

WSR 08-20-003
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed September 17, 2008, 4:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-16-026.

Title of Rule and Other Identifying Information: Chapter 352-70 WAC, The state boating accident reporting program. Sets parameters for reporting accidents involving recreational boats.

Hearing Location(s): C-Tran Building, 3510 S.E. 164th Avenue, Vancouver, WA 98583, (360) 695-0123, on November 13, 2008, at 9:00 a.m.

Date of Intended Adoption: November 13, 2008.

Submit Written Comments to: James Horan, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, phone (360) 586-6600, fax (360) 586-6603, e-mail James.Horan@parks.wa.gov, by October 23, 2008.

Assistance for Persons with Disabilities: Contact Pauli Sayres by October 30, 2008, TTY (360) 664-3133 or (360) 902-8505.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Technical updating is needed to bring the rules into compliance with federal boating accident reporting requirements. Will require the current accident dollar threshold of \$500.00 to increase to \$2,000.00.

Reasons Supporting Proposal: These amendments will bring state regulation up to federal boating accident and casualty reporting standards.

Statutory Authority for Adoption: Chapter 79A.05 RCW, Parks and recreation commission, including RCW 79A.05.030 and 79A.05.070 and chapter 79A.60 RCW, Regulation of recreational vessels.

Statute Being Implemented: Chapter 79A.60 RCW, Regulation of recreational vessels.

Rule is necessary because of federal law, [no further information supplied by agency.]

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Requests have been made by county and city law enforcement agencies to raise state minimum reporting level to be the same as the federal amount.

Name of Proponent: Washington state parks, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: James Horan, 7150 Cleanwater Drive, P.O. Box 42650, Olympia, WA 98504-2650, (360) 586-6600; and Enforcement: Mark Kenny, 7150 Cleanwater Drive, P.O. Box 42650, Olympia, WA 98504-2650, (360) 586-6593.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These chapters of administrative rule do not regulate or have economic impact through regulations on small business. There are no compliance costs to small business as a result of the modifications to these rules.

A cost-benefit analysis is not required under RCW 34.05.328. Significant legislative rule-making requirements are not imposed on the state parks and recreation commission, nor has the commission voluntarily applied those requirements.

September 17, 2008

Jim French

Chief of Policy Research
and Program Development

AMENDATORY SECTION (Amending WSR 01-02-021, filed 12/21/00, effective 1/21/01)

WAC 352-70-020 What words and phrases are used in the state boating accident reporting program? Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the Washington state parks and recreation commission.

(2) "Operator" means an individual who steers, directs, or otherwise has control of a vessel that is underway or exercises actual authority to control the person at the helm.

(3) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(4) "Use" means operate, navigate, or employ.

(5) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water for recreational use, other than a seaplane. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

(6) "Waters of Washington state" means any waters within the territorial limits of Washington state.

AMENDATORY SECTION (Amending WSR 01-02-021, filed 12/21/00, effective 1/21/01)

WAC 352-70-030 Which vessels are subject to the state boating accident reporting program? (1) The requirements for reporting boating accidents apply to each vessel used on the waters of Washington state that:

(a) Is used by its operator for recreational purposes; or

(b) Is required to register in accordance with chapter 88.02 RCW.

(2) This chapter does not apply to each vessel (~~required to have a certificate of~~) subject to inspection ((in accordance with chapter 1, Title 46, Code of Federal Regulations)) under U.S. Code Title 46 Chapter 33 INSPECTION GENERALLY.

AMENDATORY SECTION (Amending WSR 01-02-021, filed 12/21/00, effective 1/21/01)

WAC 352-70-035 Who is required to submit a boating accident report and under what conditions? (1) The operator of the vessel must submit a boating accident report when the vessel or its equipment is involved in an occurrence that results in any of the conditions found in subsection (3) of this section.

(2) When the operator of the vessel cannot submit the boating accident report required by this section, the owner shall submit the report, and, if the owner cannot submit the report, the law enforcement agency that has jurisdiction where the accident occurred shall submit the report on behalf of the owner.

(3) A boating accident report is required to be submitted as specified in subsections (1) and (2) of this section whenever any of the following conditions involving a vessel or its equipment has occurred:

- (a) A person dies;
- (b) A person is injured and requires medical treatment beyond first aid;
- (c) ~~((A vessel, or))~~ Damage to vessels and other property ((sustain damage totaling)) totals two thousand dollars or more ((than five hundred dollars));
- (d) A vessel is a complete loss; or
- (e) A person disappears from the vessel under circumstances that indicate death or injury.

AMENDATORY SECTION (Amending WSR 01-02-021, filed 12/21/00, effective 1/21/01)

WAC 352-70-040 How does the operator of a vessel report a boating accident? The operator of a vessel involved in a boating accident or the owner of the vessel reporting for the operator must complete and submit a written boating accident report to the law enforcement agency that has jurisdiction where the accident occurred within the specified times listed here:

- (1) Within forty-eight hours of the occurrence if a person dies within twenty-four hours of the accident;
- (2) Within forty-eight hours of the occurrence if a person is injured and requires medical treatment beyond first aid, or disappears from a vessel; and
- (3) Within ten days of the occurrence or death for all other boating accident reports.
- (4) All reports must be submitted on the state boating accident report form published by the commission as defined in WAC 352-70-050.

AMENDATORY SECTION (Amending WSR 01-02-021, filed 12/21/00, effective 1/21/01)

WAC 352-70-050 What information must be provided on the state boating accident report form? The state boating accident report form published by the commission must be completed in writing, signed and dated by the person completing it and must contain the following information about the boating accident:

- (1) The registration numbers or names as documented of each vessel involved.
- (2) The name and address of each owner of each vessel involved.
- (3) The name of the nearest city or town, the county, the state, and the body of water.
- (4) The time and date the accident occurred.
- (5) The location on the water.
- (6) The visibility, weather, and water conditions.
- (7) The estimated air and water temperatures.
- (8) The name, address, age, or date of birth, telephone number, vessel operating experience, and boating safety

training of the operator of the vessel ~~((of the person))~~ making the report.

(9) The name and address of each operator of each other vessel involved.

(10) The number of persons on board and towed on skis by each vessel.

(11) The name, address, and date of birth of each person who was injured ~~((or killed)), died, or disappeared.~~

(12) The cause of each death.

(13) Weather forecasts available to, and weather reports used by, the operator before and during the use of the vessel.

(14) The name and address of each owner of property involved.

(15) The number, availability, and use of personal flotation devices.

(16) The type and amount of each fire extinguisher used.

(17) The nature and extent of each injury.

(18) A description of all property damage and vessel damage with an estimate of the cost of all repairs.

(19) A description of each equipment failure that caused or contributed to the cause of the accident.

(20) A description of the vessel accident.

(21) The type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other) and the type of accident (capsizing, sinking, fire, explosion, or other).

(22) The opinion of the person making the report as to the cause of the accident including whether or not alcohol drugs, or both, was a cause or contributed to causing the accident.

(23) The make, model, type (open, cabin, house, or other), beam width at widest point, length, depth from transom to keel, horse power, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel, or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year) of the vessel of the person making the report.

(24) The name, address, and telephone number of each witness.

(25) The manufacturer's hull identification number, if any, of the vessel of the person making the report.

(26) The name, address, and telephone number of the person submitting the report.

AMENDATORY SECTION (Amending WSR 01-02-021, filed 12/21/00, effective 1/21/01)

WAC 352-70-060 How is a boating accident report submitted to the commission? The law enforcement agency that has jurisdiction where a boating accident occurs must submit the state boating accident report form within ten days of receiving, or completing the report to the commission at the following address:

Washington State Parks and
Recreation Commission
Boating Programs
~~((7150 Cleanwater Lane))~~
1111 Israel Road
P.O. Box 42654
Olympia, Washington 98504-2654

WSR 08-20-004
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed September 17, 2008, 4:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-15-035.

Title of Rule and Other Identifying Information: Chapter 352-40 WAC, Public records. The proposed amendments update the commission's rules on public records to bring the rules current with chapter 42.56 RCW, Public Records Act and update all information necessary to provide the public with access to the agency's public records.

Hearing Location(s): C-Tran Building, 3510 S.E. 164th Avenue, Vancouver, WA 98583, (360) 695-0123, on November 13, 2008, at 9:00 a.m.

Date of Intended Adoption: November 13, 2008.

Submit Written Comments to: Karen Clevenger, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, phone (360) 902-8514, fax (360) 586-5875, e-mail Karen.Clevenger@parks.wa.gov, by October 23, 2008.

Assistance for Persons with Disabilities: Contact Pauli Larson by October 30, 2008, TTY (360) 664-3133 or (360) 902-8505.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments modify payment provisions, make discretionary the public's use of the agency's record request form, provide for appeal procedures if records are denied, conform the commission's rules to state statute, and make other technical changes.

Chapter 352-40 WAC implements procedural requirements that the Public Records Act, chapter 42.56 RCW, places on state agencies. Chapter 42.56 RCW requires that citizens have prompt access to public records and that agencies adopt procedures to assure such access. Chapter 42.56 RCW also requires agencies to publish certain information to assist citizens in requesting public records. The commission's rules were last modified in May 2003. Since then,

- The attorney general adopted model rules (best practices) to assistant agencies in complying with public record requests. State parks has included many of the model rules in its amendments.
- The Public Records Act was recodified in new chapter 42.56 RCW, necessitating revisions to state park WACs.
- State parks updated its policy and procedures for public records requests in November 2007, including a review and revision of copy fees and payment policy. These proposed amendments conform to the new internal policies.
- Agency contact information (phone numbers and addresses) listed in the existing rules is outdated.

Statutory Authority for Adoption: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.56 RCW, Public Records Act, including RCW 42.56.040 and 42.56.070.

Statute Being Implemented: Chapter 42.56 RCW.

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

Name of Proponent: Washington state parks and recreation commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Karen Clevenger, 7150 Cleanwater Drive, P.O. Box 42650, Olympia, WA 98504-2650, (360) 902-8514.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These chapters of administrative rule do not regulate or have economic impact through regulations on small business. There are no compliance costs to small business as a result of the modifications to these rules.

A cost-benefit analysis is not required under RCW 34.05.328. Significant legislative rule-making requirements are not imposed on the state parks and recreation commission, nor has the commission voluntarily applied those requirements.

September 17, 2008

Jim French

Chief of Policy Research
and Program Development

AMENDATORY SECTION (Amending WSR 03-11-068, filed 5/19/03, effective 6/19/03)

WAC 352-40-010 What is the purpose of this chapter? The purpose of this chapter is to ~~((ensure compliance by the Washington state parks and recreation commission with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records))~~ implement the procedural requirements that the Public Records Act, chapter 42.56 RCW, places on state agencies.

AMENDATORY SECTION (Amending WSR 03-11-068, filed 5/19/03, effective 6/19/03)

WAC 352-40-020 How do we define terms? (1) In accordance with RCW ~~((42.17.020(36)))~~ 42.56.010(2): "Public record" includes any writing containing information relating to the conduct of ~~((governmental))~~ government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(2) In accordance with RCW 42.56.010(3): "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof~~((;))~~, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained and translated.

(3) ~~(("Washington state parks and recreation commission" is a commission appointed by the governor consisting of seven citizens of the state as outlined in RCW 79A.05.015.~~

~~(4) "Agency" refers to the staff and employees of the Washington state parks and recreation commission.)) "State parks" and "the agency" refer to the Washington state parks and recreation commission.~~

~~(4) "The commission" means the governor appointed governing board of state parks.~~

~~(5) "Headquarters" means state parks administration located in Olympia, Washington.~~

AMENDATORY SECTION (Amending WSR 03-11-068, filed 5/19/03, effective 6/19/03)

WAC 352-40-030 Where can ((citizens)) I access ((agency)) state parks' public records? Most public records of the commission and the agency are located at the Olympia headquarters office. Copies of certain records may be accessible at regional offices.

(1) The director and administrative offices are located at the headquarters office at ~~((7150 Cleanwater Lane, Olympia, WA 98504-2650))~~ 1111 Israel Road S.W., Tumwater, WA 98501. Mailing address for the headquarters office is:

Washington State Parks and Recreation Commission
P.O. Box ~~((2650))~~ 42650
Olympia, WA 98504-2650
360-902-8500
FAX: 360-753-1594
TDD: 360-664-3133

(a) The public affairs office is available to assist with media inquiries and general public information requests.

Phone: 360-902-8561
E-mail: pao@parks.wa.gov

(b) ~~((The information center is available to assist with questions regarding specific parks, overnight accommodations, recreation programs and seasonal park closures. The center can send you a Request for Public Records form by e-mail or will refer your Request for Public Records form to the public records officer.~~

Phone: 360-902-8844
E-mail: info@parks.wa.gov

~~((e)) The public records officer is available to assist ((in coordination with viewing of or copying agency records)) with public records requests or questions. ((The reception area at the headquarters office in Olympia can refer you to the records officer.))~~

Phone: ~~((360-902-8500))~~ 360-902-8514
E-mail: public.disclosure@parks.wa.gov

(2) Location of regional offices:

Southwest Region
Headquarters Office
11838 Tilley Road S.E.
Olympia, WA 98512-9167
~~((360-753-7143))~~
360-956-4800

Northwest Region
Headquarters Office
220 N. Walnut

Burlington, WA 98233
360-755-9231

Eastern Region
Headquarters Office
~~((2201 N. Dunean Drive
Wenatchee, WA 98801-1007
509-662-0420))~~
270 9th St. N.E., Suite 200
East Wenatchee, WA 98802
509-665-4319

Puget Sound Region
2840 Riverwalk Drive S.E.
Auburn, WA 98002-8207
~~((206-931-3907.))~~
253-931-3907

AMENDATORY SECTION (Amending WSR 03-11-068, filed 5/19/03, effective 6/19/03)

WAC 352-40-040 How is the agency organized and how is it operated? ~~((All decisions involving basic policy are made by the commission.~~

~~Staff at HQ implements those policy decisions.~~

~~Staff at each region develop, maintain and steward the state parks according to the policy decisions.))~~ The Washington state park system includes one hundred twenty developed parks, recreation programs, trails, boating safety and winter recreation.

(1) State parks is governed by a commission consisting of seven citizens of the state appointed by the governor.

(2) The director is the commission appointed executive head of the agency.

(3) The deputy director is the chief operating officer.

(4) Regional directors are responsible for management of regional headquarters and parks within their regions.

AMENDATORY SECTION (Amending WSR 03-11-068, filed 5/19/03, effective 6/19/03)

WAC 352-40-060 ((What are the duties of the public records officer?)) Who do I contact to request state parks' public records? The agency public records officer ~~((is))~~, located ~~((in the))~~ at headquarters ~~((administrative office and))~~, is responsible for:

(1) ~~((The implementation of the commission's rules and regulations regarding release of))~~ Receiving and reviewing requests for public records.

(2) Coordinating ~~((the agency in implementation of state))~~ agency records management ((techniques)) and agency indexing standards to ensure protection of, and prompt access to, public records.

(3) Implementing and ensuring compliance by the staff with the public records disclosure requirements of chapter 42.56 RCW ((42.17.250 through 42.17.340)).

~~((4) Assists requestors in coordination and viewing or copying of agency records.))~~

Mailing address:
P.O. Box 42650
Olympia, WA 98504-2650

Physical address:

7150 Cleanwater Dr. S.W.

Olympia, WA 98504

E-mail: public.disclosure@parks.wa.gov

Phone: 360-902-8514

FAX: 360-586-5875

(4) Contact information and our form for requesting public records from state parks are also available on our web site www.parks.wa.gov.

AMENDATORY SECTION (Amending WSR 03-11-068, filed 5/19/03, effective 6/19/03)

WAC 352-40-070 When can I inspect public records?

Public records are available for inspection ~~((and copying from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m.))~~ during regular business hours, Monday through Friday, excluding legal holidays.

It is recommended that you make arrangements in advance as the records that you wish to inspect may not be readily available for immediate inspection.

Agency facilities shall be made available to any person for the inspection of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.

AMENDATORY SECTION (Amending WSR 03-11-068, filed 5/19/03, effective 6/19/03)

WAC 352-40-080 How do I request ~~((inspection or copying of))~~ state parks' public records? ~~((In accordance with requirements of RCW 42.17.255, that agencies prevent unreasonable invasions of privacy and RCW 42.17.290 that agencies protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedure:~~

~~(1) A request shall be made in writing using agency Form A-374, Public Records Request. The form may be requested and obtained through the mail, by e-mail, or by fax as referenced in WAC 352-40-030. The form shall be presented to the public records officer or to any member of the agency if the public records officer is not available, during customary office hours. The agency may in its discretion fill requests made by telephone, e-mail or facsimile copy (fax). The request shall include the following information:))~~ Call, mail, e-mail, fax or drop your request at any state park office.

Using our request form, while not required, provides the information we need to assist you and provides you with our copy and mailing fees.

(1) The information that we will need is:

(a) The name, address and phone number of the person requesting the record;

(b) The date on which the request ~~((was))~~ is made;

(c) If inspection of the record is requested, the ~~((time of))~~ day and ((calendar date on which the requestor wishes)) time you wish to inspect the public records;

~~((An appropriate))~~ A description ((of)), with as much detail as you can provide, to help identify the record requested;

(e) A statement that the information will not be used for commercial purposes.

~~(2) ((The public records officer, or agency employee assisting the member of the public making the request, will ascertain that the information requested is not exempt from public inspection and copying as outlined in WAC 352-40-100.~~

~~(3) Requests for identifiable public records will be processed promptly. The agency will respond within five working days of receiving the request by either:~~

~~(a) Providing the record;~~

~~(b) Acknowledging receipt of request and providing a reasonable estimate of the time required to respond; or~~

~~(c) Denying the request.~~

~~Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging a receipt of a public record request that is unclear, the agency may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the agency need not respond to it.~~

~~(4))~~ The agency does not distinguish among persons requesting records and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW ~~((42.17.260(5)))~~ 42.56.070(9) or other statute ~~((which))~~ that exempts or prohibits disclosure of specific information or records to certain persons. ~~((Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.))~~

AMENDATORY SECTION (Amending WSR 03-11-068, filed 5/19/03, effective 6/19/03)

WAC 352-40-090 ~~((Is there a cost to view or copy))~~ Will I have to pay to view or get copies of state parks' public records? The agency does not charge a fee for the inspection of public records.

The agency will charge an amount necessary to ~~((reimburse))~~ recover its costs for ~~((providing))~~ producing and mailing copies of records, as provided for by RCW 42.56.-120. ~~((This amount shall be reviewed from time to time by the agency and shall represent the costs of providing copies of public records and for use of the agency's copy equipment, including staff time spent copying records, preparing records for copying, and restoring files. This charge is the amount necessary to reimburse the agency for its actual costs for copying and is payable at the time copies are furnished. The charge for special copy work of nonstandard public records shall reflect the total cost, including the staff time necessary to safeguard the integrity of these records.))~~

A list of copy charges is provided with state parks' "Request for Public Records" form, or you can contact the

public records officer for ~~((fee schedule of copying costs))~~ a list of copy and mailing fees. Payment is required prior to receiving copies of records.

~~((The public records officer or designee may waive the fee if the cost of preparing a billing for recoverable reproduction costs exceeds the amount to be recovered.))~~ Charges totaling less than five dollars will be waived.

AMENDATORY SECTION (Amending WSR 03-11-068, filed 5/19/03, effective 6/19/03)

WAC 352-40-100 Can my request be denied? (1) Yes, a request can be denied if it is for records that are exempt from disclosure under the provisions of ~~((RCW 42.17.255 and 42.17.310))~~ the Public Records Act, chapter 42.56 RCW. State parks may also deny access to records, or parts of records, that are exempt from disclosure by RCW 79A.60.-210, 79A.60.220, 5.60.060 (2)(a), 46.52.080, 7.69A.030(4) and 13.50.050(3).

~~((2) ((Under the provisions of RCW 42.17.260, the agency will delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by RCW 42.17.260. The public records officer will fully justify such deletion in writing.))~~ Whenever possible, the agency will make requested records available after exempt information has been deleted or redacted.

(3) Under the provisions of RCW ~~((42.17.269))~~ 42.56.070(9), public records requests will also be denied if the purpose of the request is to sell or use the information for commercial purposes.

~~((4) All denials of requests for public records must be accompanied by a written statement specifying))~~ If a request is denied, the agency will specify in writing the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

AMENDATORY SECTION (Amending WSR 03-11-068, filed 5/19/03, effective 6/19/03)

WAC 352-40-110 ((What is the review process for a denial of a public records request?)) What can I do if I object to the agency's denial to inspect or receive a copy of a public record? You have options. You can:

(1) Request an internal administrative review of the denial for access.

(a) Provide state parks' public records officer with your written request for a review of the decision. Include a copy of the denial or refer specifically to the denial statement in your petition.

(b) The public records officer ~~((or designee denying the request shall immediately send a copy of the written response))~~ will promptly provide the petition and any other relevant information to the director ~~((of the commission))~~ or designee to conduct a review.

(c) The director or designee ~~((shall))~~ will immediately consider the matter and, within two business days of receiving the petition, or within such time as state parks and the requestor mutually agree, either affirm or reverse ~~((such))~~ the

denial. If the director or designee has not responded to the requestor by the end of the two business days following denial of ~~((inspection))~~ access, then the request is deemed denied.

(2) Ask the attorney general to review the matter. Pursuant to RCW 42.56.530, the attorney general will provide a written opinion on whether the record is exempt.

(3) Initiate an action in the superior court where the record is located. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.-550 at the conclusion of two business days after the initial denial.

AMENDATORY SECTION (Amending WSR 03-11-068, filed 5/19/03, effective 6/19/03)

WAC 352-40-120 How does the agency protect public records? ~~((Public records of the agency are located in the Olympia headquarters and each of the regional locations as outlined in WAC 352-40-030. Records are available for inspection and copying at these locations during office hours identified in WAC 352-40-070.~~

In order to protect these records, you must comply with)) (1) The following guidelines have been put in place to help the agency protect the public records under its care:

~~((+))~~ (a) You may not remove any public record from the agency premises.

