B | Limited card games - hearts, rummy, pitch, pinochle, and cribbage - fee to play | \$185 |
| Class C | Tournament only - no more than thirty consecutive days per tournament           | \$58  |
| Class D | Nonhouse-banked - no fee to play  | \$58  |

**4. Fund-raising event**

| License | Description  | Fee   |
|---------|--|-------|
| Class A | One event - not more than 24 consecutive hours   |       |
|         | First time applicant   | \$380 |
|         | Previously licensed applicant  | \$223 |
| Class B | One event - not more than 72 consecutive hours   |       |
|         | First time applicant   | \$641 |
|         | Previously licensed applicant  | \$393 |
| Class C | Additional participant in joint event - not lead organization  | \$185 |
| Class D | Limited fund-raising event - one event - not more than six consecutive hours                         |       |
|         | First time applicant   | \$167 |
|         | Previously licensed applicant  | \$111 |
| Class E | Fund-raising event equipment distributor - rents or leases equipment no more than ten times per year | \$253 |

| License | Description   | Fee   |
|---------|---|-------|
| Class F | Fund-raising event equipment distributor - rents or leases equipment more than ten times per year | \$641 |

**5. Punch boards/pull-tabs**

| License | Annual Gross Gambling Receipts | Fee      | One Time Variance* |
|---------|--------------------------------|----------|--------------------|
| Class A | Up to \$50,000                 | \$611    | \$5,000            |
| Class B | Up to \$100,000                | \$1,090  | \$5,000            |
| Class C | Up to \$200,000                | \$2,062  | \$10,000           |
| Class D | Up to \$300,000                | \$2,998  | \$10,000           |
| Class E | Up to \$400,000                | \$3,874  | \$10,000           |
| Class F | Up to \$500,000                | \$4,676  | \$10,000           |
| Class G | Up to \$600,000                | \$5,420  | \$10,000           |
| Class H | Up to \$700,000                | \$6,100  | \$10,000           |
| Class I | Up to \$800,000                | \$6,722  | \$10,000           |
| Class J | Up to \$1,000,000              | \$7,620  | \$20,000           |
| Class K | Up to \$1,250,000              | \$8,460  | \$25,000           |
| Class L | Up to \$1,500,000              | \$9,240  | \$25,000           |
| Class M | Up to \$1,750,000              | \$9,880  | \$25,000           |
| Class N | Up to \$2,000,000              | \$10,466 | \$25,000           |
| Class O | Up to \$2,500,000              | \$11,500 | \$30,000           |
| Class P | Up to \$3,000,000              | \$12,218 | \$35,000           |
| Class Q | Up to \$4,000,000              | \$14,400 | \$40,000           |
| Class R | Up to \$5,000,000              | \$16,362 | \$50,000           |
| Class S | Up to \$6,000,000              | \$18,544 | \$60,000           |
| Class T | Up to \$7,000,000              | \$20,728 | \$70,000           |
| Class U | Up to \$8,000,000              | \$22,908 | \$80,000           |
| Class V | Over \$8,000,000               | \$25,090 | \$80,000           |

\* See chapter 230-06 WAC, Exceeding license class.

**6. Raffles**

| License | Annual Gross Gambling Receipts | Fee     |
|---------|--------------------------------|---------|
| Class A | Up to \$5,000                  | \$58    |
| Class B | Up to \$10,000                 | \$185   |
| Class C | Up to \$25,000                 | \$380   |
| Class D | Up to \$50,000                 | \$641   |
| Class E | Up to \$75,000                 | \$1,026 |
| Class F | Over \$75,000                  | \$1,540 |

**7. Enhanced raffles**

| License                            | Fee     |
|------------------------------------|---------|
| Annual                             | \$6,000 |
| Additional fee per enhanced raffle | \$7,800 |