~~((2))~~ (b) You must have a designated agency employee present while inspecting public records.

~~((3))~~ (c) You may not mark or deface a public record in any manner during inspection.

~~((4))~~ (d) You may not dismantle public records ~~((which))~~ that are maintained in a file or jacket or in chronological or other filing order.

(2) Access to file cabinets, shelves, vaults, or other storage areas is restricted to agency personnel unless other arrangements are made with the public records officer or designee.

(3) State parks follows rules established under RCW 40.14.060 regarding destruction of public records. The destruction of records responsive to a public records request will be delayed until the request is resolved.

AMENDATORY SECTION (Amending WSR 03-11-068, filed 5/19/03, effective 6/19/03)

WAC 352-40-130 How are agency records indexed? ~~((The))~~ Records retention schedules established ~~((by the division of state archives of the office of the secretary of state))~~ and maintained under the directives of RCW 40.14.060 serve ~~((s))~~ as an index for the identification and location of agency records ~~((and includes all records issued before July 1, 1990, for which the agency has maintained an index)).~~

The records retention schedule indexes records according to the originating program or section, and then the record series title. Each title is further identified by a statement of function or purpose, and the minimum required retention period. With the assistance of the public records officer or designee, the records retention schedule is available to the public for inspection and copying.

A separate index of policy statements as defined in RCW 34.05.010(15) entered after June 30, 1990, (~~shall be~~) is maintained by the agency.

In addition, the agency has a functional index coding system for physical files, commission policy, administrative policy and agency procedures.

Commission meetings minutes are indexed by year, month, and agenda item number. They are also summarized by topic.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 352-40-150 Adoption of form.

WSR 08-20-030

PROPOSED RULES

CENTRAL WASHINGTON UNIVERSITY

[Filed September 22, 2008, 12:06 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-16-068.

Title of Rule and Other Identifying Information: Library policies, chapter 106-168 WAC.

Hearing Location(s): Barge 410, on November 4, 2008, at 10:00 a.m.

Date of Intended Adoption: November 4, 2008.

Submit Written Comments to: Kristy Magdlin, President's Office, 400 East University Way, Ellensburg, WA 98926-7501, e-mail magdlink@cwu.edu, fax (509) 963-2154, by October 31, 2008.

Assistance for Persons with Disabilities: Contact disability support services by October 31, 2008, TTY (509) 963-2143.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Modify existing rules to comply with current administrative practices.

Reasons Supporting Proposal: Clarify rules consistent with current internal administrative practice.

Statutory Authority for Adoption: Title 28B RCW and RCW 28B.15.120(12).

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

Name of Proponent: Kristy Magdlin, public.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jan Jorgensen, 400 East University Way, Ellensburg, WA 98926, (509) 963-1592.

September 22, 2008

Jerilyn S. McIntyre

President

AMENDATORY SECTION (Amending Order 50, filed 12/10/82)

WAC 106-168-008 Violation of library (~~regulations~~) policies. Violators of library (~~regulations~~) policies

may be subject to appropriate disciplinary action, including assessment of service charges and revocation of library privileges.

AMENDATORY SECTION (Amending WSR 06-23-104, filed 11/16/06, effective 12/17/06)

WAC 106-168-009 (~~Food, beverages, smoking~~) Library user conduct. Users are expected to maintain appropriate public behavior while using the library facilities. ~~The library (~~policies regarding eating food or drinking beverages and tobacco use are included in the library conduct~~)~~ user policy is available on-line at <http://www.lib.cwu.edu/info/policies/conduct.html>. This policy is reviewed and updated annually. The current policy is posted in the entry-way and at all public service desks in the library building.

AMENDATORY SECTION (Amending Order CWU AO 77, filed 10/6/94, effective 11/6/94)

WAC 106-168-065 Borrower identification cards. In order to (~~borrow library~~) check out materials, borrowers must present an authorized university library identification card.

~~((1) University library identification cards are issued to all members of the university community.~~

~~(2) Individuals outside the university community may purchase library identification cards which permit limited use of resources and services.~~

~~(3) A library identification card is authorized for use only by the individual whose name appears on the card.~~

~~(4) Cards used in an unauthorized manner may be confiscated.~~

~~(5) Each borrower is responsible for notifying the appropriate university office of changes of address or loss of card.)~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 106-168-010 Circulation records.

WAC 106-168-095 Service charges for late return or loss of materials.

WAC 106-168-097 Payment of charges.

WSR 08-20-038

PROPOSED RULES

DEPARTMENT OF RETIREMENT SYSTEMS

[Filed September 23, 2008, 3:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-13-065.

Title of Rule and Other Identifying Information: WAC 415-104-111 How is my LEOFF Plan 2 retirement allowance affected if I return to work after retirement?

Hearing Location(s): Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on November 4, 2008, at 2:30 p.m.

Date of Intended Adoption: November 5, 2008.

Submit Written Comments to: Sarah Monaly, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail rules@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on November 4, 2008.

Assistance for Persons with Disabilities: Contact Sarah Monaly, rules coordinator, by October 28, 2008, TDD (360) 664-7291, TTY (360) 586-5450, phone (360) 664-7291.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is [to] clarify language in WAC 415-104-111 regarding the benefit options available to retirees of the law enforcement officers' and fire fighters' retirement system (LEOFF) Plan 2 who return to work in a department of retirement systems (DRS) covered position and subsequently rerehire.

Reasons Supporting Proposal: The department received a request to clarify this rule with regard to the benefit options available to LEOFF Plan 2 retirees who rerehire after working in a DRS covered position subsequent to their LEOFF retirement. Specifically, DRS will clarify language describing the actuarial calculation that occurs for a LEOFF Plan 2 retiree's benefit upon separation from post-retirement employment. DRS has updated this rule to assist plan members, retirees, employers, and department staff.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.26.500.

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

Name of Proponent: Department of retirement systems, governmental.

Name of Agency Personnel Responsible for Drafting: Sarah Monaly, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Michelle Hardesty, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7193.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules have no effect on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The department of retirement systems is not one of the named departments in RCW 34.05.328.

September 23, 2008

Sarah Monaly

Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-02-048, filed 12/27/07, effective 1/27/08)

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' retire-

ment 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 ~~((choose not to become a member of))~~ decline membership in the PERS, PSERS, SERS, or TRS retirement system ~~((and))~~. 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 ((service credit and make contributions toward another)) a retirement benefit in the other system. When you ~~((leave))~~ 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((s)) of your LEOFF Plan 2 retirement allowance for the time you were employed. ~~((You may choose to have your retroactive payments in a lump sum or actuarially computed into your LEOFF Plan 2 retirement allowance.))~~

(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 actuarial factors.

WSR 08-20-059
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed September 24, 2008, 11:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-09-072.

Title of Rule and Other Identifying Information: The agency has completed a review of the following chapters of administrative rules and has proposed amendments to each of these chapters:

- Chapter 352-12 WAC, Moorage and use of marine and inland water facilities.
- Chapter 352-18 WAC, Background checks for job applicants, volunteers and independent contractors.
- Chapter 352-32 WAC, Public use of state park areas.
- Chapter 352-74 WAC, Filming within state parks.

Hearing Location(s): C-Tran Building, Rose Besserman Community Room, 3510 S.E. 164th Avenue, Vancouver, WA 98583, on November 13, 2008, at 9:00 a.m.

Date of Intended Adoption: November 13, 2008.

Submit Written Comments to: Pamela McConkey, P.O. Box 42650, Tumwater, WA 98504 [98504]-2650, e-mail Pamela.McConkey@parks.wa.gov, phone (360) 902-8595, fax (360) 664-2106, by November 3, 2008.

Assistance for Persons with Disabilities: Contact Pauli Larson by November 3, 2008, TTY (360) 664-3133 or (360) 902-8505.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: State parks' staff have reviewed the commission rules in response to legislative action during the 2008 session and in consideration of changes to current business practices. The agency has proposed minor changes and corrections to the rules in order to bring the rules up-to-date and to reflect the use of current terminology, to correct references to statute and to provide clarification, corrections and modifications. Following is a brief synopsis of the proposed amendments.

New/modified definitions in chapters 352-18, 352-32 and 352-74 WAC: Staff recommends new definitions and modifications to existing definitions for clarity.

Technical changes: General housekeeping amendments (address corrections, typographical, references, improving technical accuracy, etc.) to the following sections: WAC 352-12-030, 352-18-020, 352-18-022, 352-18-024, 352-32-165, 352-32-250, 352-32-251, 352-32-285, 352-32-300, 352-32-340, 352-74-040, 352-74-045, 352-74-050, 352-74-060, and 352-74-070.

Substantive changes are requested in the following chapters:

WAC 352-32-060 Pets, allows pets in designated roofed accommodations with an additional fee.

WAC 352-32-210 Consumption of alcohol in state park areas, prohibits opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverage at Flaming Geyser State Park except under specific circumstances and specific locations.

WAC 352-74-010 Purpose, expands agency permits to include commercial filming and still photography when consistent with the parks' mission and will not harm resources.

352-74-030 Filming within state parks, provides the ability to waive fees when filming is strictly for educational purposes.

Proposed new sections: WAC 352-32-253 Foster parent program, in accordance with RCW 79A.05.065, Washington state residence [resident] providing out-of-home care to a child as either a current licensed foster family home or a person related to the child is entitled to free camping.

Reasons Supporting Proposal: To comply with RCW 79A.05.065(4), which provides that "Any Washington state resident who provides out-of-home care to a child, as either a licensed foster-family home or a person related to the child, is entitled to a foster home pass."

Statutory Authority for Adoption: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065.

Statute Being Implemented: RCW 79A.05.065(4).

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

Name of Proponent: Washington state parks and recreation commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Pamela McConkey, State Park Headquarters, P.O. Box 42650, Tumwater, WA 98504-2650, (360) 902-8595; Enforcement: Phil Shave, State Park Headquarters, P.O. Box 42650, Tumwater, WA 98504-2650, (360) 902-8606.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These chapters of administrative rule do not regulate or have economic impact through regulations on small business. There are no compliance costs to small business as a result of the modifications to these rules.

A cost-benefit analysis is not required under RCW 34.05.328. Significant legislative rule-making requirements are not imposed on the state parks and recreation commis-

sion, nor has the commission voluntarily applied those requirements.

Jim French
Chief of Policy Research
and Program Development

AMENDATORY SECTION (Amending WSR 04-01-068, filed 12/12/03, effective 1/12/04)

WAC 352-12-030 Annual moorage permits. (1) Annual moorage permits may be obtained for the period January 1 through December 31, inclusive. Application for such permits may be obtained from most state park managers or rangers, or by writing to the Commission Headquarters, (~~(7150 Cleanwater Lane,))~~ P.O. Box 42650, Olympia, WA 98504-2650, or on-line at www.parks.wa.gov.

(2) Annual moorage permits will be issued for a particular vessel. The charge for such permits will be based upon the length of the vessel for which the permit is issued and will be published by state parks.

(3) Annual permits shall be visible from outside the vessel, and permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) cabin trunk, or as otherwise instructed by the director or designee.

(4) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 07-24-001, filed 11/21/07, effective 12/22/07)

WAC 352-18-010 What definitions apply to this chapter? The following definitions apply:

"**Child**" means an individual that has not reached the age of sixteen.

"**Criminal background check**" means a criminal history record information search that may include but is not limited to, the following:

(a) A record check of arrests and convictions through the Washington state patrol;

(b) Fingerprints processed through the FBI to obtain a complete criminal history.

"**Independent contractor**" means any independent for-profit or nonprofit private person or organization with which the commission has or is considering a contractual relationship. In the case of large organizations, the contractor background to be reviewed is that of the organization's principal on-site manager.

"**Job applicant**" means any applicant for a Washington state parks position who is not permanently employed by Washington state parks as of July 24, 2005.

"**Unsupervised access**" means that an individual will or may be left alone with a child or vulnerable adult at any time or any length of time.

"**Volunteer**" means a person who is willing to work without expectation of salary or financial reward.

"**Vulnerable adult**" means adults of any age who lack the functional, mental, or physical ability to care for themselves. As defined in chapter 74.34 RCW "vulnerable adult"

includes a person: Found incapacitated under chapter 11.88 RCW; or who has a developmental disability as defined under RCW 71A.10.020; or admitted to any facility; or receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or receiving services from an individual provider.

AMENDATORY SECTION (Amending WSR 07-24-001, filed 11/21/07, effective 12/22/07)

WAC 352-18-020 Who may be subject to criminal background checks? The Washington state parks and recreation commission requires criminal background checks on job applicants, volunteers, and independent contractors who:

(1) Have unsupervised access to children or vulnerable adults; or

(2) Persons who will be responsible for collecting or disbursing agency cash or processing credit/debit card transactions (~~(for agency sales)~~).

AMENDATORY SECTION (Amending WSR 07-24-001, filed 11/21/07, effective 12/22/07)

WAC 352-18-022 To whom is the criminal background check information released? (1) Washington state parks will only share pass/fail results of the criminal background check with the supervisor(s) except as provided by chapters (~~(42.47)~~) 42.56 and 10.97 RCW.

(2) Washington state parks will follow laws related to the release of criminal history records (chapter 10.97 RCW and RCW 43.43.570) and public disclosure (chapter (~~(42.17)~~) 42.56 RCW) when releasing any information.

AMENDATORY SECTION (Amending WSR 07-24-001, filed 11/21/07, effective 12/22/07)

WAC 352-18-024 What do I do if I disagree with the results of the criminal background check? (1) Job applicants, volunteers, and independent contractors who do not pass the criminal background check are entitled to challenge the accuracy and completeness of any information contained in their background check. Contact may be made with Washington state parks human resources or the volunteer programs to review the information.

(2) Disqualified individuals may provide, in writing, justification/explanation with supporting documentation to the state parks director requesting further consideration at (~~(7150 Cleanwater Drive,))~~ P.O. Box 42650, Olympia, WA 98504.

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

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

"Aquatic facility" shall mean any structure or area within a state park designated by the director or designee for aquatic activities, including, but not limited to, swimming pools, wading pools, swimming beaches, floats, docks, ramps, piers or underwater parks.

"Bivouac" shall mean to camp overnight on a vertical rock climbing route on a ledge or in a hammock sling.

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

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping party" shall mean an individual or a group of people (two or more persons not to exceed eight) that is organized, equipped and capable of sustaining its own camping activity in a single campsite. A "camping party" is a "camping unit" for purposes of RCW 79A.05.065.

"Commercial recreation use" is a recreational activity in a state park that is packaged and sold as a service by an organization or individual, other than state parks or a state park concessionaire.

"Commercial recreation provider" is any individual or organization that packages and sells a service that meets the definition of a commercial recreation use.

"Commercial use (nonrecreation)" is any activity involving commercial or business purpose within a state park that may impact park facilities, park visitors or staff and is compatible with recreational use and stewardship, limited in duration and does not significantly block/alter access or negatively impact recreational users.

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

"Conference center" shall mean a state park facility designated as such by the director or designee that provides specialized services, day-use and overnight accommodations available by reservation for organized group activities.

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

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

"Disrobe" shall mean to undress so as to appear nude.

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager decides may be used for camping when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELCs), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELCs)" shall mean those specialized facilities, designated by the director or designee, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Extra vehicle" shall mean each additional unhitched vehicle in excess of the one recreational vehicle that will be parked in a designated campsite or parking area for overnight.

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

"Fish" shall mean all marine and freshwater fish and shellfish species including all species of aquatic invertebrates.

"Foster family home" means an agency which regularly provides care on a twenty-four-hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed.

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

"Group" shall mean twenty or more people engaged together in an activity.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Hiker/biker campsite" shall mean a campsite that is to be used solely by visitors arriving at the park on foot or bicycle.

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

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

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

"Out-of-home care" means placement in a foster family home or with a person related to the child under the authority of chapters 13.32A, 13.34, or 74.13 RCW.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for camping to accommodate peak camping demands in the geographic region.

"Overnight accommodations" shall mean any facility or site designated for overnight occupancy within a state park area.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical

cal canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.

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

"Person related to the child" means those persons referred to in RCW 74.15.020 (2)(a)(i) through (vi).

"Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

"Popular destination park" shall mean any state park designated by the director or designee as a popular destination park because, it is typically occupied to capacity on Friday or Saturday night during the high use season.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that a minimum of twenty persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director or designee may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 79A.05.160, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Remote controlled aircraft" shall mean nonpeopled model aircraft that are flown by using internal combustion, electric motors, elastic tubing, or gravity/wind for propulsion. The flight is controlled by a person on the ground using a hand held radio control transmitter.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

(1) Camping at a given park for more than thirty days within a forty-day time period April 1 through September 30; or forty days within a sixty-day time period October 1 through March 31. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping party shall be limited to ten consecutive nights April 1 through September 30. Provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if the campground is not fully occupied. Campers may stay twenty consecutive nights October 1 through March 31 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

(2) The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Seaweed" shall mean all species of marine algae and flowering sea grasses.

"Sno-park" shall mean any designated winter recreational parking area.

"Special groomed trail area" shall mean those sno-park areas designated by the director as requiring a special groomed trail permit.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal, and flush comfort station.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 79A.05.605 and as regulated under chapter 352-37 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Vehicle" shall include every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway. For the purposes of this chapter, this definition excludes bicycles, wheelchairs, motorized foot scooters, electric personal assistive mobility devices (EPAMDs), snowmobiles and other nonlicensed vehicles.

"Vehicle parking permit" means the permit issued on a daily, multiple day or annual basis for parking a vehicle in

any state park area designated for daytime vehicle parking, excluding designated sno-park parking areas.

"Vessel" shall mean any watercraft used or capable of being used as a means of transportation on the water.

"Walk-in campsite" shall mean a campsite that is accessed only by walking to the site and which may or may not have vehicle parking available near by.

"Watercraft launch" is any developed launch ramp designated for the purpose of placing or retrieving watercraft into or out of the water.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 79A.05.420.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

"Wood debris" shall mean down and dead tree material.

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-32-060 Pets. (1) All pets or domestic animals must be kept under physical control, on a leash no greater than eight feet in length, or otherwise physically restrained, at all times while in a state park area.

(2) Pets and domestic animals may not be allowed to dig or otherwise disturb or damage the natural or cultural features of any state park area.

(3) In any state park area, pets or domestic animals, except for assistance animals for persons with disabilities, are not permitted on any designated swimming beach; within a natural area preserve; during the skiing season on any designated alpine ski site or cross country ski trail in which the track has been prepared, set, or groomed; or in any public building unless so posted.

(4) In any state park area, pets or domestic animals, except for assistance dogs for persons with disabilities, may be prohibited in areas where there could be conflict with domestic livestock or agricultural activities on adjacent land, for the protection of wildlife, sensitive natural systems, special cultural areas, or for other recreational or health and safety purposes, if approved by the director or designee and so posted.

(5) No person shall allow his/her pet or domestic animal to bite or in any way molest or annoy other park visitors. No person shall permit his/her pet or domestic animal to bark or otherwise disturb the peace and tranquillity of the park.

(6) Any person bringing a pet or domestic animal into a state park area shall dispose of animal feces in a plastic or paper sack. The sack shall then be deposited in a solid waste container.

(7) Pet off-leash areas may be approved and designated by the director or designee. Approved pet off-leash areas will be exempt from subsections (1), (2), and (3) of this section. Approved pet off-leash areas may be closed permanently or temporarily by the director or designee for the protection of wildlife, sensitive natural systems, and special cultural areas. Any park area designated for pets off-leash shall be conspicuously posted as such by the director or designee.

(8) ~~((Any violation of this section is an infraction under chapter 7.84 RCW.))~~ In designated roofed accommodations, pets are permitted and fees will be charged as published by state parks.

(9) This section shall not apply to the recreational use of horses, llamas, sled dogs, or similar animals as authorized by WAC 352-32-070.

(10) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-32-165 Public assemblies, meetings. (1) Public assemblies are permitted in state park areas on grounds which are open to the public generally, provided a permit therefore has been issued as herein provided.

(2) An application for such a permit may be submitted on such forms as may be provided by the commission, or in any written form so long as the permit application sets forth the following:

(a) Name, address and phone number of the applicant;

(b) Date, time, duration, nature and place of the proposed event, including a description or schedule of events and activities;

(c) Estimate of the number of persons expected to attend including the basis for the estimate;

(d) Special equipment, including temporary structures such as speakers' stands, platforms, lecterns, chairs, benches or the like, and any sound amplification equipment to be used in connection with the event;

(e) Special facilities, including emergency first aid, additional sanitation and refuse collection facilities, to be used in connection with the event;

(f) Crowd control to be provided by the event sponsor;

(g) Designation of a responsible contact individual with whom park officials may coordinate event activities, plans and preparations.

(3) The equipment and facilities referenced in subsection (2)(d) and (e), of this section, are to be provided by the event sponsor, unless other mutually satisfactory arrangements are made to use locally available commission owned equipment and facilities.

(4) The applicant must supply satisfactory evidence of arrangements for such equipment, facilities, and crowd control.

(5) If the agency determines it is necessary, the applicant must submit a completed environmental checklist along with the application. Upon request, the agency will assist the applicant in completing the environmental checklist and may request compensation in accordance with agency State Environmental Policy Act (SEPA) rules, chapter 352-11 WAC.

(6) Permit applications must be submitted at least sixty days in advance of the proposed event so that the information supplied in the application may be verified and so that the agency can notify and coordinate action with officials of other jurisdictions and agencies responsible for health, safety and welfare. The sixty-day time limit is also necessary in order to comply with SEPA review requirements to identify any potential environmental impacts and mitigation. This

requirement for an application to be filed sixty days prior to an event may be waived in rare circumstances where arrangements can be made in a shorter time while still complying with all other requirements of this section.