**~~((7-))~~ 8. Combination license**

| License | Description   | Fee   |
|---------|---|-------|
| Class A | Allows gross gambling receipts of up to \$25,000 from bingo, \$7,500 from raffles, and \$7,500 from amusement games, not to exceed \$30,000 combined gross gambling receipts from all such activities. Allows Class D card games.     | \$115 |
| Class B | Allows gross gambling receipts of up to \$60,000 from bingo, \$15,000 from raffles, and \$15,000 from amusement games, not to exceed \$75,000 combined gross gambling receipts from all such activities. Allows Class D card games.   | \$300 |
| Class C | Allows gross gambling receipts of up to \$125,000 from bingo, \$30,000 from raffles, and \$30,000 from amusement games, not to exceed \$150,000 combined gross gambling receipts from all such activities. Allows Class D card games. | \$696 |

**~~((8-))~~ 9. Special property bingo**

|               |      |
|---------------|------|
| Once annually | \$27 |
|---------------|------|

**~~((9-))~~ 10. Permits**

|                              |      |
|------------------------------|------|
| Recreational gaming activity | \$58 |
|------------------------------|------|

**~~((10-))~~ 11. Changes**

| Type                            | Fee  |
|---------------------------------|------|
| Name                            | \$27 |
| Location                        | \$27 |
| Fund-raising event date or time | \$27 |
| License class                   | \$27 |
| Duplicate license               | \$27 |

**~~((11-))~~ 12. Other fees**

| Type   | Fee   |
|--|---|
| Replacement identification stamps  | \$27  |
| Failing to apply for license class upgrade   | Up to fifty percent of the difference between our fees for the licensee's present license class and the new license class or one thousand dollars, whichever is less, plus \$26 |
| Review, inspection and/or evaluation of equipment, paraphernalia, services, or schemes | Deposit and fees as required  |

**~~((12-))~~ 13. Two-part payment plan participation**

|                      |      |
|----------------------|------|
| Annual participation | \$27 |
|----------------------|------|

AMENDATORY SECTION (Amending WSR 09-17-077, filed 8/14/09, effective 1/1/10)

**WAC 230-05-030 Fees for other businesses.** All other business license applicants must pay the following fees to us when applying for gambling licenses, miscellaneous changes, or inspection services:

**1. Commercial amusement games**

| License | Annual Gross Gambling Receipts | Fee          |
|---------|--------------------------------|--------------|
| Class A | Premises only                  | *\$327/\$150 |
| Class B | Up to \$50,000                 | \$460        |
| Class C | Up to \$100,000                | \$1,184      |
| Class D | Up to \$250,000                | \$2,644      |
| Class E | Up to \$500,000                | \$4,640      |
| Class F | Up to \$1,000,000              | \$7,968      |
| Class G | Over \$1,000,000               | \$9,970      |

\* We reduce the license fee by \$177 when you apply for additional licenses at the same business premises, apply for multiple licenses at the same business premises, or a licensee is renewing an annual license.

**2. Distributor**

| License | Annual Gross Sales           | Fee     |
|---------|------------------------------|---------|
| Class A | Nonpunch board/pull-tab only | \$659   |
| Class B | Up to \$250,000              | \$1,318 |
| Class C | Up to \$500,000              | \$1,980 |
| Class D | Up to \$1,000,000            | \$2,644 |
| Class E | Up to \$2,500,000            | \$3,446 |
| Class F | Over \$2,500,000             | \$4,242 |

**3. Fund-raising event equipment distributor**

| License | Description   | Fee   |
|---------|---|-------|
| Class A | Rents or leases equipment for fund-raising event or recreational gaming activity up to 10 times per year.     | \$260 |
| Class B | Rents or leases equipment for fund-raising event or recreational gaming activity more than 10 times per year. | \$659 |

**4. Gambling service supplier**

| License   | Fee   |
|---|-------|
| Annual  | \$687 |
| Financing, consulting, and management contract review | \$143 |

**5. Linked bingo prize provider**

| License | Fee     |
|---------|---------|
| Annual  | \$4,414 |

**6. Call centers for enhanced raffles**

| License | Fee     |
|---------|---------|
| Annual  | \$4,500 |

~~((6-))~~ **7. Manufacturer**

| License | Annual Gross Sales               | Fee     |
|---------|----------------------------------|---------|
| Class A | Pull-tab dispensing devices only | \$659   |
| Class B | Up to \$250,000                  | \$1,318 |
| Class C | Up to \$500,000                  | \$1,980 |
| Class D | Up to \$1,000,000                | \$2,644 |
| Class E | Up to \$2,500,000                | \$3,446 |
| Class F | Over \$2,500,000                 | \$4,242 |

~~((7-))~~ **8. Permits**

| Type   | Description  | Fee   |
|--|--|-------|
| Agricultural fair                                | One location and event only                                | \$27  |
| Agricultural fair annual permit                  | Annual permit for specified different events and locations | \$189 |
| Recreational gaming activity                     |  | \$59  |
| Manufacturer's special sales permit              |  | \$211 |
| Punch board and pull-tab service business permit | Initial application fee                                    | \$236 |
| Punch board and pull-tab service business permit | Renewal  | \$56  |

~~((8-))~~ **9. Changes**

| Application  | Description                                 | Fee  |
|--|---|------|
| Name   |   | \$27 |
| Location   |   | \$27 |
| Business classification                                | Same owners                                 | \$59 |
| Exceeding license class                                | New class fee, less previous fee paid, plus | \$27 |
| Duplicate license                                      |   | \$27 |
| Corporate stock/limited liability company shares/units |   | \$59 |
| License transfers                                      |   | \$59 |

~~((9-))~~ **10. Other fees**

| Type   | Fee   |
|--|---|
| Defective punch board/pull-tab cost recovery fees          | Up to \$100   |
| Failing to apply for license class upgrade                 | Up to fifty percent of the difference between our fees for the licensee's present license class and the new license class or one thousand dollars, whichever is less, plus \$27 |
| Review of gambling equipment, supplies, services, or games | Cost reimbursement  |

~~((10-))~~ **11. Identification stamps**

| Type                                  | Fee                          |        |
|---------------------------------------|------------------------------|--------|
| <b>(a) Punch boards and pull-tabs</b> |                              |        |
| (i) Standard                          | Wagers fifty cents and below | \$ .28 |
|                                       | Wagers over fifty cents      | \$1.11 |

| Type   |  | Fee               |
|--|--|-------------------|
| (ii) Progressive jackpot pull-tab series   | Per series   | \$11.19           |
| (iii) Pull-tab series with carry-over jackpots and cumulative prize pool pull-tab series | Per series   | \$1.11            |
| <b>(b) Pull-tab dispensing devices</b>   |  |                   |
| (i) Mechanical and electro-mechanical  |  | \$28              |
| (ii) Electronic  | Dispensing devices that require initial and ongoing evaluation of electronic components or functions, such as reading encoded data on pull-tabs, accounting for income or prizes | \$112.04 annually |
| Replacement of identification stamps   |  | \$26              |
| <b>(c) Disposable bingo cards</b>  |  |                   |
| (i) Single game sets of individual cards or sheets of cards                              |  | \$28              |
| (ii) Multigame card packets  |  | \$1.22            |
| (iii) Cards used to play for linked bingo prizes   | Fee per 250 cards  | \$44              |
| (iv) Cards used to play for linked bingo prizes  | Fee per 5,000 cards  | \$8.96            |
| <b>(d) Coin or token-activated amusement games</b>                                       |  |                   |
| Annually - operated at any Class A amusement game license location                       |  | \$28.00           |
| <b>(e) Electronic bingo card daubers</b>   |  |                   |
| Annual   |  | \$11.19           |
| <b>(f) Electronic card facsimile table</b>   |  |                   |
| Annual   |  | \$381.50          |

**(+/-) 12. Two-part payment plan participation**

|                      |      |
|----------------------|------|
| Annual participation | \$27 |
|----------------------|------|

**AMENDATORY SECTION** (Amending WSR 07-23-083, filed 11/20/07, effective 1/1/08)

**WAC 230-05-035 Individuals license fees.** Individuals must pay the following fees to us when they apply for gambling licenses, permits, miscellaneous changes:

**1. Charitable or nonprofit gambling manager**

| License            | Fee   |
|--------------------|-------|
| Original           | \$185 |
| Renewal            | \$88  |
| Change of employer | \$88  |

**2. Linked bingo prize provider representative**

| License  | Fee   |
|----------|-------|
| Original | \$260 |
| Renewal  | \$158 |

**3. Commercial gambling manager**

| License            | Fee   |
|--------------------|-------|
| Original           | \$189 |
| Renewal            | \$90  |
| Change of employer | \$90  |