(7) The permit application must be submitted along with a nonrefundable permit fee as published by state parks to the Washington State Parks and Recreation Commission, (~~(7150 Cleanwater Drive,)~~) P.O. Box 42650, Olympia, Washington 98504-2650. The director, or designee, may issue a permit consistent with the application, or otherwise modified in a manner which is acceptable to the applicant. The following criteria will be evaluated in considering a permit application:

(a) The ability of the applicant to finance, plan and manage the activity in accordance with sanitation, safety, medical care, fire control, security, crowd, noise, and traffic control requirements, and consistent with the protection of park resources and image;

(b) The extent to which the proposed activity, in both nature and timing, threatens interference with customary usage of the park by members of the public or interferes with the convenience of park neighbors and the general public;

(c) The experience of the applicant in performing similar activities in the past;

(d) Measures undertaken to mitigate any changes in customary park usage or damage to park resources caused by the activity.

(8) Following an evaluation of the above listed criteria, the director or designee will issue a permit unless:

(a) The application does not adequately address the evaluation criteria; or

(b) A prior application for the same time and place has been made which has been or will be granted; or

(c) The event will present a clear and present danger to the public health or safety; or

(d) The event is of such nature or duration that it cannot reasonably be accommodated in the particular park area requested. In considering this, the director or designee shall take into account the potential for significant environmental impact.

(9) The director or designee will acknowledge receipt of the permit application within ten days. The acknowledgment will estimate the timeline for processing the application based on the complexity of the requested use. The director or designee shall make the final ruling on the permit application as soon as possible but no later than ten days prior to the proposed event. The granting of this permit does not exempt the applicant from complying with other state, county or local permit requirements nor does it excuse compliance with the State Environmental Policy Act, where applicable. A threshold determination will be made by the agency to determine potential environmental impact. Applicants should be aware that timelines may exist under the State Environmental Policy Act and implementing regulations which are independent of this permit requirement.

(10) All permit denials will be in writing, will contain a statement of the specific reasons for the denial, and will advise the applicants of the right to request judicial review of the denial as provided in subsection (12) of this section.

(11) A permit issued may contain such conditions as are reasonably consistent with protection and use of the park area

for the purposes for which it is maintained. It may also contain reasonable limitations on the time and area within which the event is permitted.

(a) The commission may require applicants to arrange for general liability insurance to cover participants, and the state of Washington will be named as an additional insured.

(b) The commission may require the filing of a bond with satisfactory surety payable to the state, to cover costs such as restoration, rehabilitation and cleanup of the area used, and other costs resulting from the permittee activity. In lieu of a bond, a permittee may elect to deposit cash equal to the amount of the required bond.

(12) Applicants whose permit application is denied may in writing request that the commission seek judicial review of the denial, in which event the commission shall timely seek a declaratory judgment pursuant to the Uniform Declaratory Judgment Act, chapter 7.24 RCW, and Superior Court Rule 57, in the superior court for Thurston County. Such requests shall be mailed, or otherwise delivered to the Director, Washington State Parks and Recreation Commission, (~~(7150 Cleanwater Drive,)~~) P.O. Box 42650, Olympia, Washington 98504-2650, within ten days from the date the application is denied.

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-32-210 Consumption of alcohol in state park areas. (1) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages in any state park or state park area is prohibited except in the following designated areas and under the following circumstances in those state parks or state park areas not posted by the director or designee as closed to alcohol pursuant to subsection (4) of this section:

(a) In designated campsites or in other overnight accommodations, by registered occupants or their guests; provided ELC users obtain written permission through state parks application process;

(b) In designated picnic areas, which shall include those sites within state park areas where picnic tables, benches, fireplaces, and/or outdoor kitchens are available, even though not signed as designated picnic areas and public meeting rooms;

(c) In any reservable group day use facility by any authorized group which has paid the reservation fee and applicable damage deposit and which has obtained prior permit authorization to have alcohol by the park manager; and

(d) In any building, facility or park area operated and maintained under a concession agreement, wherein the concessionaire has been licensed to sell alcoholic beverages by the Washington state liquor control board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

(2) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages is prohibited at the following locations:

(a) Dash Point State Park;

(b) Saltwater State Park;

(c) Sacajawea State Park;

(d) Flaming Geyser State Park:

Except in the following designated areas and under the following circumstances:

(i) In designated campsites, or in other overnight accommodations by registered occupants or their guests.

(ii) In any building, facility or park area operated and maintained under a concession agreement wherein the concessionaire has been licensed to sell alcoholic beverages by the Washington state liquor control board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

(iii) In any reservable group day use facility by any authorized group which has paid the reservation fee and applicable damage deposit and which has obtained prior permit authorization to have alcohol by the park manager.

(3) The director or designee may, for a specified period or periods of time, close any state park or state park area to alcohol if the director or designee concludes that an alcohol closure is necessary for the protection of the health, safety and welfare of the public, park visitors or staff, or park resources. The director or designee shall consider factors including but not limited to the effect or potential effect of alcohol on public and employee safety, park appearance, atmosphere, and noise levels, conflicts with other park uses or users, the demand for law enforcement, and the demand on agency staff. Prior to closing any park or park area to alcohol, the director or designee shall hold a public hearing in the general area of the park or park area to be closed to alcohol. Prior notice of the meeting shall be published in a newspaper of general circulation in the area. In the event the director or designee determines that an immediate alcohol closure is necessary to protect against an imminent and substantial threat to the health, safety and welfare of the public, park visitors or staff, or park resources, the director or designee may take emergency action to close a park or park area to alcohol without first complying with the publication and hearing requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director or designee to comply with the publication and hearing requirements of this subsection.

(4) The director or designee shall ensure that any park or park area closed to alcohol pursuant to subsection (3) of this section is conspicuously posted as such at the entrance to said park or park area. Additionally, the director or designee shall maintain for public distribution a current list of all parks and park areas closed to alcohol pursuant to subsection (3) of this section.

(5) Dispensing alcoholic beverages from containers larger than two gallons is prohibited in state park areas except when authorized in writing and in advance by the park manager.

(6) The provisions of this rule shall not apply to any part of the Seashore Conservation Area, as designated and established by RCW 79A.05.605.

(7) Opening, consuming, or storing alcoholic beverages in Fort Simcoe State Park and Squaxin Island State Park is prohibited.

(8) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-32-250 Standard fees charged. Fees shall be charged in parks operated by the commission for use of lands, facilities, programs, services, and materials as published by state parks: Provided, however, That the commission may suspend any or all of these fees if revenues generated by the fees are not returned to the benefit of the parks: Provided further, That the director or designee has the authority to discount fees in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time up to one year in duration. The director or designee may consider the following factors in temporarily establishing or discounting fees:

Prevailing rates for comparable facilities;

Day of the week;

Season of the year;

Amenities of the park area and site;

Demand for facilities;

Low-income eligibility requirements as adopted by state parks; and

Such other considerations as the director or designee deems appropriate. The director or designee shall prescribe the specific details and manner in which fees shall be applied. The director or designee may also waive fees for marketing or promotional purposes or to redress visitor complaints. The director or designee may also establish temporary fees for a maximum of one year for new facilities or services. An administrative fee, as published by state parks, will be assessed for replacement of lost, damaged, or destroyed passes or permits.

(1) The director or designee may authorize reciprocity or cooperative arrangements with other state and/or federal agencies for the use of annual permits for like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit or other permit as approved by the director or designee.

(2) Overnight camping - standard campsite; utility campsite; emergency campsite; overflow campsite; hiker/biker campsite; walk-in campsite; primitive campsite for nonmotorized for motorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger.

(3) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee and providing the required information on the occupants of the other sites. The multiple campsite fee will be calculated by multiplying the standard, utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite.

(4) Group camping area - certain parks: Individual camping units using these facilities must pay campsite fees as published by state parks.

(5) Convenience camping - fees will be charged for use of overnight accommodations such as yurts, cabins, platform tents, etc.

(6) Conference center facilities - fees will be charged for use of facilities and services as set forth in the fee schedule published by state parks and will include, but not be limited to: Overnight accommodations in individual recreational housing units or dormitory units; use of meeting rooms, performance venues and rally areas; linen and janitorial services; group food services; and use of equipment, supplies, and staff time necessary to support group activities. Certain deposits, reservation and cancellation fees also apply as set forth in the fee schedule published by state parks and may not be refundable.

(7) Environmental interpretation:

(a) Service fees will be established by the director or designee in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director or designee. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 79A.05.060.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee schedule is available by contacting Washington State Parks and Recreation Commission, ((7150 Cleanwater Drive,)) P.O. Box 42650, Olympia, WA 98504-2650.

(8) Adirondacks - not to include those located in ELC areas: Occupancy shall be limited to the number of built-in bunks provided.

(9) Extra vehicle overnight parking fee will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: Provided, An extra vehicle overnight parking fee shall not be imposed when:

(a) Up to four motorcycles occupy one campsite, exclusive of other vehicles or recreation vehicles; or

(b) When the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay.

(10) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle.

(11) Watercraft launch permit fee shall be charged at designated facilities. Watercraft launch permit shall not be required for:

(a) Registered overnight guests in the park containing the watercraft launch;

(b) Persons holding limited-income senior citizen, disability or disabled veteran passes;

(c) Vehicles displaying a valid annual natural investment permit (watercraft launch) permit.

(12) Trailer dump station fee - fee shall not be required for:

(a) Registered camping vehicles in the park containing the dump station;

(b) Vehicles of persons holding limited-income senior citizen, disability or disabled veterans passes;

(c) Vehicles displaying a valid annual natural investment permit.

(13) Variable pricing - variable prices will apply for use of campsites and/or facilities during such periods as the director or designee may specify.

(14) Popular destination park - a surcharge will apply for use of standard or utility campsites located in a popular destination park during such periods as the director may specify.

(15) Water trail site fees - for one day/night will be set by the commission.

(16) In addition to the regular fee, a surcharge may be imposed for failure to pay the self-registration fee.

(17) Group day use facilities - a minimum daily permit fee will be charged for groups of 20 or more.

(18) Reservation transaction - fees will be charged as published by state parks and are not refundable.

(19) Moorage facilities - fee will be charged as published by state parks.

(20) Hot showers, electric stoves - fees will be charged as published by state parks. Fees published by state parks do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

(21) Film permits and site location fees will be charged as outlined in chapter 352-74 WAC.

(22) Off-season pass fees will be charged as published by state parks.

(23) Administrative fees will be charged as published by state parks for the replacement of lost, stolen or destroyed passes and permits.

(24) Commercial recreation provider permit registration - a fee shall be charged, as published by state parks for registration as a commercial recreation provider.

(25) Commercial recreation provider permit - a fee shall be charged, as published by state parks for obtaining a permit to engage in commercial recreational use of state parks, as defined in WAC 352-32-010.

(26) Sno-park permit - seasonal and daily permit fees will be charged as published by state parks.

(27) Special groomed trail permit - a statewide special groomed trail permit will be required for use of special groomed trail areas. The fee charged will be as published by state parks.

(28) Wood debris collection permit - fee will be charged for collection and removal of wood debris from a state park area pursuant to RCW 4.24.210. The fee may be waived for volunteers assisting with emergency salvage and storm cleanup in the parks.

(29) Merchandise - prices for merchandise including but not limited to interpretive, recreational and historic materials, literature, food, beverage, grocery and other items at agency operated sales points will be based on market rates and practices.

(30) Back country camping permit - fee will be charged as published by state parks for selected state park areas as designated by the director.

(31) Group use registration - fee will be charged for groups of a size to be specified in the fee schedule on a park by park basis who have not otherwise reserved group facilities.

(32) Special event - fees will be charged based on the cost of providing events and market rates for comparable activities at other locations.

(33) Public assembly - permit fees based on costs as indicated in WAC 352-32-165.

(34) Aquatic and other state park facilities - fees will be charged as published by state parks.

(35) Checks dishonored by nonacceptance or nonpayment (NSF checks) - handling fee and interest:

(a) A handling fee may be assessed consistent with the maximum amount allowed in the office of state procurement, department of general administration's state contract and as published by state parks for checks as defined by chapter 62A.3-104 RCW, dishonored by nonacceptance or nonpayment.

(b) Interest at the maximum rate allowable may be charged on the NSF check as defined by chapter 62A.3-515 RCW, and as published by state parks for a check not paid within fifteen days after a statutory notice of dishonor is sent to maker's last known address.

(36) Fees subject to certificate of participation (COP) and as determined by the commission.

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-32-251 Limited income senior citizen, disability, and disabled veteran passes. (1)(a) Persons who are senior citizens, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission accompanied by either a copy of a federal income tax return filed for the previous calendar year, or a senior citizen property tax exemption pursuant to RCW 84.36.381, or a notarized affidavit of income on a form provided by the commission, receive a limited income senior citizen pass at no charge, which entitles the holder's camping party to free use of trailer dump stations, watercraft launch sites, and to a 50 percent reduction in the campsite fee, or moorage fee as published by state parks. Limited income senior citizen passes shall remain valid so long as the pass holder meets eligibility requirements.

(b) Proof submitted to the commission for the return of a senior citizen pass surrendered upon request to a commission employee who has reason to believe the user does not meet the eligibility criteria shall be the same as listed in subsections (1) and (5) of this section for original pass issuance.

(2) Persons who are:

(a) Permanently disabled, legally blind, or profoundly deaf, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission, receive a five year disability pass at no charge;

(b) Temporarily disabled and who meet the eligibility requirements of RCW 79A.05.065 and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission, receive a one year disability pass at no charge; and

(c) Residents of Washington who have been issued a card, decal (placard) or special license plate for a permanent

disability under RCW 46.16.381 shall be entitled, along with the members of their camping party to free use of trailer dump stations, watercraft launch sites, and to a 50 percent reduction in the campsite fee, or moorage fee as published by state parks.

(3) Persons who are veterans, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission, receive a lifetime disabled veteran pass at no charge. Pass holders must provide proof of continued residency as determined by the director or designee. The pass entitles the holder's camping party to free use of a state park campsite, trailer dump station, watercraft launch site, moorage facility, and reservation service.

(4) Applications for limited income senior citizen, disability, and disabled veteran passes shall be made on forms prescribed by the commission.

(5) Verification of age shall be by original or copy of a birth certificate, notarized affidavit of age, witnessed statement of age, baptismal certificate, or driver's license. Verification of residency shall be by original or copy of a Washington state driver's license, voter's registration card, or senior citizen property tax exemption.

(6) Pass holders must be present and show their valid pass and identification upon registration or when requested by any commission employee or representative.

(7) Pass holders that violate or abuse the privileges of their pass, as listed below, may be subject to suspension of their pass and assessed other fees.

(a) Duplicate or multiple reservations for the same night - thirty-day suspension.

(b) Use of pass by unauthorized person - sixty-day suspension and/or a fee equal to two times the campsite fee.

(c) Two or more no-shows (failure to use or cancel reservation) for reservations between May 1 and November 1 - ninety-day suspension.

(d) Repeated park rule violations - minimum ninety-day suspension.

The pass will be confiscated by the ranger on duty or their designee and sent to the Olympia headquarters office. At the end of the suspension the pass will be returned to the authorized pass holder at no cost.

(8) Pass holders may appeal a suspension of their pass by providing written justification/explanation to the state parks director or designee at ((7150 Cleanwater Drive,)) P.O. Box 42650, Olympia, WA 98504.

(9) Pass holder discounts shall apply only to those fees listed in subsections (1), (2), and (3) of this section. Pass holder discounts will not apply to all other fees as published by state parks, including but not limited to, extra vehicles, vacation housing, yurts, and cabins.

(10) If the conditions of a pass holder change or the pass holder changes residency to a place outside Washington state during the time period when a pass is valid such that a pass holder no longer meets the eligibility requirements of RCW 79A.05.065 and WAC 352-32-251, the pass becomes invalid, and the pass holder shall return the pass to the commission or surrender the pass to a state park representative.

(11) Any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 352-32-253 Foster parent program. (1) Any Washington state resident who provides out-of-home care to a child as either a current licensed foster family home or a person related to the child is entitled to free camping. To use a campsite, the qualified resident shall:

(a) If the park is subject to the state parks reservation system, foster parents will make reservations through the reservation services call center, pay the reservation fee, and show their DSHS ID card along with photo ID upon arrival at the park(s).

(b) For nonreservation parks, the foster parents upon arrival at the park will show their DSHS ID card along with photo ID.

(c) Foster parents and those related to the child are allowed free access and usage of campsites at the following parks that are not state parks operated: Central Ferry, Chief Timothy, Crow Butte and Lyons Ferry. Foster parents must within ten days, forward to state parks a copy of the receipt for camping whenever they camp in one of the listed parks.

(2) The foster parent or relative to the child and the child must be present for the duration of the stay.

(3) Violations or abuse of these privileges, including but not limited to the list below, may be subject to revocation, suspension of their privileges and/or assessed other fees.

(a) Duplicate or multiple reservations for the same night - thirty-day suspension.

(b) Use of privileges by unauthorized person - sixty-day suspension and/or a fee equal to two times the campsite fee.

(c) Two or more no-shows (failure to use or cancel reservation) for reservations between May 1 and November 1 - ninety-day suspension.

(d) Repeated park rule violations - minimum ninety day suspension.

(4) Foster parents may appeal a suspension or revocation of privileges by providing written justification/explanation to the state parks director or designee at P.O. Box 42650, Olympia, WA 98504.

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

WAC 352-32-285 Applicability of standard fees to volunteers in parks. The fees published by state parks pursuant to RCW 79A.05.070(6) shall not apply whenever any individual, group, organization, association, or agency shall volunteer to perform personal services in lieu of standard fees if the following conditions are met:

(1) The park manager has determined that the personal service is desirable;

(2) The service performed does not replace or supplant that which would otherwise be performed by parks employees or contractors;

(3) The service performed is not one commonly performed by members of an organized trade union;

(4) The service performed does not result in any type of development which will necessarily create future operating costs to the commission;

(5) The volunteer shall perform personal services under the following provisions.

(a) At least four hours of service are provided per day; alternatively

(b) At least twenty-eight hours of service are provided per seven-day week, spread over at least five days.

(c) If more than four hours, but less than twenty-eight hours of volunteer service are provided during a seven-day week, a prorated waiver of fees equivalent to (b) of this subsection may be offered by the park manager.

(d) Volunteer time accumulated may not be carried forward for credit in subsequent weeks.

(e) The waiver of standard fees shall apply only at the park where such personal services were performed (~~unless volunteer is participating in volunteer passport program~~).

The limit placed on any camper by WAC 352-32-030(7) shall not apply to persons qualifying under this section. Continuous occupancy of facilities by the same person or persons qualifying under this section shall be limited to thirty consecutive nights, unless otherwise approved by the director or designee.

This section does not expand or limit the provisions of RCW 79A.05.140 through 79A.05.155.

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-32-300 Easement, franchise, license, and special use permit applications and fees. (1) A party that desires to have a request for an easement, franchise, license, or special use permit considered by the commission shall submit an application on a form provided by the director to the:

Washington State Parks and
Recreation Commission
(~~7150 Cleanwater Drive~~)
P.O. Box 42650
Olympia, WA 98504-2650

Each application from a party other than a government agency shall be accompanied by a nonrefundable application fee according to a schedule adopted by the commission.

A party shall pay the commission processing and use fees as apply according to a schedule adopted by the commission.

A party shall pay the commission for any appraisal, appraisal review, and survey costs incurred by the commission during the consideration of an application for an easement, franchise, license, or special use permit. The amount of any appraisal, appraisal review, and survey costs shall be determined by the director or designee.

An application fee and any processing fees, use fees, and appraisal, appraisal review, and survey payments shall be submitted to the commission at the address listed above and shall be in the form of a check or money order payable to the commission.

(2) The application fee, processing fee, use fee, and the appraisal, appraisal review, and survey payments established by subsection (1) of this section may be waived by the director or designee when the director or designee determines that the action authorized by an easement, franchise, license, or special use permit will be of benefit to the general public, if approved by the commission.

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-32-340 Approval of community-based park improvements—Policies. The director or designee((s)) shall approve or disapprove all permits for community-based park improvements. Specific policies concerning community-based park improvements are available upon request.

A community-based park improvement is a construction project, proposed to be accomplished by individuals, groups, churches, charities, organizations, agencies, clubs, or associations using donated labor and/or materials, that results in a permanent change to state park lands or structures, or that creates an additional structure on state park lands.

AMENDATORY SECTION (Amending Order 82, filed 10/2/84)

WAC 352-74-010 Purpose. This chapter is promulgated in order to establish procedures for the issuance of permits for filming within state parks.

The agency permits commercial filming and still photography when it is consistent with the park's mission and will not harm the resource or interfere with the visitor experience.

All commercial filming activities taking place within a park require a permit. Commercial filming includes capturing a moving image on film and video as well as sound recordings.

AMENDATORY SECTION (Amending WSR 94-23-010, filed 11/3/94, effective 1/1/95)

WAC 352-74-020 Definitions. When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(1) "Applicant" shall mean((s)) an individual or organization who submits an application to the director to film within state parks for other than personal or news purposes.

(2) "Commission" shall mean((s)) the Washington state parks and recreation commission.

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

(4) "Film and filming" shall mean ~~((still and movie camera filming and video taping))~~ capturing a movie image magnetically or digitally and "still photography" means capturing a single, nonmovie image with film or magnetic or digital media.

(5) "Film maker" shall mean((s)) an applicant who has received approval to film within state parks through the issuance of a filming permit by the director or ~~((the))~~ designee ~~((of the director)).~~

ance of a filming permit by the director or ~~((the))~~ designee ~~((of the director)).~~

AMENDATORY SECTION (Amending Order 103, filed 3/18/88, effective 5/15/88)

WAC 352-74-030 Filming within state parks. The commission recognizes the desire of individuals and organizations to film within the state parks. Individuals and organizations may film within state parks in a manner which is not disruptive to park users or resources when the filming is for personal or news purposes. Individuals and organizations that desire to film within state parks for other than personal or news purposes may do so only in accordance with the film permit requirements of this chapter and subject to the discretion of the commission as otherwise set forth herein.