**4. Distributor's or gambling services supplier's representative**

| License  | Fee   |
|----------|-------|
| Original | \$260 |
| Renewal  | \$158 |

**5. (~~Manufacturer's representative~~) Representatives for manufacturers or call centers for enhanced raffles**

| License  | Fee   |
|----------|-------|
| Original | \$260 |
| Renewal  | \$158 |

**6. Public card room employee**

| License   | Fee   |
|---|-------|
| <b>Class A - Performs card room employee duties in a Class E card room</b>                  |       |
| Original  | \$189 |
| Renewal   | \$90  |
| <b>Class B - Performs card room employee duties in enhanced and house-banked card rooms</b> |       |
| Original, in-state  | \$258 |
| Original, out-of-state  | \$320 |
| Renewal   | \$158 |
| Transfer/additional employee/conversion/emergency waiver request                            | \$61  |

**7. Other fees**

|                   |      |
|-------------------|------|
| Change of name    | \$27 |
| Duplicate license | \$27 |

**8. Military personnel returning from service**

If a license expires while an individual is on active military service, the individual may apply to have their license reissued at the renewal fee. The application must be received within six months after completing their active military ser-

vice. The applicant must provide evidence of the completion date of active military service.

AMENDATORY SECTION (Amending WSR 07-10-032, filed 4/24/07, effective 1/1/08)

**WAC 230-07-155 Reporting annual activity for raffles, enhanced raffles, amusement games, Class A, B, or C bingo, or combination licenses.** (1) Raffle, enhanced raffle, amusement game, Class A, B, or C bingo, or combination licenses must submit an annual report of all their activities in the format we require.

(2) We must receive the completed report in our office postmarked no later than thirty days following the expiration of their license(s).

(3) The highest ranking officer or his/her designee must sign the report.

(4) If the licensee has someone else prepare the report, then the preparer must include his/her name and phone number on the report.

(5) Licensees that operate retail sales activities in conjunction with bingo games must report the net income from those retail sales activities.

NEW SECTION

**WAC 230-11-002 The definition of raffle as used in this chapter.** "Raffle" as used in this chapter means raffle as defined in RCW 9.46.0277 and enhanced raffle as defined in RCW 9.46.xxx.

NEW SECTION

**WAC 230-11-102 Recordkeeping requirements for enhanced raffles.** Licensees conducting enhanced raffles must prepare a detailed record for each raffle they conduct. Licensees must:

- (1) Prepare detailed records in the format we require; and
- (2) Maintain the following:
  - (a) Validated deposit receipts for each deposit of raffle proceeds; and
  - (b) All winning tickets; and
  - (c) Name, address, and telephone number of all winners of a prize with a fair market value of more than fifty dollars; and
  - (d) All enhanced raffle tickets placed in the receptacle; and
  - (e) Invoices and other documentation recording the purchase or receipt of prizes; and
  - (f) Invoices and other documentation recording the purchase of tickets and other expenses of the raffle; and
- (3) Complete all records no later than thirty days following the drawing.

NEW SECTION

**WAC 230-11-103 Independent audit required for enhanced raffles.** (1) Charitable or nonprofit licensees conducting enhanced raffles must have an independent audit conducted on each enhanced raffle and the associated smaller raffles.

(2) Licensees must hire an independent, certified public accountant or firm licensed by the Washington state board of accountancy to conduct the audit.

(3) The licensee must submit the auditor's report no later than sixty days following the date of the enhanced raffle grand prize drawing.

(4) We may grant an organization additional time to submit the information required if a written request is received before the due date. The president of the organization must sign any request for additional time and include a statement explaining the hardship causing the delay, and the expected date the required report(s) will be submitted.

(5) The independent auditor's report must include:

(a) For the enhanced raffle grand prize drawing and each associated smaller raffles:

- (i) Date of the drawing;
- (ii) Location of the drawing;
- (iii) Gross receipts; and
- (iv) Prizes awarded;

(b) List of all expenses used to calculate net proceeds;

(c) Itemized list of all expenses and associated amounts for conducting the enhanced raffle;

(d) Source of funds for purchasing prizes and conducting the enhanced raffle;

(e) The amount of funds that the charitable or nonprofit licensee used or that will be used towards their stated purpose; and

(f) Any other information we require to ensure completeness of the information reported.

AMENDATORY SECTION (Amending WSR 06-20-040, filed 9/26/06, effective 1/1/08)

**WAC 230-11-012 Licensees may conduct a joint raffle.** Except for enhanced raffles, raffle licensees may jointly conduct a raffle if:

(1) Licensees maintain in writing the method by which the income, expenditures for prizes, and all other expenses, received and expended in connection with the raffle will be divided among them; and

(2) One licensee sets up a separate bank account into which all of the proceeds from the raffle are deposited and from which all of the expenses in connection with the raffle, including but not limited to, all payments for prizes, are made; and

(3) Participating licensees keep records which clearly disclose the amount of money received or each licensee expends in connection with the raffle and the purpose(s) for which the money was spent; and

(4) Licensees count all gross receipts that each participating licensee received toward their gross receipts limit.

AMENDATORY SECTION (Amending WSR 09-19-052, filed 9/11/09, effective 10/12/09)

**WAC 230-11-014 Maximum raffle ticket price.** (1) Raffle tickets must not be sold for more than one hundred dollars each; and

(2) Enhanced raffle tickets must not be sold for more than two hundred fifty dollars each.

AMENDATORY SECTION (Amending WSR 07-21-116, filed 10/22/07, effective 1/1/08)

**WAC 230-11-020 Record information on ticket stub.**

If an organization sells raffle tickets to the general public or conducts raffles that do not require the winner to be present at the drawing, the organization must include a stub or other detachable section bearing a number, letter, or symbol matching the number, letter, or symbol on the ticket or object representing the participant's ticket. The organization's portion must include the participant's name, complete address, telephone number, and other information necessary to notify the winner. Licensees operating an enhanced raffle may provide a receipt that includes ticket confirmation numbers in lieu of a ticket stub.

AMENDATORY SECTION (Amending WSR 09-09-065, filed 4/13/09, effective 7/1/09)

**WAC 230-11-030 Restrictions on ticket sales. (1)**

Only the following people, who are at least eighteen years old, may sell raffle tickets:

- (a) Members of the organization, except as explained in subsection (2) of this section; and
  - (b) Volunteers under the supervision of a member; and
  - (c) Licensed enhanced raffle call center representatives.
- (2) Organizations may allow members under the age of eighteen to sell tickets when the organization has:
- (a) Development of youth as a primary purpose; and
  - (b) At least three members or advisors who are at least eighteen years old and who supervise the operation of the raffle; and
  - (c) An adult member or advisor designated as the manager of the raffle.
- (3) Organizations must sell tickets for a particular raffle for the same price unless offering an authorized discount plan; and
- (4) Organizations must not:
- (a) Sell raffle tickets via the internet; or
  - (b) Require anyone to purchase more than one raffle ticket; or
  - (c) Give away raffle tickets; or
  - (d) Give an opportunity to participate in a raffle drawing to a person who has not purchased a ticket.

AMENDATORY SECTION (Amending WSR 06-20-040, filed 9/26/06, effective 1/1/08)

**WAC 230-11-040 Place ticket stubs in receptacle for drawing.** Each person who sells a raffle ticket must give the organization all tickets, ticket stubs or other detachable sections of all tickets sold. The organization must place each ticket, ticket stub or other detachable section of each ticket sold into a receptacle from which the organization will draw the winning tickets unless they use one of the authorized alternative drawing formats.

AMENDATORY SECTION (Amending WSR 06-20-040, filed 9/26/06, effective 1/1/08)

**WAC 230-11-050 Using alternative drawing formats.**

Except for enhanced raffles, licensees may use alternative drawing formats that randomly determine winners if licensees:

- (1) Fully disclose to each player the random selection process used in the alternative drawing format before selling tickets; and
- (2) Maintain a copy of the disclosure with the permanent raffle records; and
- (3) Use controls and accounting procedures that:
  - (a) Provide the ability to audit gross gambling receipts from ticket sales; and
  - (b) Have sufficient controls to prevent manipulation of the random selection process; and
  - (c) Document the random selection process.