Filming for strictly educational purposes may have some or all of the applicable fees waived.

AMENDATORY SECTION (Amending WSR 94-23-010, filed 11/3/94, effective 1/1/95)

WAC 352-74-040 Film permit application. Persons or organizations that desire to film within a state park for other than personal or news purposes shall submit a completed film permit application with the appropriate fees to the appropriate location:

~~((Director
Washington State Parks and
Recreation Commission
7150 Cleanwater Lane
P.O. Box 42650
Olympia, WA 98504-2650))~~

Eastern Region
270 9th Street N.E.
Suite 200
East Wenatchee, WA 98802

Fort Worden State Park
200 Battery Way
Port Townsend, WA 98368

Northwest Region
220 N. Walnut Street
Burlington, WA 98233

Puget Sound Region
2840 Riverwalk Drive S.E.
Auburn, WA 98002-8207

Southwest Region
11838 Tilley Road S.
Olympia, WA 98512-9167

AMENDATORY SECTION (Amending WSR 95-22-067, filed 10/30/95, effective 1/1/96)

WAC 352-74-045 Filming fees. (1) Permit application fee - each application shall be accompanied by the appropriate application fee, based on the amount of time between the date of application and the date of facility use, which shall be in the form of a check or money order payable to the Washington state parks and recreation commission.

(2) Site location fee - prior to commencing filming activities or otherwise as specified by the director or ~~((the director's))~~ designee, each applicant shall pay an additional site location fee, set by the director or ~~((the director's))~~ designee

based on the magnitude and duration of the impact on park resources and normal public use, the uniqueness of the site, and such other considerations as the director or ~~((director's))~~ designee deem appropriate.

(3) Previous filming which is later commercially merchandised will be subject to the same rules and provisions as new projects described herein.

AMENDATORY SECTION (Amending Order 82, filed 10/2/84)

WAC 352-74-050 Approval or disapproval of film permit application. The director or ~~((the))~~ designee ~~((of the director))~~ shall approve or disapprove a film permit application and establish the filming locations, time periods, and conditions for an approved application.

The director or ~~((the))~~ designee ~~((of the director))~~ may require an approved applicant to submit the following to the commission prior to the issuance of a film permit:

(1) Fees payable to the Washington state parks and recreation commission in the form of a check or money order in an amount, as determined by the director or ~~((the))~~ designee ~~((of the director))~~, which covers the charges for the facilities to be used by a film maker and any staff costs to be incurred by the commission due to the filming that are beyond the regular responsibilities of the staff of the commission;

(2) A bond or damage deposit payable to the Washington state parks and recreation commission in an amount, as determined by the director or ~~((the))~~ designee ~~((of the director))~~, which is sufficient to cover any damages to park resources or facilities which may occur during the filming; and

(3) Certification that an approved applicant has liability insurance in an amount, as determined by the director or ~~((the))~~ designee ~~((of the director))~~, which is sufficient to cover any liability costs associated with the actions of a film maker during filming.

AMENDATORY SECTION (Amending WSR 94-23-010, filed 11/3/94, effective 1/1/95)

WAC 352-74-060 Issuance and revocation of film permit. The director or designee ~~((of the director))~~, shall issue a film permit to an approved applicant after the applicant has submitted ~~((to the director))~~ any fees, bond, damage deposit, and insurance certification established pursuant to WAC 352-74-050 and has demonstrated in its application or otherwise to the satisfaction of the director that filming:

- (1) Is compatible with the activities of park visitors;
- (2) Will not damage facilities or resources, or interfere with park operations;
- (3) Will not disrupt wildlife;
- (4) Will not imply the endorsement of the commission for the content of the film;
- (5) Will acknowledge the cooperation of the commission;
- (6) Is not inconsistent in the judgment of the director with the purposes for, or conditions on which, the property where the filming is to take place was acquired; and
- (7) Will conform with all of the applicable statutes, rules, policies, and procedures of the commission, and the instructions of the commission staff who supervise the filming.

If a film maker does not comply with all of the applicable statutes, rules, policies, and procedures of the commission, the conditions upon which the permit was granted, and the instructions of the commission staff who supervise the filming, then the director or designee ~~((of the director))~~ shall revoke the film permit.

AMENDATORY SECTION (Amending WSR 94-23-010, filed 11/3/94, effective 1/1/95)

WAC 352-74-070 Additional fees and release of bond or damage deposit. After completion of filming the director or ~~((the))~~ designee ~~((of the director))~~ shall determine if any additional fees are to be assessed a film maker and whether or not any bond or damage deposit submitted ~~((to the director))~~ by a film maker may be released.

If the director or ~~((the))~~ designee ~~((of the director))~~ determines that no additional fees are to be assessed and that a bond or damage deposit is to be released, then a bond or damage deposit shall be returned to a film maker.

If the director or ~~((the))~~ designee ~~((of the director))~~ determines that additional fees are to be assessed or that a bond or damage deposit is not to be released, then the film maker shall be so informed.

If a film maker pays additional fees in the form of a check or money order payable to the Washington state parks and recreation commission which is submitted to the director within thirty days of receipt of the notice to pay the fees, then the director or ~~((the))~~ designee ~~((of the director))~~ shall return a bond or damage deposit to a film maker.

If a film maker does not pay additional fees within the time period and in accordance with the procedures set forth above, then the director or designee ~~((of the director))~~ shall exercise the rights of the commission under a bond or damage deposit to pay the additional fees and so inform a film maker or exercise any such other legal rights as may be available.

WSR 08-20-061

PROPOSED RULES

BENTON CLEAN AIR AGENCY

[Filed September 24, 2008, 2:37 p.m.]

Original Notice.

Title of Rule and Other Identifying Information: Regulation 1 Article 10, the changes are proposed revisions to the fee schedule adopted in CY2000. The current fee schedules have not been updated since adoption in 2000. The Benton Clean Air Agency (BCAA) is seeking program cost recovery.

Hearing Location(s): 526 South Clodfelter Road, Kennewick, WA 99336, on November 20, 2008, at 5:00 p.m.

Date of Intended Adoption: November 20, 2008.

Submit Written Comments to: Terry Flores, 526 South Clodfelter Road, Kennewick, WA 99336, e-mail tflo@bcaa.net, fax (509) 783-6562, by September 22, 2008.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The changes are proposed revisions to the fee schedule adopted in CY2000. The current fee schedules have not been updated since adoption in 2000. The BCAA is seeking program cost recovery.

Reasons Supporting Proposal: The current fee schedules have not been updated since adoption in 2000. The BCAA is seeking cost recovery for program services.

Statutory Authority for Adoption: Chapter 70.94 RCW.
Statute Being Implemented: Chapter 70.94 RCW.

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

Name of Proponent: Benton Clean Air Agency, governmental.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required under chapter 70.94 RCW.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply.

September 22, 2008

Terry Flores

Administrative Assistant III

ARTICLE 10 Fees and Charges

ADOPTED: 17-Feb-2005

EFFECTIVE: 9-Apr-2005

Section 1.01 Fees and Charges Required

A. Unless otherwise provided, any fee assessed by the BCAA shall be paid within thirty (30) days of assessment. Failure to pay a fee may result in the commencement of a formal enforcement action.

B. Upon approval by the Board as part of the annual budget process, fees may be increased annually by at least the fiscal growth factor as determined by the Washington State Office of Financial Management.

Section 1.02 Fees Otherwise Provided

All fees and charges provided for in this Article shall be in addition to fees otherwise provided for or required to be paid by Regulation 1, provided the Control Officer shall waive payment of any fee or service charge hereby required if such fee duplicates a fee charged or required to be paid by another Article of Regulation 1.

Section 1.03 Fee Waiver, Indigence

Except for fees required under Section 10.09, the Control Officer shall waive payment of all or a portion of any fee or service charge required by this Article to be paid upon a showing deemed sufficient by the Control Officer that the permit or service requested is necessary and payment of the fee would cause hardship upon the applicant. An applicant may apply for a fee waiver by filing a Fee Waiver due to Indigence Request Form supplied by the BCAA.

Section 1.04 General Administrative Fees

A. Administrative fees shall be due and payable at the time service is rendered, unless otherwise specified by BCAA.

1. A fee of fifteen cents (\$0.15) per page shall be charged for photocopies.

2. A fee of twenty dollars (\$20.00) per hour shall be charged for research time for requests covering more than one-hour of staff time.

3. A fee of ten dollars (\$10.00) shall be charged per copy of audio or video materials.

4. The actual cost of postage or shipping shall be charged for all material requested to be mailed.

B. For other administrative services requested and performed by BCAA staff persons that are not provided to the public generally, the Control Officer shall determine such charge as reasonably reimburses the BCAA for time and materials expended in providing the service.

C. A fifty dollar (\$50.00) fee will be assessed for any check written to the BCAA returned due to non-sufficient funds.

Section 1.05 Registered Source Fees

A. The BCAA shall charge an annual registration fee pursuant to RCW 70.94.151 for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the registration program. The Board shall review the registration program on an annual basis.

B. All air contaminant sources required by Section 9.04 or 9.05 to be registered are subject to the following fees:

1. Class 1 and Class 1 Toxic sources shall pay an annual registration fee of:

a. A base fee of ~~three~~ hundred fifty dollars (~~\$325~~00);

b. ~~Fifty Ten~~ dollars (~~\$54~~0.00) per ton of criteria pollutant emitted;

c. One hundred fifty dollars (~~\$150~~0.00) per ton or prorated on fraction of a ton of toxic air pollutant emitted; and

d. ~~Fifty~~ teen (~~\$50~~5.00) dollars per emission process unit or emission point.

2. Class 2 and ~~Class 2 Toxic, and Synthetic Minor~~ sources shall pay an annual registration fee of:

a. A base fee of seven ~~six~~ hundred fifty dollars (~~\$756~~00);

b. Fifty dollars (\$50.00) per ton of criteria pollutant emitted;

c. One hundred fifty dollars (\$150.00) per ton or prorated on fraction of a ton of toxic air pollutant emitted; and

b. ~~Ten dollars (\$10.00) per ton of criteria pollutant emitted;~~

e. ~~One hundred dollars (\$100.00) per ton of toxic air pollutant emitted; and~~

d. ~~Fifteen (\$15.00) dollars per emission point. Fifty (\$50.00) dollars per emission process unit or emission point~~

3. Synthetic Minor sources shall pay an annual registration fee of:

a. A base fee of fifteen hundred dollars (\$1500.00);

b. Fifty dollars (\$50.00) per ton of criteria pollutant emitted;

c. One hundred fifty dollars (\$150.00) per ton or prorated on fraction of a ton of toxic air pollutant emitted; and

d. Fifty (\$50.00) dollars per emission process unit or emission point

~~3-4.~~ Gasoline facilities shall pay an annual registration fee of:

a. Gasoline Loading Terminals: two ~~two~~ thousand dollars (~~\$24,000.00~~) plus fifty ~~ten~~ dollars (~~\$54~~0.00) per ton of pollutant emitted;

b. Bulk Gasoline Plants: ~~eight four~~ hundred dollars (\$~~8400.00~~) plus ~~fifty ten~~ dollars (\$~~5+0.00~~) per ton of pollutant emitted; and

c. Gasoline Dispensing Facilities:

~~i. Fee is determined by multiplying current annual gasoline throughput (greater than 400,000) in gallons times \$0.0005 per gallon.~~

~~ii. Fee for stations with annual throughput less than 400,000 gallons shall be two hundred dollars (\$200.00).~~

~~i. Throughput of less than five hundred thousand (500,000) gallons/yr, the fee shall be one hundred fifty dollars (\$150.00);~~

~~ii. Throughput of five hundred thousand (500,000) gallons/yr, but less than 1.5 million gallons/yr, the fee shall be four hundred fifty dollars (\$450.00); and~~

~~iii. Throughput greater than 1.5 million gallons/yr, the fee shall be \$900.00.~~

~~d. Once classified, a gasoline dispensing facility shall remain in a higher throughput classification for a period of two (2) consecutive years before reassignment to a lower classification.~~

C. Fee Payment

1. Fee Payment. The annual registration fee shall be due and payable on February 28 of each year, unless otherwise specified in writing to the source by the BCAA.

2. Late Payment of Fees. A late fee shall be charged to a source for late payment of all or part of its annual registration fee at the following rates:

a. Ten percent (10%) of the annual registration fee for payment received up to the thirtieth (30th) day past the due date;

b. Fifteen percent (15%) of the annual registration fee for payment received between the thirty-first (31st) day and the sixtieth (60th) day past the due date; and

c. Twenty-five percent (25%) of the annual registration fee for payment received between the sixty-first day (61st) and the ninetieth (90th) day past the due date.

d. Failure to pay all or part of an annual registration fee after the ninety-first (91st) day past the due date may result in the commencement of a formal enforcement action.

3. Transfer in Ownership. Transfer in ownership of a source shall not affect that source's obligation to pay registration fees. Any liability for fee payment, including payment of late payment and other penalties shall survive any transfer in ownership of a source.

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

Section 1.06 Fees for Application for Notice of Construction (NOC) and Application for Notice of Intent to Install and Operate a Temporary Source (NIO)

A. NOC or NIO Application Filing Fee. An application filing fee shall be due and payable at the time of filing the NOC or NIO application. The filing fee is non-refundable.

1. Permanent stationary source. The filing fee shall be ~~four one~~ hundred ~~forty~~ dollars (\$~~41050.00~~)

2. Temporary or portable source. The filing fee shall be ~~five~~ hundred dollars (\$~~5400.00~~).

3. Relocation of a temporary or portable or source. The filing fee shall be two hundred ~~fifty~~ dollars (\$~~2500.00~~) and shall be charged each time the source relocates within the boundaries of Benton County.

B. NOC or NIO Engineering Examination and Inspection Fee.

1. An examination and inspection fee shall be charged according to Table 10-1. The engineering and inspection fee shall be due and payable at the time of filing the NOC or NIO, unless otherwise specified to the applicant by the BCAA.

2. Emergency application or expedited review fee shall be two (2) times the normal application and review fee.

C. Additional Fees

~~C.~~ Additional fees may be charged according to Table 10-2. Table 10-2 fees are cumulative. The additional fees shall be due and payable at the time of filing the NOC or NIO, unless otherwise specified to the applicant by the BCAA.

1. Fee amounts in Table 10-1 and 10-2 listed as "Actual" are based upon the BCAA's actual cost to complete a review or task and shall be determined using the actual or direct hours expended completing the specific review or task,

and the corresponding hourly rate of each BCAA staff person directly involved. If the staff time required to review a permit application exceeds the listed amounts associated with the applicable review fee specified in Table 10-1 and 10-2, the applicant will be invoiced for each additional work hour at the current engineering charge rate in dollars per hour.

The following provisions shall apply:

1. Actual hours used in determining the amount of a fee shall be recorded on a daily basis by each BCAA staff person directly involved in completing the specific task;

2. Time accrued shall be accounted to the nearest fifteen (15) minutes;

3. Current BCAA staff person salary and overhead rates shall be used when calculating fees; and,

1. The bill issued for any fee based on the BCAA's actual cost shall indicate the total hours expended and the hourly cost rates that were used to determine the fee.

~~E. 2.~~ If an NOC or NIO applicability determination fee is received by the BCAA and an NOC or NIO is determined not to be required, the Engineering Examination and Inspection Fee shall be the actual time expended at the current engineering charge rate in dollars per hour waived.

~~E. D.~~ Any NOC or NIO application received by the BCAA without the accompanying fee shall be rejected and returned to sender. Such action shall not constitute a determination of completeness or incompleteness as per WAC 173-400-110.

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

Section 1.07 State Environmental Policy Act (SEPA) Fees

A. Where review of an Environmental Impact Statement (EIS), Environmental Checklist, or an addendum to, or adoption of, an existing environmental document pursuant to WAC 197-11 is required, in association with an NOC or a NIO, the applicant shall pay a review fee of the greater of:

1. One-hundred ~~thirty~~ fifty dollars (\$~~130~~150.00), due and payable at the time of submittal; or

2. Actual costs to complete the review or task and shall be determined using the actual or direct hours expended completing the specific review and the corresponding hourly rate of each BCAA staff person directly involved. Actual costs shall be billed by the BCAA to the owner, operator, or applicant after a threshold determination has been made and/or a preliminary determination has been issued

B. Additional fees may be charged according to Table 10-2. Table 10-2 fees are cumulative. The additional fees

shall be due and payable at the time of filing, unless otherwise specified to the applicant by the BCAA.

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

Section 1.08 Asbestos Fees

A. Any fee required under Table 10-3 for asbestos projects shall be due and payable at the time of filing, unless otherwise specified to the applicant by the BCAA.

B. Failure to pay all or part of the fee may result in the commencement of a formal enforcement action.

Table 10-1: NOC or NIO Engineering Examination and Inspection Fees

CATEGORY	FEE	CATEGORY	FEE
Fuel Burning Equipment with or without Air Pollution Equipment (million BTU/hr)		Gasoline Dispensing Facilities	
5 or less	\$500 <u>200</u>	Stage I	\$300
Greater than 5 to 10	\$600 <u>250</u>	Stage II	\$300
Greater than 10 to 30	\$7350	Stage I and II Combined	\$500
Greater than 30 to 50	\$900 <u>450</u>	Toxics review for gasoline facility	\$1,500
Greater than 50 to 100	\$1,200 <u>650</u>	Spray Painting (per booth)	\$300
Greater than 100 to 250	\$2,500	Dry Cleaner (per machine)	\$300
	1,400	Coffee Roaster	\$500
Greater than 250 to 500	\$4,000	Asphalt Plant, Cement Plant, or Rock	\$21,000
	2,500	Crushing Plant (Non-Temporary)	
Greater than 500	\$6,000	Particulate matter and fugitive emissions from rock crush-	
	3,500	ing, material transfer and ship loading (Emissions - tons	
Fuel change or new fuel	1/2 new installation fee	per year):	
		Less than or equal to 10	\$ 600.00
Process Equipment, Air Pollution Control Device, and/or Uncontrolled Process Discharge (ft³/min)		Greater than 10 to 50	\$1,000.00
50 or less	\$6300	Greater than 50 to 100	\$1,500.00
Greater than 50 to 5,000	\$7400	Greater than 100 to 250	\$2,500.00
Greater than 5,000 to 20,000	\$8500	Greater than 250	\$6,000.00
Greater than 20,000 to 50,000	\$9600	Diesel engine generators/pumps (Aggregate horsepower rating):	
Greater than 50,000 to 100,000	\$95700	Less than or equal to 100	\$ 600.00
Greater than 100,000 to 250,000	\$1,000	Greater than 100 to 500	\$700.00
Greater than 250,000 to 500,000	\$2,000	Greater than 500 to 2,000	\$1,000.00
Greater than 500,000	\$4,000	Greater than 2,000 to 5,000	\$1,500.00
Refuse Burning Equip (tons/day)		Greater than 5,000 to 10,000	\$3,000.00
0.5 or less	\$700 <u>1,000</u>	Greater than 10,000	\$6,000.00
Greater than 0.5 to 5	\$800	Soil Thermal Desorption Unit	
Greater than 5 to 12	\$12,000	Initial	\$32,000
Greater than 12 to 250	\$36,000	Relocation of Unit	\$1,0700
Greater than 50 to 250	\$6,000	Odor Source	\$500 <u>350</u>
Greater than 250	\$12,000	Composting Facility	Actual
Other Incinerators (pounds/hr)		Landfill Gas System	Actual
100 or less	\$300 <u>450</u>	Soil and Groundwater Remediation	Actual
Greater than 100 to 200	\$6300		

CATEGORY	FEE	CATEGORY	FEE
Greater than 200 to 500	\$1,2600	<u>Review of projects under RCW 70.105D.-090</u>	<u>Actual</u>
Greater than 500 to 1000	\$24,4200	<u>Review of Ecology "Agreed Orders" and "Consent Orders" pursuant to RCW 70.105D.-090(1)</u>	<u>Actual</u>
Greater than 1000	\$3,04,500	All other sources not listed greater of \$10500 or Actual	
Storage Tanks (gal)			
10,000 or less	\$6300		
Greater than 10,000 to 40,000	\$10500		
Greater than 40,000 to 100,000	\$1,5000		
<u>Greater than 100,000</u>	<u>\$2000</u>		
<u>Gasoline Dispensing Facilities</u>			
<u>Stage I</u>	<u>\$500</u>		
<u>Stage II</u>	<u>\$600</u>		
<u>Stage I and II Combined</u>	<u>\$700</u>		
<u>Toxics review for gasoline facility</u>	<u>\$1,500</u>		
<u>Removal of Stage II</u>	<u>\$600</u>		
<u>Spray Painting (per booth)</u>	<u>\$500</u>		
<u>Dry Cleaner (per machine)</u>	<u>\$600</u>		
<u>Coffee Roaster</u>	<u>\$700</u>		

Table 10-2: Additional Fees

CATEGORY	FEE	CATEGORY	FEE
Public Noticing	Actual	Variance Request	Actual
Publishing of Public Notices	Actual	Alternative Opacity Limits Review	Actual
Public Hearings	Actual	Inspection of Source that began Construction/Operation without Approval/Permit	greater of \$10500 or Actual
Air Toxics Screening as per WAC 173-460		Synthetic Minor Determination	Actual
Review of source supplied ASIL	\$300	Major Source, Major Modification, or PSD Thresholds	Actual
Review of source supplied risk analysis	\$1000	Emission Units <u>S</u>subject to NSPS or NESHAP (<u>E</u>xcept residential woodstoves, heaters, woodstoves, heaters, asbestos renovation, or demolition and PCE dry cleaning)	greater of \$1000 or Actual
BCAA conducted screening analysis	Actual	Construction or Reconstruction of a Major Source of Hazardous Air Pollutants ..	Actual
NOC/NIO Application Assistance	Actual	Each CEM or Alternate Monitoring Device	Actual
NOC/NIO Applicability Determination	Actual	Each Source Test Required in NOC	Actual
NOC-CEM or Alternate Monitoring Device Installed	Actual	Opacity/Gain Loading Correlation	Actual
SEPA Threshold Determination (lead agency)	Actual	Bubble Application	Actual
Environmental Impact Statement Review	Actual	Netting Analysis	Actual
NOC Order of Approval Modification	lesser of 1/2 NOC/NIO fee or \$350 greater of \$400 or Actual		
RACT/BACT/MACT/BART/LAER Determination	Actual		
Emission Offset Analysis	Actual		
Emission Reduction Credit (ERC) Application	Actual		
Review of Ambient Impact Analysis	Actual		

Table 10-3: Asbestos Fees

Asbestos Projects at Residential Units	
Activity	Fee
Demolition	\$ 25 40.00
Renovation: Any amount in lin. ft or ft ²	\$ 25 40.00
Demolition or Renovation Amendment	\$ 30 25.00
Emergency Renovation Operation	\$ 6 50.00
Alternate Removal Methods	Two (2) times renovation fee

Asbestos Projects at Facilities	
Activity	Fee
Demolition	\$ 25 40.00
Renovation: 10 to 259 lin. ft or 48 to 159 ft ²	\$ 150 25.00
260 to 999 lin. ft or 160 to 4,999 ft ²	\$ 300 250.00
1,000 to 9,999 lin. ft or 5,000 to 49,999 ft ²	\$ 6 500.00
Over 10,000 lin. ft or Over 50,000 ft ²	\$ 1,8 500.00
Annual Renovation	\$ 1,8 500.00
Demolition or Renovation Amendment	\$ 6 50.00
Emergency Renovation Operation	Two (2) times renovation fee
Alternate Removal Methods	Two (2) times renovation fee

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

Section 1.10 Special Burning Permit Fees

A. An application fee of fifty dollars (~~\$75~~50.00) is due and payable at the time of submittal of a request for special burning permit. The application fee is non-refundable.