AMENDATORY SECTION (Amending WSR 06-20-040, filed 9/26/06, effective 1/1/08)

**WAC 230-11-055 Authorized alternative drawing formats.** Except for enhanced raffles, licensees may use the following types of alternative drawing formats or similar random selection processes:

*Mock races.*

(1) The licensee sells participants consecutively numbered tickets that identify a specific corresponding numbered mock animal(s), ball(s), or other similar object(s) that can use natural elements to move the objects (water, gravity, wind) in a race. All objects must be identical in weight, size, and shape, to have an equal opportunity to win. The licensee must release all objects simultaneously at a start line. The first numbered object to cross the finish line wins.

*Poker runs.*

(2) The licensee sells participants consecutively numbered tickets or poker tally sheets to participants. Participants travel a predetermined course with predetermined drawing stations (typically five drawing stations). At each drawing station, participants draw one playing card for each ticket purchased. Station attendants must verify the card drawn and record the card value on the poker ticket tally sheet. After all participants have completed the course, the participant with the best recorded poker hand wins.

*Ball drops.*

(3) The licensee sells participants consecutively numbered tickets that identify a specific corresponding numbered ball. All balls must be equal in size, weight, and shape, to have an equal opportunity to win. The licensee suspends all purchased numbered balls in the air and simultaneously releases them over a target zone. The ball, closest or first, to hit the predetermined target wins.

*Animal plops.*

(4) The licensee sells participants consecutively numbered tickets that identify a specific corresponding square on a numbered grid. The licensee releases the animal into the grid area until the animal has completed its plop. The numbered square containing the plop wins.

*Multiple stage drawings.*

(5) The licensee sells participants consecutively numbered tickets. The licensee uses multiple drawing phases to eliminate participants until the licensee declares the remaining ticket holder(s) the winner(s). The licensee may use second element of chance plans as long as the plans meet the criteria set out in WAC 230-11-060.

*Bucket raffles.*

(6) The licensee sells participants consecutively numbered tickets. Participants place their tickets into any number of separate buckets or other receptacles for separate prizes. We consider the multiple drawings one single raffle. If licensees use different tickets for each receptacle, we consider each drawing an individual raffle.

*Calendar raffles.*

(7) The licensee sells participants consecutively numbered calendars with removable stubs. The licensee places all sold calendar stubs into the drawing receptacle. On predetermined dates identified on the calendar, the licensee conducts drawings. The licensee places all winning stubs back into the drawing receptacle for future drawings.

ited number of guests and does not include enhanced raffles. All aspects of the raffle must take place during the same event at the same location. Winners must be determined from among those members and guests that have purchased tickets.

AMENDATORY SECTION (Amending WSR 12-05-067, filed 2/15/12, effective 3/17/12)

**WAC 230-11-065 Raffle prizes.** (1) Organizations must own the prizes offered to winners before the date of the drawing. However, if the winner has an option to receive a cash prize instead of the merchandise, the organization may enter into a contract to purchase the merchandise prize after the winner chooses his or her option. The organization must have the funds to make the purchase on account before the date of the drawing.

(2) At the time and date of any raffle drawing, the organization must have on deposit an unencumbered amount of money that is equal to or greater than all cash prizes being offered in the raffle. The organization must have these funds deposited in the gambling receipts account, if required, or in a recognized Washington state depository authorized to receive funds. The organization must not reduce the balance of funds available from this account below the required amount before awarding the prize(s).

(3) Raffle prizes must:

- (a) Be available at the time and place of the drawing; and
- (b) If cash, be United States currency or an equivalent amount of negotiable instruments; and
- (c) For licensees, not exceed forty thousand dollars per prize or three hundred thousand dollars in total raffle prizes in a license year, except as authorized in WAC 230-11-067.

(4) For enhanced raffles, a purchase contract is not necessary for smaller noncash prizes, but the bona fide charitable or nonprofit organization must be able to demonstrate that such a prize is available and sufficient funds are held in reserve in the event that the winner chooses a noncash prize.

AMENDATORY SECTION (Amending WSR 06-20-040, filed 9/26/06, effective 1/1/08)

**WAC 230-11-070 Defining "members-only" raffles.** A "members-only raffle" means a raffle where the organization sells tickets only to full and regular members and a lim-