B. An additional fee for inspection and oversight costs shall be charged for each submittal of a request for special burning permit. The additional fee shall be calculated based upon the volume of the material to be burned. The additional fee shall not exceed eight dollars and fifty cents (\$8.50) per cubic yard or the adjusted amount according to WAC 173-425.

C. The additional fee shall be due and payable within thirty (30) days of issuance of the special burning permit. Special burning permit fees shall be due within thirty (30) days of issuance of the special burning permit.

D. A late fee of twenty-five dollars (\$25.00) may be charged for special burning permit fees that have not been paid within thirty (30) days of issuance of the special burning permit. Failure to pay said fee within sixty (60) days of the issuance of the special burning permit may result in the commencement of a formal enforcement action.

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

Section 1.11 Agricultural Burning Permit Fees

A. An application fee for an agricultural burning permit shall be due and payable at the time of submittal of the application. Refunds may be issued by the BCAA for acres not burned under each permit provided the adjusted fee after subtracting refunds is no less than twenty-five dollars.

B. Upon approval of any agricultural burning permit application, the BCAA shall charge a ~~fee not to exceed two dollars and fifty cents (\$2.50) per acre for each acre permitted to be burned.~~ at a maximum fee level as set by statute at two dollars and fifty cents per acre (RCW 70.94.650(2)) and as established by the agricultural burning practices and research task force (RCW 70.94.650(4)).

A portion of this fee shall go directly to Ecology to be divided among administration, oversight costs, and the research fund. The remainder of the fee shall go to the BCAA for local administration and implementation of the program. The permitting authority may set the fee as an amount per agricultural operation per calendar year, a set amount per fire, or a set rate no greater than one dollar and twenty-five cents per acre burned. The Ecology administration portion of the fee shall be used to off-set the statewide administrative, education, and oversight costs of the department for the agricultural burning program.

The agricultural burning applied research portion of the fee shall be no greater than one dollar per acre burned. The amount assessed may be less than one dollar per acre burned as periodically determined by the agricultural burning practices and research task force based on applied research needs, regional needs and the research fund budget. The agricultural burning practices and research task force may also establish discounted assessment rates based on the use of best management practices.

C. The local portion of the agricultural burning permit fee shall be ~~seventy-five cents (\$0.75)~~ one dollar and twenty-five cents (\$1.25).

~~D. The minimum permit fee shall be no less than twenty-five dollars (\$25.00).~~

D. Minimum and variable fee levels are as follows:

1. Twenty-five dollars (\$25.00) per calendar year per agricultural operation based on burning up to ten acres or equivalent;

2. Fifty dollars (\$50.00) for orchard tear-out burning per calendar year per agricultural operation based on burning debris from up to twenty acres or equivalent.

3. The variable fee is two dollars and twenty-five cents per acre (\$2.25).

4. The chart below shows the permit fee break-out per category:

Fee Level	Section	Local Administration	Research	Ecology Administration
\$25.00	WAC 173-430-040 (4)(a)(i)	\$12.50	\$12.50	-0-
\$50.00	WAC 173-430-040 (4)(a)(ii)	\$12.50	\$12.50	\$25.00
2008 and beyond - \$2.25 per acre	WAC 173-430-040 (4)(b)(ii)	Up to \$1.25 per acre	50 cents per acre	50 cents per acre

E- The agricultural burning practices and research task force may set acreage equivalents, for non-field style agricultural burning practices, based on the amount of emissions relative to typical field burning emissions. Any acreage equivalents, established by rule, shall be used in determining fees. For agricultural burning conducted by irrigation or drainage districts, each mile of ditch (including banks) burned is calculated on an equivalent acreage basis.-

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

WSR 08-20-081
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed September 29, 2008, 8:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-15-134.

Title of Rule and Other Identifying Information: The department is amending WAC 388-478-0015 Need standards for cash assistance.

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6094), on November 4, 2008, at 10:00 a.m.

Date of Intended Adoption: Not earlier than November 5, 2008.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail schilse@dshs.wa.gov, fax (360) 664-6185, by 5 p.m., November 4, 2008.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by October 28, 2008, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsj14@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The community services division, economic services administration, is proposing to amend WAC 388-478-0015 in order to revise the basic need standards for cash assistance programs.

The CR-101 was filed on July 22, 2008, as WSR 08-15-134.

Reasons Supporting Proposal: DSHS is required by RCW 74.04.770 to establish standards of need for cash assistance programs on an annual basis.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jenny Grayum, P.O. Box 45440, Olympia, WA 98504, (360) 725-4583.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rules do not have an economic impact on small businesses. The proposed amendments only affect DSHS clients by revising the need standards for cash assistance.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." These rules affect the need standards for cash assistance as outlined in WAC 388-478-0015.

September 23, 2008
Stephanie E. Schiller
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-24-033, filed 11/30/07, effective 12/31/07)

WAC 388-478-0015 Need standards for cash assistance. The need standards for cash assistance units are:

(1) For assistance units with obligation to pay shelter costs:

Assistance Unit Size	Need Standard
1	\$(1,060) <u>1,131</u>
2	((1,341)) <u>1,431</u>
3	((1,655)) <u>1,767</u>
4	((1,953)) <u>2,085</u>
5	((2,251)) <u>2,403</u>
6	((2,549)) <u>2,721</u>
7	((2,947)) <u>3,145</u>
8	((3,261)) <u>3,480</u>

Assistance Unit Size	Need Standard
9	((3,576)) <u>3,816</u>
10 or more	((3,890)) <u>4,152</u>

(2) For assistance units with shelter provided at no cost:

Assistance Unit Size	Need Standard
1	\$((566)) <u>600</u>
2	((717)) <u>759</u>
3	((885)) <u>937</u>
4	((1,044)) <u>1,106</u>
5	((1,203)) <u>1,275</u>
6	((1,362)) <u>1,444</u>
7	((1,575)) <u>1,669</u>
8	((1,743)) <u>1,847</u>
9	((1,911)) <u>2,025</u>
10 or more	((2,079)) <u>2,203</u>

WSR 08-20-090
PROPOSED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed September 29, 2008, 9:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-01-124.

Title of Rule and Other Identifying Information: New sections WAC 181-78A-125 Field placement agreements and 181-78A-132 Programs approved in other state operating field experiences in Washington state.

Hearing Location(s): Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, on November 19, 2008, at 8:30 a.m.

Date of Intended Adoption: November 19, 2008.

Submit Written Comments to: Jennifer Wallace, P.O. Box 47236, Olympia, 98504, e-mail jennifer.wallace@k12.wa.us, fax (360) 586-4548, by November 10, 2008.

Assistance for Persons with Disabilities: Contact Nasue Nishida by March 10, 2008, TTY (360) 664-3631 or (360) 725-6275.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed new sections to this chapter put into place field placement agreements and criteria for higher education preparation programs organizing and operating field experiences in Washington state.

Statutory Authority for Adoption: RCW 28A.410.210 and 28A.410.010.

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: Jennifer Wallace, P.O. Box 42736, Olympia, WA 98504, (360) 725-6275.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Nasue Nishida, P.O. Box 47236, phone (360) 725-6275, fax (360) 586-4548, e-mail nasue.nishida@k12.wa.us.

September 29, 2008
Nasue Nishida
Legislative and
Policy Coordinator

NEW SECTION

WAC 181-78A-125 Field placement agreements. All educator preparation programs approved by the professional educator standards board shall establish and maintain field placement agreements with all Washington school districts in which candidates are placed for field experiences leading to certification or endorsement.

Each field placement agreement shall include, but not be limited to:

- (1) Qualifications of the proposed site supervisor for each site and qualifications of each school's cooperating teacher/administrator;
- (2) Duties and responsibilities of site supervisor and cooperating teacher/administrator;
- (3) Anticipated length and nature of field experience;
- (4) Signatures from district representative.

NEW SECTION

WAC 181-78A-132 Programs approved in other states operating field experiences in Washington state. State approved preparation programs at a regionally accredited college or university in the professional field for which certification is issued that wish to enroll candidates for certification or endorsement in a supervised field experience within Washington state shall comply with the following:

- (1) Application for approval. Each institution must submit a proposal that addresses components adopted and published by the professional educator standards board, including:
 - (a) Verification of regional accreditation;
 - (b) Verification of state approval;
 - (c) Verification of higher education coordinating board approval (if offering degree program);
 - (d) Planned certification or endorsement program;
 - (e) Proposed start date;
 - (f) Projected enrollment;
 - (g) Data indicating need for program related to geographic location or nature of program offered;
 - (h) Indication of Washington school district support for program;
 - (i) Explanation of means by which program will ensure candidates have formalized learning opportunities rooted in Washington state standards.

(2) Field placement agreements. Institutions must comply with requirements of WAC 181-78A-125.

(3) Annual data reporting.

(4) The professional educator standards board shall publish on its web site a list of those out-of-state programs approved to offer field experiences within Washington state.

(5) The professional educator standards board shall publish on its web site relevant program approval status information on the out-of-state program from the state in which the program is approved.

(6) Institutions will comply with applicable annual data reporting requirements requested by the professional educator standards board.

WSR 08-20-091

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed September 29, 2008, 11:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-15-175.

Title of Rule and Other Identifying Information: WAC 392-122-221 Definition—State institutional education program—Enrollment exclusions.

Hearing Location(s): OSPI, Old Capitol Building, 600 Washington Street, Olympia, WA 98504, on November 6, 2008, at 9:00 a.m.

Date of Intended Adoption: November 7, 2008.

Submit Written Comments to: Mitch Thompson, P.O. Box 47200, Olympia, WA 98504-7200, e-mail Mitch.Thompson@k12.wa.us, fax (360) 725-6306, by November 5, 2008.

Assistance for Persons with Disabilities: Contact Clarice Nnanabu by November 5, 2008, TTY (360) 664-3631 or (360) 725-6271.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 392-122-221 defines the enrollment exclusions for an institution student. The intent of this WAC change is to clearly identify the priority of counting a student who is in the institution on the institution count date as well as in their regular school district on the school district's count date. This change helps to ensure that students are not double counted for enrollment purposes. Present institution WAC states if a student is counted for basic education on form P223, they cannot count the student for funding. Conversely, under the basic education WAC, it states that a student reported for institution education on form E672 cannot be counted for basic education funding. This change clearly identifies priority of student counting.

Reasons Supporting Proposal: This rule change applies the "what happened first" method to who has priority of counting the student. The change places into WAC previous guidance from OSPI.

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

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

Name of Proponent: [OSPI], governmental.

Name of Agency Personnel Responsible for Drafting: Mitch Thompson, OSPI, (360) 725-6306; Implementation: Calvin Brodie, OSPI, (360) 725-6301; and Enforcement: Jennifer Priddy, OSPI, (360) 725-66292 [725-6292].

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

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

September 25, 2008

Dr. Terry Bergeson

Superintendent of

Public Instruction

AMENDATORY SECTION (Amending WSR 01-24-002, filed 11/21/01, effective 12/22/01)

WAC 392-122-221 Definition—State institutional education program—Enrollment exclusions. The following may not be counted as an enrolled institutional education program student:

- (1) A person whose educational activity has terminated.
- (2) A person who has transferred to another institution or school district.
- (3) An institution student who:
 - (a) Has not engaged in educational activity in the past five school days, excluding days of excused absence;
 - (b) Has not engaged in educational activity in the past ten school days including days of excused absence; or
 - (c) Is claimed by any school district as an enrolled student eligible for state basic education support pursuant to chapter 392-121 WAC where the school district's count date occurs prior to the institution's count date for the month.

When the institution's count date and the school district's count date are on the same date, institutions shall have priority for counting the student.

WSR 08-20-093

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed September 29, 2008, 2:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-16-113.

Title of Rule and Other Identifying Information: Milk and milk products, chapter 16-101 WAC, adopts documents covering requirements for the cooperative interstate milk shippers program.

Hearing Location(s): Washington State Department of Agriculture, Natural Resources Building, Conference Room 259, 2nd Floor, 1111 Washington Street, Olympia, WA 98504-2560, on Thursday, November 6, 2008, at 1:30 p.m.

Date of Intended Adoption: December 1, 2008.

Submit Written Comments to: Teresa Norman, P.O. Box 42560, Olympia, WA 98504-2560, e-mail WSDARules

Comments@agr.wa.gov, fax (360) 902-2092, by Friday, November 7, 2008, 5:00 p.m.

Assistance for Persons with Disabilities: Contact WSDA receptionist by October 31, 2008, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington state department of agriculture is proposing to adopt, in accordance with RCW 15.36.021, the 2007 Revision of the Grade A Pasteurized Milk Ordinance (PMO), the 2007 Revision of the Methods of Making Sanitation Ratings of Milk Shippers, the 2007 revision of the Procedures Governing the Cooperative State conference on Interstate Milk Shippers, and the 2005 Revision of the Evaluation of Milk Laboratories. Adoption of the latest revisions will ensure that the milk and milk products produced in this state meet the latest standards and will assist in continued acceptance of Washington state milk and milk products shipped to other states.

In addition to writing the rules in a clear and readable format, the proposed amendments will specifically:

- Replace WAC 16-101-700 with new section WAC 16-101-701. The proposed new section adopts the 2007 Revision of the PMO and updates exceptions to the PMO (those portions that conflict with Washington state law),
- Repeal WAC 16-101-705, the dry milk ordinance (DMO) is now consolidated into the 2007 Revision of the PMO,
- Repeal WAC 16-101-711, the fabrication of single service containers and closures for milk and milk products is now covered under Appendix J of the 2007 Revision of the PMO, and
- Replace WAC 16-101-990 with new section WAC 16-101-731. This section is moved within the chapter in order to directly follow the related sections.

Statutory Authority for Adoption: RCW 15.36.21 [15.36.021].

Statute Being Implemented: Chapter 15.36 RCW.

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: The public health service/Food and Drug Administration's recommended Grade A PMO is an ordinance to regulate the production, transportation, processing, handling, sampling, examination, labeling, and sale of Grade "A" milk and milk products including buttermilk and buttermilk products and condensed and dry milk products. It is the basic standard used in the voluntary Cooperative State-PHS/FDA Program for the Certification of Interstate Milk Shipments, a program participated in by all fifty states, the District of Columbia and United States Trust Territories. The National Conference on Interstate Milk Shipments (MCIMS) in accordance with the Memorandum of Understanding with the Food and Drug Administration recommends at its biennial conference changes and modifications to the Grade "A" PMO. The ordinances are the requirements to participate in this program.

Name of Proponent: Washington state department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Claudia Coles, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1905.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Chapter 19.85 RCW does not apply to the adoption of a rule(s) described in RCW 34.05.310 (4)(c) and (e).

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required. The department of agriculture is not a named agency in RCW 34.05.328 (5)(a)(i).

September 29, 2008

Jerry Buendel

Assistant Director

Chapter 16-101 WAC

WASHINGTON STATE MILK AND MILK PRODUCTS STANDARDS

NEW SECTION

WAC 16-101-701 Standards for the production of milk and milk products. (1) With the exception of the portions identified in subsection (2) of this section, the department adopts the Grade "A" Pasteurized Milk Ordinance, 2007 Revision, United States Public Health Service/Food and Drug Administration, as additional Washington state standards for the production of milk and milk products including Grade A condensed and dry milk products and condensed and dry whey products under chapter 15.36 RCW.

(2) The department does not adopt the following portions of the Grade "A" Pasteurized Milk Ordinance, 2007 Revision:

(a) Grade "A" Pasteurized Milk Ordinance - 2007 Revision.

PMO Page No.	Excepted Portion
Pages 11-12	<ul style="list-style-type: none"> • Section 3, Permits, paragraph 4, which begins with "The regulatory agency shall suspend..." • Section 3, Permits, paragraph 5, which begins with "Upon notification..."
Page 28	<p>Section of Table 1 entitled "GRADE "A" RAW MILK AND MILK PRODUCTS FOR PASTEURIZATION, ULTRA-PASTEURIZATION OR ASEPTIC PROCESSING"</p> <ul style="list-style-type: none"> • "Temperature: Cooled to 10°C (50°F) or less within four (4) hours or less of the commencement of the first milking and to 7°C (45°F) or less within two hours after the

PMO Page No.	Excepted Portion
	<p>completion of milking. Provided that the blend temperature after the first milking and subsequent milkings does not exceed 10°C (50°F)."</p> <p>Note: Milk sample submitted for testing cooled and maintained at 0°C (32°F) to 4.4°C (40°F), but <7.0°C (45°F) and less than three (3) hours after collection has not increased in temperature;</p> <ul style="list-style-type: none"> Under Bacterial Limits, only the sentence... "Individual producer milk not to exceed 100,000 per mL prior to commingling with other producer milk."

(b) Standards for Grade "A" Raw Milk for Pasteurization, Ultra-pasteurization or Aseptic Processing.

PMO Page No.	Excepted Portion
Page 51	Item 18r. "Raw Milk Cooling" paragraph 1, which begins with "Raw milk for pasteurization shall be cooled..."
Pages 51-52	Item 18r. "Administrative Procedures", paragraph 1 only

(c) Standards for Grade "A" Pasteurized, Ultra-pasteurized and Aseptically Processed Milk and Milk Products.

PMO Page No.	Excepted Portion
Page 111	Item 18p. "Bottling, Packaging and Container Filling", under Public Health Reason, first sentence only which begins with "Manual bottling, packaging, and container filling..."
Page 111	Item 18p. "Administrative Procedures", item number 2 only.
Page 113	Item 19p. "Capping, container closure and sealing and Dry Milk Product Storage", Administrative Procedures, item number 1 only.
Page 125	Sections 15 (Enforcement), 16 (Penalty), and 17 (Repeal and Date of Effect)

(d) Appendix E: Examples of 3-out-of-5 Compliance Enforcement Procedures.

PMO Page No.	Excepted Portion
Pages 198-199	All of Appendix E

AMENDATORY SECTION (Amending WSR 00-21-012, filed 10/6/00, effective 11/6/00)

WAC 16-101-716 ((Adoption of the Procedures Governing the Cooperative State Public Health Service/Food and Drug Administration Program)) Procedures for certification of interstate milk shippers. The department adopts the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program ((for Certification of Interstate Milk Shippers 1999)) of the National Conference on Interstate Milk Shipments 2007 Revision ((is adopted by reference)) as Washington state procedures ((covering)) for the certification of interstate milk shippers.

AMENDATORY SECTION (Amending WSR 00-21-012, filed 10/6/00, effective 11/6/00)

WAC 16-101-721 ((Adoption of)) Methods ((of Making Sanitation Ratings)) for making sanitation ratings of milk ((Supplies)) shippers. The department adopts the Methods of Making Sanitation Ratings of Milk ((Supplies 1999)) Shippers 2007 Revision, United States Health and Human Services Public Health Service/Food and Drug Administration ((is adopted by reference)) as Washington state methods for ratings of interstate milk ((supplies)) shippers.

AMENDATORY SECTION (Amending WSR 96-22-059, filed 11/4/96, effective 12/5/96)

WAC 16-101-726 ((Adoption of Evaluation of)) Standard for the accrediting of milk laboratories. The department adopts the Evaluation of Milk Laboratories ((1995)) 2005 Revision United States Health and Human Services Public Health Service/Food and Drug Administration ((is adopted by reference)) as the Washington state standard for ((accreditation of)) accrediting milk laboratories and certified industry supervisors ((requesting)) who request certification and approval for uniform collection and testing required for compliance with the Grade "A" Pasteurized Milk Ordinance.

NEW SECTION

WAC 16-101-731 Availability of the publications adopted by the department in this chapter. (1) The Grade "A" Pasteurized Milk Ordinance, 2007 Revision, United States Public Health Service/Food and Drug Administration, can be purchased from the Superintendent of Documents, U.S. Printing Office, Washington, D.C.

(2) The following publications can be obtained by writing the Center for Food Safety and Applied Nutrition, Director, Office of Constituent Operations, Industry Activities Staff, HFS-S65 200 "C" Street, S.W., Washington, D.C. 20204:

- The Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, 2007 Revision.
- The Methods of Making Sanitation Ratings of Milk Shippers, 2007 Revision, United States Department of Health and Human Services Public Health Services/Food and Drug Administration.
- The Evaluation of Milk Laboratories, 2005 Revision, United States Department of Health and Human Services Public Health Service/Food and Drug Administration.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-101-700	Adoption of the pasteurized milk ordinance as the standard for production of milk and milk products.
WAC 16-101-705	Adoption of the dry milk ordinance as the standard for production of condensed and dry milk products and condensed and dry whey.
WAC 16-101-711	Adoption of the standards for the fabrication of single-service containers and closures for milk and milk products.
WAC 16-101-990	Where can publications adopted by WSDA under this chapter be obtained?

**WSR 08-20-100
PROPOSED RULES
EXECUTIVE ETHICS BOARD**

[Filed September 30, 2008, 8:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR [07-13-001] 06-06-07 on June 6, 2007.

Hearing Location(s): 2425 Bristol Court, Conference Room 148, Olympia, WA 98504, on November 14, 2008, at 9:00 a.m.

Date of Intended Adoption: November 14, 2008.

Submit Written Comments to: Melanie de Leon, P.O. Box 40149, Olympia, WA 98504-0149, e-mail melanied@atg.wa.gov, fax (360) 586-3955, by October 31, 2008.

Assistance for Persons with Disabilities: Contact Ruthann Bryant by November 7, 2008, (360) 586-3265.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Further clarifies RCW 42.52.160. Allows that all forms of technology (computers, e-mail, internet and telephones) are treated alike. This amendment also reinforces the fact that all communications

made on a state-owned device may be subject to the Public Records Act.

The amendment also clarifies that public resources may not be used to support an outside business or group, including a private business or political party. However, public resources may be used to support a nonprofit organization if provided for by law or authorized by an agency director.

Reasons Supporting Proposal: The board receives many questions regarding the use of state resources. By amending the rule, we believe that agency employees will gain a better understanding of the rules and regulations of the Ethics in Public Service Act.

Statutory Authority for Adoption: RCW 42.52.360 (2)(b).

Statute Being Implemented: Chapter 42.52 RCW.

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

Name of Proponent: [Executive Ethics Board], governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Melanie de Leon, 2425 Bristol Court S.W., Olympia, WA 98504, (360) 586-6759.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no impact on small business.

A cost-benefit analysis is not required under RCW 34.05.328. There is no fiscal impact on the state.

September 25, 2008

Melanie de Leon

Executive Director

AMENDATORY SECTION (Amending WSR 02-07-074, filed 3/18/02, effective 4/18/02)

WAC 292-110-010 Use of state resources. (1) Statement of principles - stewardship. The proper stewardship of state resources, including funds, facilities, tools, property, and employees and their time, is a responsibility that all state officers and employees share. Accordingly, state employees may not use state resources for personal benefit or gain or for the benefit or gain of other individuals or outside organizations. Personal benefit or gain may include ~~((a use solely for personal convenience, or))~~ a use to avoid personal expense. Responsibility and accountability for the appropriate use of state resources ultimately rests with the individual state officer ~~((and))~~ or state employee, or with the state officer or state employee who authorizes such use. Employees and officials are cautioned that their own personal use of state resources should never interfere with another state official or employee, ~~((or))~~ nor obligate another employee to make personal use of state resources. In addition, state employees have an affirmative duty to ensure that any personal use of state resources is the most efficient in terms of overall time and resources.

(2) Permitted uses. Use of state resources that is reasonably related to the conduct of official state duties, or otherwise allowed by statute, does not violate RCW 42.52.160. In addition, an agency head or designee may authorize a use of state resources that is related to an official state purpose, but not directly related to an individual employee's official

duty(~~(, for)~~). An example(~~(,)~~) of such use would be conducting an agency combined fund drive campaign. (~~Such uses shall be specifically authorized in writing and any use shall strictly conform to specific agency guidance.~~) Agencies are strongly encouraged to use caution when authorizing these types of activities.

(3) **Permitted uses - under limited circumstances.** Extensive or repeated personal misuse of state resources, including state time, significantly undermines public trust in state government. Nevertheless, a very limited personal use of state resources that supports organizational effectiveness would not undermine public trust and confidence. An agency may authorize a specific use that promotes organizational effectiveness or enhances the job-related skills of a state officer or state employee. In addition, and notwithstanding the prohibition in RCW 42.52.160(1), but subject to subsection (6) of this section, a state officer or employee may make an occasional but limited use of state resources only if each of the following conditions are met:

(a) There is little or no cost to the state;

(b) Any use is brief in duration, occurs infrequently,~~(,)~~ and is the most effective use of time or resources and cannot reasonably be handled during non-work hours.

(c) The use does not interfere with the performance of ~~the~~ any officer's or employee's official duties;

~~(d) The use does not disrupt or distract from the conduct of state business due to volume or frequency;~~

~~(ed)~~ The use does not disrupt other state employees and does not obligate them to make a personal use of state resources; and

~~(fe)~~ The use does not compromise the security or integrity of state property, information, or software.

(4) **Permitted use of computers (~~and~~), electronic mail, (~~and~~) the internet and other technologies.** A state officer or employee may use state (~~computers and other~~) equipment (~~(to access computer networks or other data bases, including)~~) such as the telephone, the internet and electronic mail, provided such use conforms to ethical standards under subsection (3) of this section, and the use is not otherwise prohibited under subsection (6) of this section. (~~A state officer or employee may use state computers and other equipment to access the internet only if the officer's or employee's agency has adopted a policy governing internet access that is consistent with subsections (3) and (6) of this section.~~)

(5) **No expectation of privacy.** Technologies such as electronic mail, facsimile transmissions, the internet, and voice mail (~~are technologies that~~) may create an electronic record. This is what separates these from other forms of communication such as a telephone conversation. (~~An~~) The ethics rules do not distinguish between the various forms of communication. Electronic records (~~(is)~~) are reproducible and (~~(is)~~) therefore (~~(not)~~) cannot be considered private. Such records may be subject to disclosure under the public disclosure law, or may be disclosed for audit or legitimate state operational or management purposes.

(6) **Prohibited uses.** The state Constitution, state and federal laws, and the Ethics in Public Service Act strictly prohibit certain private activity and certain uses of state resources. Any use of state resources to support such activity clearly undermines public confidence in state government

and reflects negatively on state employees generally. This rule explicitly prohibits at all times the following private uses of state resources(~~(,)~~):

(a) Any use for the purpose of conducting an outside business or private employment;

(b) Any use for the purpose of supporting, promoting the interests of, or soliciting for an outside organization or group, including, but not limited to(~~(,)~~) a private business(~~(, a non-profit organization,)~~) or a political party (~~(,)~~). Supporting or promoting the interests of a nonprofit organization is also prohibited, unless provided for by law or authorized by an agency head or designee(~~(,)~~);

(c) Any use for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Such a use of state resources is specifically prohibited by RCW 42.52.180, subject to the exceptions in RCW 42.52.180(2);

(d) Any use for the purpose of participating in or assisting in an effort to lobby the state legislature, or a state agency head. Such a use of state resources is specifically prohibited by RCW 42.17.190, subject to the exceptions in RCW 42.17.-190(3);

(e) Any use related to conduct that is prohibited by a federal or state law or rule, or a state agency policy; and

(f) Any private use of any state property that has been removed from state facilities or other official duty stations, even if there is no cost to the state.

(7) **Reimbursement for personal use.** Establishing a system for reimbursement for private or personal use of state resources undermines the purpose of the Ethics in Public Service Act and imposes significant administrative burdens on state agencies. However, the board recognizes that in some limited situations, such as officers or employees working at remote locations, a system of reimbursement may be appropriate. Any system of reimbursement must be established by the agency in advance, and must result in little or no cost to the state, including administrative costs. To be (~~(valid)~~) permitted under this rule, the board must approve any reimbursement system implemented by an agency.

(8) **Agency policies encouraged.** State agencies are encouraged to adopt policies applying these principles to their unique circumstances. Agency policies that are approved by the board qualify for "safe harbor" under WAC 292-120-035. Nothing in this rule is intended to limit the ability of an agency to adopt policies that are more restrictive. However, violation of a more restrictive agency policy by itself will not constitute a violation of RCW 42.52.160, even if it would constitute a violation of agency policy.

(9) **Frequently asked questions and examples.** The board maintains a list of frequently asked questions and examples that provide additional guidance regarding this rule. State officers and employees are encouraged to review this document at the board's web site www.wa.gov/ethics.wa.gov or to request a copy of the document through the board's office.

Washington State Executive Ethics Board
2425 Bristol Court SW
P.O. Box 40149
Olympia, WA 98504-0149
Or by electronic mail at: ethics@atg.wa.gov

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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.

WSR 08-20-101
WITHDRAWAL OF PROPOSED RULES
GAMBLING COMMISSION
(By the Code Reviser's Office)
[Filed September 30, 2008, 8:50 a.m.]

WAC 230-13-135, proposed by the gambling commission in WSR 08-07-066 appearing in issue 08-07 of the State Register, which was distributed on April 2, 2008, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 08-20-102
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
(By the Code Reviser's Office)
[Filed September 30, 2008, 8:50 a.m.]

WAC 246-380-990, proposed by the department of health in WSR 08-07-061 appearing in issue 08-07 of the State Register, which was distributed on April 2, 2008, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 08-20-103
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
(By the Code Reviser's Office)
[Filed September 30, 2008, 8:50 a.m.]

WAC 246-915-210, 246-915-220, 246-915-230, 246-915-240, 246-915-250, 246-915-260, 246-915-270 and 246-915-280, proposed by the department of health in WSR 08-07-100 appearing in issue 08-07 of the State Register, which was distributed on April 2, 2008, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 08-20-104
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed September 30, 2008, 8:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-14-163.

Title of Rule and Other Identifying Information: WAC 232-12-275 Wildlife rehabilitation permits, subsection (24) of this rule addresses facility requirements associated with oiled-bird rehabilitation activities. These requirements were adopted in 2004 and represented our understanding at the time of the best available practices for oiled-bird care. Now we have greater knowledge of and technologic improvements for caring for birds contaminated with oil. We need to amend this rule to reflect our knowledge and technology.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on November 7-8, 2008, at 8:30 a.m.

Date of Intended Adoption: December 12-13, 2008.

Submit Written Comments to: Brian Edie, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail ediebge@dfw.wa.gov, fax (360) 902-8126, by October 27, 2008.

Assistance for Persons with Disabilities: Contact Susan Yeager by October 27, 2008, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 232-12-275 establishes the process by which an applicant may apply for and receive a permit to rehabilitate wildlife within the state of Washington. Among the various aspects of rehabilitation that are addressed in this rule are facility standards that must be met in order to participate in oiled-bird rehabilitation (subsection (24)). This proposal amends several of the specialized facility needs for oiled-bird care.

Reasons Supporting Proposal: The agency wants to provide wildlife rehabilitators with the current standards of care related to oiled-bird rehabilitation and to ensure that these standards are implemented.

Statutory Authority for Adoption: RCW 90.56.110 and 77.12.047.

Statute Being Implemented: RCW 90.56.110 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: Brian Edie, Habitat Program, Natural Resources Building, 1111 Capitol Way North, Olympia, WA 98502, (360) 902-8123; Implementation: Dave Brittel, Wildlife Program, Natural Resources Building, 1111 Capitol Way North, Olympia, WA 98502, (360) 902-2504; and Enforcement: Bruce Bjork, Enforcement Program, Natural Resources Building, 1111 Capitol Way North, Olympia, WA 98502, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. This rule does not involve hydraulics.

September 30, 2008

Loreva M. Preuss

Rules Coordinator

AMENDATORY SECTION (Amending Order 06-67, filed 4/11/06, effective 5/12/06)

WAC 232-12-275 Wildlife rehabilitation permits. (1)

For the purposes of this rule, the following definitions apply:

- (a) "Bird" means any wild animal of the class Aves.
- (b) "Dedicated workspace" means the minimum amount of floor space necessary to maintain access to oiled bird rehabilitation pens.
- (c) "Drying resources" mean the floor space and pen requirements associated with the removal of water from the skin and feathers of a bird.
- (d) "Imping" means a method of repairing broken feathers.
- (e) "Indoor area" means the space within an oiled bird rehabilitation facility in which the air temperature and exchange of air can be controlled and maintained. Indoor areas may consist of space for: Intake, prewash holding, wash/rinse, drying, oiled bird rehabilitation pools, morgue/necropsy, bird food preparation, storage, freezers, isolation/intensive care unit, medical laboratory, laundry, electrical, and mechanical areas.
- (f) "Intake space" means the minimum amount of floor space necessary to admit live or dead birds into an oiled bird rehabilitation facility.
- (g) "Mesh size" means the measured distance between the centers of the two opposing vertices in the same mesh of a piece of netting when pulled taut.
- (h) "Oil" means oil of any kind and any form, such as petroleum and nonpetroleum oils including, but not limited to, crude oil and refined petroleum products, animal fats and vegetable oil, other oils of animal or vegetable origin, and other nonpetroleum oils.
- (i) "Oiled bird" means a bird that has come in contact with oil.
- (j) "Oiled bird rehabilitation pen" means an enclosure used to hold birds during oiled bird rehabilitation.
- (k) "Oiled bird rehabilitation pool" means a container filled with unheated fresh water used during the rehabilitation of oiled birds.
- (l) "Oiled bird rehabilitation" is a specialized form of wildlife rehabilitation and means the process of caring for oiled birds during intake, prewash holding, washing and rinsing, drying; while in pools; by providing semi-static and static areas; and by maintaining air temperature and air exchange while the birds are in an oiled bird rehabilitation facility.
- (m) "Oiled bird rehabilitation facility" is a type or portion of a wildlife rehabilitation facility and means the contiguous indoor and outdoor areas used for the rehabilitation of oiled birds.
- (n) "Outdoor area" means an area within an oiled bird rehabilitation facility that does not fit the definition of an indoor area.

(o) "Orphan-imprinting" means to use wildlife for the purpose of feeding, socializing, and teaching appropriate behavior to young wildlife.

(p) "Prewash holding resources" mean the floor space and oiled bird rehabilitation pen requirements within an oiled bird rehabilitation facility necessary to hold birds after intake and prior to washing.

(q) "Principal veterinarian" means a licensed veterinarian who provides in writing their willingness to assist the rehabilitator in conducting wildlife rehabilitation activities.

(r) "Public display" means to place or locate wildlife so that they may be viewed by the public.

(s) "Semi-static areas" mean dedicated indoor spaces within an oiled bird rehabilitation facility where the required size of the space will vary relative to the number of birds to be rehabilitated. These include areas for bird food preparation, morgue/necropsy, storage, and freezers.

(t) "Static areas" mean dedicated indoor spaces within an oiled bird rehabilitation facility where the required size of the space does not vary regardless of the number of birds to be rehabilitated. These include areas for the isolation/intensive care unit, medical laboratory, laundry, electrical, and mechanical spaces.

(u) "Wash/rinse resources" mean the water, cleaning agent, and space requirements necessary to remove oil from the skin and feathers of a bird.

(v) "Wildlife rehabilitation" means the care and treatment of injured, diseased, oiled, or abandoned wildlife, including, but not limited to, capture, transporting, veterinary treatment, feeding, housing, exercise therapy, and any other treatment or training necessary for release back to the wild.

(w) "Wildlife rehabilitation facility" means the authorized sites as shown on the wildlife rehabilitation permit where the treatment and rehabilitation takes place.

(x) "Wildlife rehabilitator" means a person who conducts wildlife rehabilitation or someone who conducts wildlife rehabilitation under the supervision of a valid wildlife rehabilitation permit holder.

(y) "Wildlife rehabilitation permit" means a permit issued by the director, or director's designee, that authorizes a person, or someone under the supervision of a valid wildlife rehabilitation permit holder, to conduct wildlife rehabilitation.

(2) It shall be unlawful for any person to possess wildlife for the purpose of rehabilitation unless:

- (a) They have a valid wildlife rehabilitation permit; or
- (b) They are working under the supervision of a person who has a valid wildlife rehabilitation permit.

(3) A wildlife rehabilitation permit may be issued to a person to conduct or oversee wildlife rehabilitation and is valid so long as the information in the permit remains current, the permit holder continues to meet the conditions and requirements of the permit, and provisions of this rule are followed. Any change to the information on the permit must be reported in writing within ten working days or the permit may be invalidated.

(4) The director, or director's designee, may issue and condition a wildlife rehabilitation permit if the applicant complies with the following:

(a) The applicant is either a licensed veterinarian or can demonstrate six months of experience in wildlife rehabilitation, which must include three months during the spring or summer and has a principal veterinarian as a sponsor. The director, or director's designee, may consider education in wildlife rehabilitation as a substitute for experience.

(b) The applicant must successfully complete a wildlife rehabilitator's examination(s) as prescribed by the director, or director's designee.

(c) The wildlife rehabilitation facility is inspected by the department and meets the wildlife rehabilitation care and facility standards for wildlife in the *Washington State Wildlife Rehabilitation Facility and Care Standards* pamphlet. In order for the wildlife rehabilitation permit to allow for the rehabilitation of oiled birds, the facility also needs to meet the requirements in subsection (24) of this section. When facility requirements in subsection (24) of this section conflict with requirements in the *Wildlife Rehabilitation Facility and Care Standards* pamphlet, subsection (24) of this section shall take precedence.

(5) The wildlife rehabilitation permit holder must maintain and upon request make available to the department, a wildlife rehabilitation daily ledger. The ledger must include the date the wildlife is received, the species and nature of the illness, the location where the wildlife was found, the date and disposition of the wildlife, the release location, and if any, tags and/or band numbers. It is unlawful for a wildlife rehabilitation permit holder to fail to enter required information in the wildlife rehabilitation ledger within twenty-four hours of the day wildlife is received and on the day of all subsequent activities as required in the ledger.

(6) The wildlife rehabilitation permit holder must submit to the department no later than January 31 of each year an annual report providing information as required by the director, or director's designee, and a copy of the daily ledger. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(7) All permits and records held pursuant to statutes and rules dealing with wildlife rehabilitation will be kept on file at the wildlife rehabilitation facility. The records will be retained for a period of five years.

(8) A copy of the valid wildlife rehabilitation permit must be in possession of any person possessing or transporting wildlife for the wildlife rehabilitation facility.

(9) The wildlife rehabilitation permit holder will notify the department within twenty-four hours of receiving a state or federal endangered or threatened species or an oiled bird; within seventy-two hours of receiving a state sensitive species or marked, tagged, or banded wildlife; and prior to release of threatened or endangered species or oiled birds. The release notification information relative to oiled birds shall include the number of birds being released, the species of birds being released, the proposed location of the release, and the proposed date/time of release.

(10) The wildlife rehabilitation permit holder will notify the department within twenty-four hours after the death of an oiled bird or a state or federal endangered or threatened species; or as soon as an endangered or threatened species is determined to be nonreleasable to the wild. Oiled birds or

endangered or threatened species will not be disposed of or euthanized without prior department approval.

(11) Rehabilitated wildlife may be banded or otherwise identified by the department.

(12) The wildlife rehabilitation permit holder will notify the department, within five working days from the date of death, of any wildlife known to have died of the following diseases: Avian cholera, avian pox, duck viral enteritis, environmental contaminants, ornithosis, Newcastle's disease, rabies, canine distemper or tuberculosis (in species other than birds).

(13) Rehabilitated wildlife will be released as soon as possible into its proper habitat in the same area as recovered, except as provided by written authorization from the director or director's designee. Rehabilitated oiled birds shall only be released in the same area as recovered when the threat of becoming reoiled no longer exists. If the area that they were recovered in is not clean enough to allow for their release at that location, department approval is required prior to releasing rehabilitated oiled birds in another location.

(14) It is unlawful to hold wildlife for longer than one hundred eighty days, except as provided by written authorization from the director, or director's designee.

(15) Dead wildlife, excluding oiled birds, will be disposed of through deposit at an approved Washington state university or college, a permitted research project or through burial, incineration, or a licensed rendering facility. The wildlife rehabilitation permit holder shall notify the department when in possession of dead oiled birds. Dead oiled birds shall not be disposed of without prior department approval.

(16) It is unlawful to publicly display wildlife while it is undergoing rehabilitation.

(17) It is unlawful to retain wildlife for the purpose of orphan imprinting or to retain feathers of protected or endangered wildlife for the purpose of "imping," except as provided by written authorization from the director, or director's designee.

(18) It is unlawful for wildlife being held for rehabilitation to be used for propagation.

(19) Wildlife being held for the purposes of rehabilitation must be kept separate from wildlife held under other licenses and domestic animals, except as provided by written authorization from the director, or director's designee.

(20) The wildlife rehabilitation permit holder may receive from the department and possess at the wildlife rehabilitation facility, dead wildlife for the purpose of feeding wildlife being rehabilitated.

(21) Fish and wildlife enforcement officers may inspect at reasonable times and in a reasonable manner the wildlife, permits, records, and wildlife rehabilitation facility of any wildlife rehabilitator.

(22) Any wildlife rehabilitation permit holder who fails to comply with any condition within the holder's permit or any provision of this rule is in violation of the permit and the permit may be revoked. Any wildlife rehabilitation permit holder found in violation of the permit conditions, with the exception of oiled bird facility requirements, may provide to the department a plan for corrective action, within ten days, to return to compliance. Any wildlife rehabilitation permit holder with an acceptable plan for corrective action to viola-

tions other than oiled bird facility requirements will be given a minimum of thirty days to correct a permit violation prior to revocation. Wildlife rehabilitation permit holders found in violation of oiled bird rehabilitation facility requirements shall correct these violations within twenty-four hours to avoid revocation of their authorization to rehabilitate oiled birds.

(23) All wildlife held by a wildlife rehabilitation permit holder remains the property of the state, is subject to control by the state and will not be offered for sale or sold.

(24) Oiled bird rehabilitation facility requirements~~(-)~~. The facility requirements listed in this subsection address oiled bird health and safety. The department of labor and industries and other government agencies may have additional requirements relating to human health and safety.

(a) Air temperature and air exchange requirements: This section refers to the air temperature and air exchange requirements within indoor areas.

(i) Air temperature: All indoor areas shall have the means to control air temperature and shall be adjustable and maintainable at any given air temperature between 65°F - 85°F. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following shall also apply:

(A) Intake and prewash holding areas shall be air temperature controlled independently of other oiled bird rehabilitation facility areas but may be controlled together;

(B) Wash/rinse and drying areas shall be air temperature controlled independently of other oiled bird rehabilitation facility areas but may be controlled together; and

(C) The isolation/intensive care unit shall be air temperature controlled independently of other oiled bird rehabilitation facility areas.

(ii) Air exchange: All indoor areas shall have the means to exchange the air volume a minimum of ten times per hour with fresh air from outside.

The fresh air exchange rate for any given indoor area may be reduced by the use of an air recirculation system that employs a high efficiency particulate air (HEPA) filter and an activated carbon filter. The volume of air filtered by the recirculation system may replace an equal volume of air in the fresh air exchange requirement. No more than ninety percent of the fresh air exchange requirement shall be met by recirculation. The filters in the recirculation system shall be maintained in accordance with the manufacturer's recommendations. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following shall also apply:

(A) Intake and prewash holding areas may be combined on the same air exchange system. Air exchange systems in the intake and prewash holding areas shall be independent of other oiled bird rehabilitation facility air exchange systems; and

(B) Wash/rinse and drying areas may be combined on the same air exchange system. Air exchange systems in the wash/rinse and drying areas shall be independent of other oiled bird rehabilitation facility air exchange systems; and

(C) The isolation/intensive care unit air exchange system shall be independent of other oiled bird rehabilitation facility areas; and

(D) The morgue/necropsy air exchange system shall be independent of other oiled bird rehabilitation facility areas.

(b) Intake space requirement: Intake shall occur in an indoor area. Forty square feet of contiguous floor space shall be provided for each group of sixty live or dead oiled birds, or portion of each group of sixty, that have been collected and are awaiting intake. The floor of the intake space shall be impermeable. Water shall not be allowed to accumulate on the floor.

(c) Prewash holding resource requirements: Prewash holding shall occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace shall be provided in the prewash holding area.

(i) Oiled bird rehabilitation pen requirements: Prewash oiled bird rehabilitation holding pens shall be no smaller than two feet in length by two feet in width; and a minimum of two feet high. Prewash oiled bird rehabilitation holding pens shall be constructed with knotless nylon net-bottoms with a stretched mesh size of one-half inch and shall provide 1.6 square feet of pen space per bird. Oiled bird rehabilitation holding pens shall be constructed in a manner such that no point within the pen is greater than two feet from a pen wall. Oiled bird rehabilitation holding pens shall be elevated a minimum of twelve inches above the floor surface.

(ii) Space requirements: In addition to the space required for prewash oiled bird rehabilitation holding pens, an additional 3.2 square feet of dedicated workspace shall be provided in the prewash holding area for each bird held in the prewash holding area. The floor of the prewash holding area shall be impermeable. Water shall not be allowed to accumulate on the floor.

(d) Wash/rinse resource requirements: Wash/rinse shall occur in an indoor area. A bird shall be provided wash/rinse space and associated resources within twenty-four hours after intake.

(i) Water requirements: A minimum of three hundred gallons of fresh water with the following characteristics shall be made available within each wash/rinse space for each oiled bird being washed and rinsed:

~~(A) The water temperature shall be ((maintained)) adjustable and maintainable at any given temperature between ((404)) 102°F - ((406)) 108°F;~~

~~(B) The water hardness shall be maintained between ((30)) 34 mg - ((50)) 85 mg calcium carbonate/liter (2-((3)) 5 grain hardness);~~

~~(C) The water pressure shall be maintained between 40-60 p.s.i. ((at a));~~

~~(D) The water flow rate shall be not less than ((six)) two gallons per minute from the wash/rinse supply line measured with the wash/rinse nozzle in place.~~

~~(E) All water requirements listed above shall remain within the specified ranges at all times.~~

(ii) Cleaning agent requirements: Liquid dishwashing detergents are the only cleaning agents that shall be used to remove oil from birds. ~~((Other detergents, including, but not limited to, machine dishwasher soaps and detergents, hand soaps, powdered products, and antibacterial dishwashing detergents shall not be used.))~~

(iii) Space requirements: One hundred square feet of contiguous floor space shall be provided for each group of

sixteen live oiled birds, or portion of each group of sixteen, that are ready to be washed and rinsed. The floor of the wash/rinse area shall be impermeable. Water shall not be allowed to accumulate on the floor.

(e) **Drying resource requirements:** Drying shall occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace shall be provided in the drying area. Drying shall be accomplished by warming the air in the drying pen ~~((tø))~~. The drying temperature shall be adjustable and maintainable at any given temperature between 90°F - ((95)) 106°F.

(i) **Oiled bird rehabilitation drying pen requirements:** Oiled bird rehabilitation drying pens shall be no smaller than three feet in length by two feet in width; and a minimum of two feet high. Oiled bird rehabilitation drying pens shall be constructed with knotless nylon net-bottoms with a stretched mesh size of one-half inch and shall provide 2.7 square feet of pen space per bird. Each oiled bird rehabilitation pen shall be constructed in a manner such that no point within the pen is greater than two feet from a pen wall. Oiled bird rehabilitation drying pens shall be elevated a minimum of twelve inches above the floor surface. If prewash oiled bird rehabilitation holding pens meet the criteria for use as oiled bird rehabilitation drying pens and are used in the drying process, they must be cleaned of oil residue prior to use.

(ii) **Space requirements:** In addition to the space required for oiled bird rehabilitation drying pens, an additional 3.2 square feet of dedicated workspace shall be provided in the drying area for each bird held in the drying area. The floor of the drying area shall be impermeable. Water shall not be allowed to accumulate on the floor.

(f) **Oiled bird rehabilitation pool resource requirements:** Oiled bird rehabilitation pools shall be filled with unheated fresh water. Oiled bird rehabilitation pool space shall be provided immediately after a bird has been dried, and shall be provided until the bird is released.

(i) **Oiled bird rehabilitation pool requirements:** ~~((Oiled bird rehabilitation pool water shall be a minimum of four feet deep.))~~ Each bird shall be afforded a minimum of 7.5 square feet of water surface space (e.g., a twelve-foot diameter oiled bird rehabilitation pool shall house not more than fifteen birds). Each oiled bird rehabilitation pool shall be of dimensions such that no point within the pool is greater than eight feet from a side of the pool. In addition, each oiled bird rehabilitation pool shall have a breathable cover to prevent birds from escaping. Each oiled bird rehabilitation pool shall be constantly supplied with water sufficient to maintain a depth of ~~((four))~~ **three** feet and an exchange rate of not less than four and one-quarter times per day. Water exiting the oiled bird rehabilitation pool shall come from the surface of the pool so that floating debris and oil are removed. Water from oiled bird rehabilitation pools may be reused within a facility if made oil free.

(ii) **Space requirements:** Oiled bird rehabilitation pools shall be within the oiled bird rehabilitation facility. Oiled bird rehabilitation pools shall be no closer than four feet from another structure.

(g) **Semi-static areas:**

~~((t))~~ **Space requirements:** Semi-static areas shall be indoor areas. The floors in semi-static areas shall be imper-

meable. Water shall not be allowed to accumulate on the floor. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is less than fifty, there are no minimum space requirements for semi-static areas. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is between fifty and one thousand, each semi-static area listed in Table 1 shall be allocated the associated space. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is between one thousand one and two thousand, each semi-static area listed in Table 1 shall be allocated two times the associated space, and, when the total number of birds in the oiled bird rehabilitation facility, on a given day, is between two thousand one and three thousand, each semi-static area listed in Table 1 shall be allocated three times the associated space, etc. Space for the semi-static areas listed in Table 1 shall be accommodated within an oiled bird rehabilitation facility with the exception of the morgue/necropsy.

Table 1:

Semi-static area space requirements by activity type.

Area	Space
Morgue/necropsy	250 sq. ft.
Bird food preparation	300 sq. ft.
Storage	100 sq. ft.
Freezers	100 sq. ft.

(h) **Static areas:**

~~((t))~~ **Space requirements:** Static areas shall be indoor areas. The floors in static areas shall be impermeable. Water shall not be allowed to accumulate on the floor. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is less than fifty, there are no minimum space requirements for static areas. When the number of birds in an oiled bird rehabilitation facility, on a given day, exceeds fifty, each static area listed in Table 2 shall be allocated the associated space. All of the space associated with the areas listed in Table 2 shall be accommodated within an oiled bird rehabilitation facility with the exception of the laundry.

Table 2:

Static area space requirements by activity type.

Area	Space
Isolation/intensive care unit	200 sq. ft.
Medical laboratory	200 sq. ft.
Laundry	200 sq. ft.
Electrical	100 sq. ft.
Mechanical	250 sq. ft.

WSR 08-20-105

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 08-10—Filed September 30, 2008, 9:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-12-065.

Title of Rule and Other Identifying Information: Amendments to chapter 173-160 WAC, Minimum standards for construction and maintenance of water wells.

Hearing Location(s): Best Western Lake Front Hotel, Sage Room, 3000 Marina Drive, Moses Lake, WA 98837, on November 4, 2008, at 7 p.m.; at the Department of Ecology Headquarters, Auditorium Room R0A-36, 300 Desmond Drive, Lacey, WA 98503, on November 5, 2008, at 7 p.m.; and at Everett Community College, Olympus Hall, Room 125, 2000 Tower Street, Everett, WA 98201, on November 6, 2008, at 7 p.m.

Date of Intended Adoption: December 17, 2008.

Submit Written Comments to: William E. Lum, II, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail blum461@ecy.[wa.]gov, fax (360) 407-6648, by November 13, 2008.

Assistance for Persons with Disabilities: Contact water resources program by October 28, 2008, TTY (711) for speech or hearing impaired or (800) 833-6388.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the rule proposal is to amend chapter 173-160 WAC. Ecology is making technical and typographical corrections to the current rule and adding new provisions that require note taking during well construction and clarify the requirements for certification of certain drilling materials to protect ground water quality. Ecology convened the technical advisory group who assisted in developing these amendments.

Reasons Supporting Proposal: The changes to these regulations are required to protect ground water, to address the concerns of interested parties, and to clarify the existing rules.

Statutory Authority for Adoption: Chapter 18.104 RCW, Water Well Construction Act (1971).

Statute Being Implemented: Chapter 18.104 RCW, Water Well Construction Act (1971).

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: William E. Lum, II, Department of Ecology, 300 Desmond Drive S.E., Lacey, WA 98503, (360) 407-6648; Implementation and Enforcement: Ken Slattery, Department of Ecology, 300 Desmond Drive S.E., Lacey, WA 98503, (360) 407-6602.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Ecology identified costs but they were determined to be below the minor cost threshold definition in RCW 18.85.020(2). RCW 18.85.030 exempts the department from the requirement to prepare a small business economic impact statement when costs are minor.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting William E. Lum, II, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6648, fax (360) 407-7162, e-mail blum461@ecy.

[wa.]gov, <http://www.ecy.wa.gov/laws-rules/activity/wac/173160.html>.

September 29, 2008

Polly Zehm

Deputy Director

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-010 What is the purpose of this regulation? (1) These regulations are adopted under chapter 18.104 RCW, to establish minimum standards for the construction and decommissioning of all wells in the state of Washington.

(2) The following are excluded from these regulations:

(a) Any excavation that is not intended to locate, divert, artificially recharge, observe, monitor, dewater, or withdraw ground water except resource protection wells, ground source heat pump borings, grounding wells, and geotechnical soil borings.

(b) Any excavation for the purpose of obtaining or prospecting for oil, natural gas, minerals, products of mining, quarrying, inserting media to repressure oil or natural gas bearing formations, storing petroleum, natural gas, or other products, as provided in chapter 78.52 RCW.

(c) Injection wells regulated in chapter 173-218 WAC. completion of milking. Provided that the blend temperature after the first milking and subsequent milkings does not exceed 10°C (50°F)."

((~~Exception: Injection wells used to withdraw ground water and remediation wells that are used to inject any substance to remediate, clean up, or control potential or actual contamination may be regulated by chapters 173-218 and 173-160 WAC.~~))

(d) Infiltration or exfiltration galleries, trenches, ponds, pits, and sumps, except where the department determines that the intended use of the excavation meets a definition in RCW 18.104.020.

(e) Grounding wells and grounding rods that are installed to a depth of twenty-five feet or less.

(3) Under chapter 90.48 RCW, those excavations excluded in subsection (2)(a) through (d) of this section shall be constructed, maintained, and decommissioned to ensure protection of the ground water resource and to prevent the contamination and waste of that resource.

(4) The following wells are regulated under this chapter and may be regulated under chapter 173-218 WAC: Injection wells used to dispose of water which has been withdrawn for heating or cooling purposes and remediation wells that are used to inject any substance to remediate, clean up, or control potential or actual contamination.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-111 What are the definitions of specific words as used in this chapter? (1) "Abandoned well" means a well that is unmaintained or is in such disrepair that it is unusable or is a risk to public health and welfare.

(2) "Access port" is a 1/2- to 2-inch tapped hole or tube equipped with a screw cap, which provides access to the inner casing, for measurement of the depth to water surface. An access port also means a removable cap.

(3) "Annular space" is the space between the surface or outer casing and the inner casing, or the space between the wall of the drilled hole and the casing.

(4) "Aquifer" is a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(5) "Artesian well" is a well tapping an aquifer bounded above and below by confining or impermeable rock or soil layers, or rock or soil layers of distinctly lower permeability than the aquifer itself. The water will rise in the well above the point of initial penetration (above the bottom of the confining or impermeable layer overlying the aquifer). This term includes both flowing and nonflowing wells.

(6) "Artificial gravel pack" is a mixture of gravel or sand placed in the annular space around the liner, perforated pipe, or well screen. A gravel pack is used to reduce the movement of finer material into the well and provide lateral support to the screen in unstable formations.

(7) "Artificial recharge" is the addition of water to an aquifer by activities of man, such as irrigation or induced infiltration from streams, or injection through wells, trenches, pits, and ponds.

(8) "Bentonite" is a mixture of swelling clay minerals, predominantly sodium montmorillonite.

(9) "Building drain" means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two feet outside the building wall.

(10) "Building sewer" means that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system, or other point of disposal.

(11) "Capped well" is a well that is not in use and has a watertight seal or cap installed on top of the casing.

(12) "Casing" is a pipe, generally made of metal or plastic, which is installed in the bore hole as part of the drilling process to maintain the opening. Casing may be utilized in either consolidated or unconsolidated formations and must meet the requirements of WAC 173-160-201.

(13) "Confining layer" or "confining formation" means a layer of low hydraulic conductivity material that significantly limits vertical movement of ground water.

(14) "Consolidated formation" means any geologic formation in which the earth materials have become firm and cohesive through natural rock forming processes. Such rocks commonly found in Washington include basalt, granite, sandstone, shale, conglomerate, and limestone. ~~((An uncased bore hole will normally remain open in these formations.~~

~~(14))~~ (15) "Constructing a well" or "construct a well" means:

- (a) Boring, digging, drilling, or excavating a well;
- (b) Installing casing, sheeting, lining, or well screens, in a well;
- (c) Drilling a geotechnical soil boring; ~~((or))~~

(d) Installing an environmental investigation well; or

(e) Alteration of an existing well.

~~((Constructing a well" or "construct a well" includes the alteration of an existing well.~~

~~(15))~~ (16) "Contamination" has the meaning provided in RCW 90.48.020.

~~((16))~~ (17) "Curbing" is a liner or pipe made of concrete, precast tile or steel installed in dug wells to provide an annular space between the well bore and the liner or pipe for sealing.

~~((17))~~ (18) "Decommissioning" means to fill or plug a well so that it will not produce water, serve as a channel for movement of water or pollution, or allow the entry of pollutants into the well or aquifer(s).

~~((18))~~ (19) "Department" means the department of ecology.

~~((19))~~ (20) "Design pumping rate" means the maximum pumping rate as determined by the well driller, without exceeding the department's policy on sand and turbidity.

~~((20))~~ (21) "Dewatering well" means a cased or lined excavation or boring that is intended to withdraw or divert ground water for the purpose of facilitating construction, stabilizing a land slide, or protecting an aquifer.

~~((21))~~ (22) "Director" means director of the department of ecology.

~~((22))~~ (23) "Disinfection" or "disinfecting" is the use of chlorine, or other disinfecting agent or process approved by the department, in sufficient concentration and contact time adequate to inactivate coliform or other indicator organisms.

~~((23))~~ (24) "Domestic water supply" is any water supply which serves a family residence(s).

~~((24))~~ (25) "Draw down" is the measured difference between the static ground water level and the ground water level induced by pumping.

~~((25))~~ (26) "Drilled well" is a well in which the hole is usually excavated by mechanical means such as rotary, cable tool, or auger drilling equipment.

~~((26))~~ (27) "Drilling log" means a water or resource protection well report.

~~((27))~~ (28) "Driven well" is a well constructed by joining a "drive point" to a length of pipe, then driving the assembly into the ground.

~~((28))~~ (29) "Dug well" is a well generally excavated with hand tools or by mechanical methods. The side walls may be supported by material other than standard weight steel casing.

~~((29))~~ (30) "Filter pack" means clean, well rounded, smooth, uniform, sand or gravel, which is placed in the annulus of the well between the bore hole wall and the liner, perforated pipe, or well screen to prevent formation material from entering the well.

~~((30))~~ (31) "Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

~~((31))~~ (32) "Ground source heat pump boring" means a vertical boring constructed for the purpose of installing a closed loop heat exchange system for a ground source heat pump.

~~((32))~~ (33) "Ground water" means and includes ground waters as defined in RCW 90.44.035.

~~((33))~~ (34) "Grounding well" means a grounding electrode installed in the earth by the use of drilling equipment to prevent buildup of voltages that may result in undue hazards to persons or equipment. Examples are anode and cathode protection wells.

~~((34))~~ (35) "Grout" is a fluid mixture of cement, bentonite, and water used to seal the annular space around or between well casings, or to decommission wells.

~~((35))~~ (36) "Impermeable" is a descriptive term for earth materials which have a texture or structure that does not permit fluids to perceptibly move into or through its pores or interstices.

~~((36))~~ (37) "Liner" means a pipe inserted into a larger casing, or bore hole, after the drilling process has occurred, as a means of maintaining the structural integrity of the well. Liners may only be used in consolidated formations and must meet the requirements of WAC 173-160-201.

~~((37))~~ (38) "Maximum pumping rate" means the maximum pumping rate, as determined by the well driller, without exceeding the department's policy on sand and turbidity.

~~((38))~~ (39) "Operator" means a person who:

- (a) Is employed by a well contractor;
- (b) Is licensed under this chapter; or
- (c) Who controls, supervises, or oversees the construction of a well or who operates well construction equipment.

~~((39))~~ (40) "Owner" or "well owner" means the person, firm, partnership, copartnership, corporation, association, other entity, or any combination of these, who owns the property on which the well is or will be constructed or has the right to the well by means of an easement, covenant, or other enforceable legal instrument for the purpose of benefiting from the well.

~~((40))~~ (41) "NSF/ANSI" means the National Sanitation Foundation/American National Standards Institute.

(42) "Permeability" is a measure of the ease of which liquids or gas move through a porous material.

(a) For water, this is usually expressed in units of centimeters per second or feet per day. Hydraulic conductivity is a term for water permeability.

(b) Soils and synthetic liners with a water permeability of $1 \times 10^{(-7)}$ cm/sec or less may be considered impermeable.

~~((41))~~ (43) "Pollution" has the meaning provided in RCW 90.48.020.

~~((42))~~ (44) "Pressure grouting" is a method of forcing grout into specific portions of a well for sealing purposes.

~~((43))~~ "PTFE" means ~~polytetrafluoroethylene casing materials such as teflon. The use of the term teflon is not an endorsement for any specific PTFE product.~~

~~((44))~~ (45) "Public water supply" is any water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, available to the public for human consumption or domestic use, excluding water supplies serving one single-family residence and a system with four or fewer connections, all of which serve residences on the same farm.

~~((45))~~ (46) "PVC" means polyvinyl chloride, a type of thermoplastic casing or liner.

~~((46))~~ (47) "Static water level" is the vertical distance from the surface of the ground to the water level in a well when the water level is not affected by withdrawal of ground water.

~~((47))~~ (48) "Temporary surface casing" is a length of casing (at least four inches larger in diameter than the nominal size of the permanent casing) which is temporarily installed during well construction to maintain an annular space for later placement of the surface seal as described in WAC ~~((173-160-275, 173-160-285, 173-160-305, and 173-160-315))~~ 173-160-231. The temporary surface casing shall be removed before well completion.

~~((48))~~ (49) "Test well" is a well (either cased or uncased), constructed to determine the quantity of water available for beneficial uses, identifying underlying rock formations (lithology), and to locate optimum zones to be screened or perforated. If a test well is constructed with the intent to withdraw water for beneficial use, it must be constructed in accordance with the minimum standards for water supply wells, otherwise they shall be constructed in accordance with the minimum standards for resource protection wells. A water right permit, preliminary permit, or temporary permit shall be obtained prior to constructing a test well unless the anticipated use of water is exempt as provided in RCW 90.44.050. A "test well" is a type of "water well."

~~((49))~~ (50) "Tremie tube" is a small diameter pipe used to place grout, filter pack material, or other well construction materials in a well.

~~((50))~~ (51) "Turbidity" means the clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

~~((51))~~ (52) "Unconsolidated formation" means any naturally occurring, loosely cemented, or poorly consolidated earth material including such materials as uncompacted gravel, sand, silt and clay.

Alluvium, soil, and overburden are terms frequently used to describe such formations.

~~((52))~~ (53) "Water well" means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering or withdrawal of ground water. Water wells include ground source heat pump borings and grounding wells.

~~((53))~~ (54) "Water well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing water wells.

~~((54))~~ (55) "Water well report" means a document that describes how a water well, ground source heat pump, or grounding well was constructed or decommissioned and identifies components per the requirements of WAC 173-160-141.

~~((55))~~ (56) "Well alteration(s)" include(s): Deepening, hydrofracturing or other operations intended to increase well yields, or change the characteristics of the well. Well alteration does not include general maintenance, cleaning, sanitation, and pump replacement.

~~((56))~~ (57) "Well completion" means that construction has progressed to a point at which the drilling equipment has

been removed from the site, or a point at which the well can be put to its intended use.

~~((57))~~ (58) "Well contractor" means a resource protection well contractor and water well contractor licensed and bonded under chapter 18.27 RCW.

~~((58))~~ (59) "Well driller(s)" or "driller(s)" is synonymous with "operator(s)."

~~((59))~~ (60) "Well" means water wells, resources protection wells, dewatering wells, and geotechnical soil borings. Well does not mean an excavation made for the purpose of obtaining or prospecting for oil or natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

~~((60))~~ (61) "Well screen" means a device, usually made of plastic or metal that is capable of preventing unconsolidated or poorly consolidated geologic material from entering the well. The size of the material which is prevented from entering the well is predetermined and controlled by the screen opening or slot size of the screen. A well screen may include a riser pipe.

AMENDATORY SECTION (Amending Order 97-08, filed 3/23/98, effective 4/23/98)

WAC 173-160-121 What should I know about drilling wells that require water right permits? (1) Unless a ground water withdrawal is exempt from the permit requirements under RCW 90.44.050, a well cannot be drilled without the well owner first obtaining a water right permit from the department authorizing the use of water from the well.

(2) The licensed operator must have a copy of the water right permit or certificate on site at all times.

(3) Every well that requires a permit shall be constructed to meet the provisions of that permit. Provisions may include:

- (a) Limitations on zones of completion.
- (b) Special sealing requirements.
- (c) Special casing and liner requirements.
- (d) Other specific construction and testing details.

(4) As provided in WAC 173-548-050, no water well may be constructed for any purpose in subbasins closed in the Methow water resources regulation:

(a) Including those exempted from permitting under RCW 90.44.050;

(b) Unless written approval has been obtained from the department prior to beginning well construction.

AMENDATORY SECTION (Amending Order 97-08, filed 3/23/98, effective 4/23/98)

WAC 173-160-131 What should the well owner know about water metering? The department may require water users to measure the quantity of water withdrawn from wells, to record water use, and/or to report the water use information to the department. Until the department develops specific metering and reporting requirements, these requirements may be provided for in individual water right permits or as otherwise ordered by the department for specific wells and ground water use.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-141 What are the requirements regarding water well reports? (1) Anyone who constructs or decommissions a well is required to submit a complete report on the construction (~~(-alteration-)~~) or decommissioning of the well to the water resources program within thirty days after completion of a well, or after the drilling equipment has left the site. The report must be an accurate summation of the data collected in the field taken from field notes written as the well was constructed or decommissioned. Field notes must be available at all times during construction or decommissioning for review by state and local inspectors and kept until the well report is submitted. Submission of a well report to consulting firms does not meet the well contractor's obligation ~~((ø))~~ under this section.

(a) This applies to all water wells.

(b) The water well report must be made on a form provided by the department, or a reasonable facsimile of the form, as approved by the department.

(2) Where applicable the water well report must include, at least, the following information:

(a) Owner name; operator/trainee name; operator/trainee license number; contractor registration number, drilling company name;

(b) Tax parcel number;

(c) Well location address;

(d) Location of the well to at least 1/4, 1/4 section or smallest legal subdivision;

(e) Unique well identification tag number;

(f) Construction or decommissioning date;

(g) Start notification number;

(h) Intended use of well;

(i) The well depth, diameter, and general specifications of each well;

(j) Total depth of casing;

(k) Well head elevation;

(l) Drilling method;

(m) Seal material, seal location and type of placement used;

(n) Filter pack location; filter pack material used;

(o) The thickness and character of each bed, stratum or formation penetrated by each well, including identification of each water bearing zone;

(p) Casing gauge, diameter, stickup, type of material, and length, also of each screened interval or perforated zone in the casing;

(q) The tested capacity of each well in gallons per minute, and the test duration and draw down of the water level at the end of the capacity test;

(r) Recovery data;

(s) For each nonflowing well, the depth to the static water level, as measured below the land surface;

(t) For each flowing well, the shut-in pressure measured above the land surface, or in pounds per square inch at the land surface; and

(u) Water right permit or certificate number for all wells that are not exempt under RCW 90.44.050; and

(v) Such additional factual information as may be required by the department.

(3) The well report must ~~((show))~~ include one of the following:

(a) The license number and signature of the person who constructed or decommissioned the well.

(b) The license number and signature of the trainee and the licensed operator under chapter 18.104 RCW.

(c) The license number and signature of the exempted individual as defined under RCW 18.104.180(3).

(d) The signature of the individual exempted under RCW 18.104.180(1). ~~((If this is an unlicensed person, exempted under RCW 18.104.180(2), the report shall show the license number and signature of the licensed operator who witnessed the drilling. Water well reports for wells constructed by trainees shall have the signature and license number of the trainee and the licensed operator.))~~

(4) If a well report is missing, a new report may be generated. This report shall contain all physical components of the well and report all available information in accordance with this section. The report shall be signed by the individual collecting the physical information of the well. Submittal of this report does not relieve the person who constructed the well of their obligation to submit a complete well report under subsection (1) of this section.

(5) This rule shall allow an individual to submit electronic reports in accordance with department procedures. The use of a digital signature in the electronic report will be authorized as a substitute for an original signature under subsection (3) of this section.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-151 Does the department require prior notice and fees for well constructing, reconstructing, or decommissioning a water well? (1) Yes. The property owner, owner's agent, or water well operator shall notify the department of their intent to begin well construction ~~((; reconstruction alteration,))~~ or decommissioning procedures at least seventy-two hours before starting work.

(2) The notice of intent is submitted on forms provided by the department and must contain the following:

(a) Well owner name;

(b) Well location; street address; county name, 1/4, 1/4 section, township, and range, and tax parcel number;

(c) Proposed use; (if the intended withdrawal requires a water right, the permit or certificate shall be attached to the notice of intent);

(d) Approximate start and completion dates;

(e) Contractor registration number;

(f) Operator/trainee name and license number; and

(g) Drilling company name.

(3) In an emergency, a public health emergency, or in exceptional instances, the department may allow verbal notification to the appropriate regional office, with a notice of intent and payment of fee submitted within twenty-four hours. An emergency situation may consist of a failing well, or water quality issues which could result in a public health or safety concern.

(4) The notice must be accompanied by the following fees which apply to all newly constructed or altered wells:

(a) The fee for one water well, other than a dewatering well, with a top casing diameter of less than twelve inches is two hundred dollars. This fee does not apply to a ground source heat pump boring or a grounding well.

(b) The fee for one water well, other than a dewatering well, with a top casing diameter of twelve inches or greater is three hundred dollars.

(c) The fee for a ground source heat pump boring or a grounding well is forty dollars for construction of up to four ground source heat pump borings or grounding wells per project and ten dollars for each additional ground source heat pump boring or grounding well constructed on a project with more than four wells.

(d) The combined fee for construction and decommissioning of a dewatering well system shall be forty dollars for each two hundred horizontal lineal feet, or portion of horizontal lineal feet, of the dewatering well system.

(e) The fee to decommission a water well is fifty dollars.

(f) The fee to decommission a ground source heat pump boring or a grounding well is twenty dollars.

(5) If drilling results in an unusable well ~~((dry hole, there is))~~:

(a) A notice of intent and fee for decommissioning will apply for each unusable well:

(b) No additional notice of intent or fee to construct a water well for ~~((a second attempt))~~ each subsequent unusable well is required, provided:

~~((a))~~ (i) A subsequent attempt at constructing a new well is made immediately; and

~~((b))~~ (ii) The unusable well(s) is properly decommissioned before drilling equipment leaves the well site; and

~~((c))~~ (iii) The driller follows all requirements under WAC 173-160-040(2); and

(iv) The department is notified of all decommissionings; and

~~((d))~~ (v) A well report describing the decommissioning process is submitted to the department in accordance with this chapter.

(6) A new notice of intent and fee shall be required on all follow-up construction after the drilling equipment has left the drill site.

(7) A refund shall be made on any well that has not been constructed provided, a written request on an approved form is made by the person who paid the fee and is submitted to the department within six months from the date the notice and fee were received by the department.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-171 What are the requirements for the location of the well site and access to the well? (1) The proposed water well shall be located ~~((on high ground that))~~ where it is not subject to ponding and is not in the floodway, except as provided in chapter 86.16 RCW.

(2) It shall be protected from a one hundred-year flood and from any surface or subsurface drainage capable of impairing the quality of the ground water supply.

(3) All wells shall not be located within certain minimum distances of known or potential sources of contamination.

(a) Some examples of sources or potential sources of contamination include:

(i) Septic systems, including proposed and reserve sites under a valid septic design: Provided, that the design has been approved for installation by a health authority;

(ii) Manure, sewage, and industrial lagoons;

(iii) Landfills;

(iv) Hazardous waste sites;

(v) Sea/salt water intrusion areas;

(vi) Chemical and petroleum storage areas;

(vii) Pipelines used to convey materials with contamination potential;

(viii) Livestock barns and livestock feed lots.

(b) Minimum set-back distances for water wells other than for public water supply are:

(i) Five feet from any existing building structure or building projection. Water wells shall not be located in garages, barns, storage buildings or dwellings. When locating a nonpublic water well adjacent to a building, the well location shall be measured from the building sewer and closest building projection.

(ii) Fifty feet from a septic tank, septic holding tank, septic containment vessel, septic pump chamber, and septic distribution box.

(iii) Fifty feet from building sewers, public sewers, collection and nonperforated sewer distribution lines except building drains.

(iv) One hundred feet from the edge of a drainfield, proposed drainfield which has been approved by a health authority, and reserve drainfield areas.

(v) One hundred feet from all other sources or potential sources of contamination except for solid waste landfills.

(vi) One thousand feet from the boundary of a permitted or previously permitted (under chapter 173-304, 173-306, 173-351, or 173-350 WAC) solid waste landfill as defined by the permit; or one thousand feet from the property boundary of other solid waste landfills. Except, a variance may be granted if documentation is provided that demonstrates the construction and operation of the well adjacent to the landfill will not further degrade the environment and will not cause a public health risk.

(c) All public water supply well(s) locations shall be ~~((located))~~ approved by the department of health or the local health ~~((authority))~~ jurisdiction or other department of health designee.

(i) Before construction begins, final site approval must be obtained from the department of health~~((s))~~ or the local health ~~((authority))~~ jurisdiction.

(ii) The requirements of the state board of health regulation regarding public water supplies shall apply.

(iii) This regulation includes requirements for zones of protection, location of the well, accessibility features, and certain construction requirements.

(4) In siting a well, the driller shall consider:

(a) All local and state water well construction regulations, policies, and ordinances;

(b) Permeability of the soil or rock;

(c) Adjacent land uses;

(d) Local ground water conditions; and

(e) End use of the well.

(5) Before construction, the water well operator should strongly emphasize to the well owner, the importance of retaining good accessibility to the well to permit future inspection, maintenance, supplementary construction, and decommissioning.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-191 What are the design and construction requirements for completing wells? (1) You may complete wells with screens, perforated liners or pipe, or open bottom completion. The well driller or designer shall advise the owner or the owner's representative of the most appropriate method of completion.

(2) All well components must be of sufficient strength to withstand the ~~((normal))~~ typical forces to which they are subjected during and after construction.

(3) Water wells must be completed in a manner which prevents the production of untreatable amounts of sand, silt, or turbid water which would render the well unusable.

(4) Open bottom completion is appropriate where the withdrawn waters are essentially free of sand, silt and turbidity.

(5) Perforated pipe completion is suitable for a coarse-grained, permeable aquifer where the withdrawn waters are free of sand, silt or turbidity.

(6) Perforations above the static water level are not permitted.

(7) In place perforations with Star, Mills knife, or similar type perforators are acceptable.

(8) Perforated pipe liners, either saw cut, torch cut, mill slotted, or punched are acceptable.

(9) The use of perforated casing for working casing as the hole is being drilled is prohibited, except in those cases where the contractor can, through personal experience in the particular area of drilling, attest to the sufficiency of the pre-perforated casing in all respects for the specific well being constructed.

(10) Pipe liners may be of steel, plastic or other suitable corrosion resistant material.

(11) All liners must be of sufficient strength to withstand ~~((normal))~~ typical forces exerted upon the liner material during installation and operation.

(12) Liners may be used only in consolidated formations.

(13) The installation of a liner without a gravel pack is prohibited when conditions exist that will result in excessively turbid water.

(14) Well screens and well points must be constructed of compatible corrosion resistant material.

(a) A neoprene, or grout seal shall be fitted to the top of the well screen assembly, if necessary.

(b) The bottom of the well screen shall be plugged or capped.

(c) The use of lead packers is prohibited.

(15) The alignment of the bore hole, permanent casing, or liner shall be sufficiently plumb and straight to allow the installation of screens, liners, pumps, and pump columns without binding or having adverse affects on the operation of the installed pumping equipment.

(a) Alignment of the well casing or bore hole shall not deviate from an alignment that would allow a twenty foot test section of pipe to be inserted to the bottom of the well without binding.

(b) The diameter of the test section of pipe shall be per Table 1 in WAC 173-160-201.

(c) For testing alignment in casing reductions, each section shall be tested separately.

(16) For wells completed in an unconsolidated formation in which the bore hole extends beyond the completed casing or screen depth, the driller must backfill that portion of the bore hole that extends more than ten feet beyond the casing or screen. The backfill shall consist of either bentonite or chlorinated sand or pea gravel. If any portion of the bore hole extension penetrates a clay layer which is greater than six feet in thickness, that portion of the bore hole shall be sealed with bentonite. A notice of intent to decommission a water well is not required for this work.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-201 What are the casing and liner requirements? (1) Proper casing must be installed in all water supply wells.

(2) The casing shall withstand (~~normal~~) typical forces which act upon it during and after installation. It shall be resistant to the corrosive effects of the surrounding formations, earth, and water and shall be impervious to any contaminants encountered.

(3) All plastic casing or liner pipe used in potable water supply wells must be manufactured to conform to National Sanitation Foundation (NSF) Standard 14-84, or the most recent revision.

(4) Unless prior approval is obtained from the department, well casings and liner pipes must be made of either steel or plastic.

(5) Liner pipe must be of sufficient strength to withstand breakage or collapse when the well is pumped and meet ASTM potable water standards.

(6) When installed, liner pipe shall extend or telescope at least two feet into the lower end of the well casing. If more than one string of liner pipe is installed, each string shall extend or telescope at least eight feet into the adjacent larger diameter liner pipe.

(7) Liner pipe may not be permanently fixed to a well casing below land surface.

(8) Minimum specifications for steel casing and steel liner pipe for water wells are shown in Table 1.

~~((9) Minimum specifications for plastic casing and plastic liner pipe for water wells are shown in Table 2.~~

~~((10) Steel casing larger than twenty inches shall have a minimum wall thickness of 0.375 inches.))~~

TABLE 1
Minimum Specifications for Steel Casing and Steel Liner Pipe

NOMINAL SIZE (inches)	OUTSIDE DIAMETER (inches)	WALL THICKNESS (inches)	WEIGHT PER FOOT (pounds)	TEST SECTION OUTSIDE DIAMETER (inches)
1.25	1.660	0.140	2.27	0.500
1.5	1.900	0.145	2.72	0.750
2.0	2.375	0.154	3.65	1.000
2.5	2.875	0.203	5.79	1.500
3.0	3.500	0.216	7.58	2.000
3.5	4.000	0.226	9.11	2.500
4.0	4.500	0.237	10.79	3.000
5.0	5.563	0.258	14.62	3.500
6.0	6.625	0.250	17.02	4.000
8.0	8.625	0.250	22.36	6.000
10	10.750	0.250	28.04	8.000
12	12.750	0.250	33.38	10.000
14	14.000	0.312	45.61	11.000
16	16.000	0.375	57.52	14.000
18	18.000	0.375	70.59	16.000
20	20.000	0.375	78.60	18.000
24	24.000	0.375	94.62	20.000
30	30.000	0.375	118.65	24.000

(9) Steel casing larger than thirty inches shall have a minimum wall thickness of 0.375 inches.

(10) Minimum specifications for plastic casing and plastic liner pipe for water wells are shown in Table 2.

TABLE 2
Minimum Specifications for Plastic Casing and Plastic Liner Pipe

NOMINAL CASING DIAMETER (inches)	MINIMUM THICKNESS (inches)	SDR
2.0	0.133	21
2.5	0.137	21
3.0	0.167	21
3.5	0.190	21
4.0	0.214	21
4.5	0.236	21
5.0	0.265	21
6.0	0.316	21
8.0	0.410	21
10	0.511	21
12	0.606	21

~~((STEEL CASING AND STEEL LINER))~~

(11) Steel casing and steel liner: All steel casing and steel liner must be new or, in like new condition, and be structurally sound.

(a) Casing or liner that has been exposed to a contaminant shall not be used in well construction unless the contamination can be entirely removed.

(b) When casing or liner lengths are joined together, they must be connected by watertight weld or screw coupled joints.

(i) Welded joints must be at least as thick as the wall thickness of the well casing and be fully penetrating.

(ii) All steel well casing or liner shall meet or exceed the minimum American Society for Testing and Materials (ASTM) A-53 A or B specification for steel pipe.

~~((PLASTIC CASING AND PLASTIC LINER))~~

(12) Plastic casing and plastic liner: Plastic, fiberglass, PVC, SR, ABS, CPVC or other type of nonmetallic well casing or liner must be manufactured and installed to conform with ANSI/ASTM F 480-81, or the most recent revision.

(a) SDR is calculated by dividing the outside diameter of the pipe by the wall thickness.

(b) SDR 21 is the minimum requirement (Class 200); higher pressure rated pipe may be used.

(c) All plastic casing must be installed only in an oversized drill hole without driving. The oversized hole must be a diameter of at least ~~((4))~~ four inches larger than the outside diameter of the plastic casing or coupling hubs, whichever is larger. Plastic casing and liner must be of sufficient strength to withstand breakage or collapse when installed and while the well is pumped. Plastic casing and liner must meet ASTM potable water standards.

(d) All plastic casing or liner must be new or, in like new condition and clearly marked by the manufacturer showing nominal size, class, type of plastic material, SDR, ASTM designation, and have a ~~((National Sanitation Foundation~~ NSF ~~((®))~~) seal of approval for use in potable water supplies.

(e) Casing or liner that has been exposed to a contaminant shall not be used in well construction unless the contaminant is entirely removed.

(f) Plastic casing or liner joints must be watertight.

(i) Either "bell" type, threaded joints, or coupling hubs are approved.

(ii) Hub couplings must be of materials meeting the specifications for plastic casings as stipulated in subsection (2) of this section.

(iii) If joints are secured with solvent cement, it must be done in accordance with manufacturer's directions.

~~((CONCRETE CURBING))~~

(13) Concrete curbing: The concrete used to make curbing must consist of clean, hard and durable aggregate with not less than five sacks (ninety-four pounds per sack) of portland cement per cubic yard of concrete.

(a) The maximum diameter of aggregate particles may not exceed 1 1/2 inches, but in any case may not exceed 1/5 the minimum width of the casing thickness.

(b) The ratio of coarse aggregate to fine aggregate (passing No. 4 U.S. Standard Sieve) must be approximately 1 1/2 to 1 by volume, but in any case, may not exceed 2 to 1 nor be less than 1 to 2.

(14) The curbing shall be at least six inches thick and free of voids. The walls shall be poured in one continuous operation.

(15) When concrete tile is used to line a well, the combined total wall thickness and seal shall be a minimum of six inches.

NEW SECTION

WAC 173-160-214 What are the limitations for use of drilling materials? (1) At no time shall a product contain materials that:

(a) Are toxic or polluting;

(b) Develop odor or color changes in the water; or

(c) Serve as a microbial nutrient.

(2) Organic materials which foster or promote undesired organic growth or have the potential to degrade water quality shall not be employed in the construction of a water supply well. This includes, but is not limited to, brans, hulls, grains, starches, and proteins, unless NSF/ANSI approved.

NEW SECTION

WAC 173-160-216 What are the standards for use of polymers and additives? (1) All polymers and additives used in any well shall be certified by NSF/ANSI approval standards for use in potable water supply wells, or equivalent standards as approved by the department. The product shall be clearly labeled as meeting these standards.

(2) Polymers and additives must be designed and manufactured to meet industry standards to be nondegrading and must not act as a medium which will promote growth of microorganisms.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-221 What are the standards for sealing materials? (1) **Bentonite sealant:**

(a) Bentonite used to prepare slurries for sealing~~((;))~~ or decommissioning shall be specifically designed for this purpose. ~~((At no time shall grout slurry contain materials that are toxic, polluting, develop odor or color changes, or serve as a micro-bacterial nutrient.))~~ All bentonite slurries shall be prepared and installed according to the manufacturer's instructions. ~~((All additives must be certified by a recognized certification authority such as NSF.))~~ Active solids content (bentonite) shall be twenty percent by weight or greater in all bentonite slurries. The active solids shall be checked by using the following formula:

$$\frac{\text{Weight of bentonite (lbs.)}}{\text{Weight of bentonite (lbs.)} + (\text{gallons of water} \times 8.33 \text{ lbs./gal})} \times 100 = \% \text{ solids}$$

Example: ~~((405))~~ 50 lbs. of bentonite $\times 100 = 20\%$ solids
~~((405))~~ 50 lbs. bentonite + ~~((50))~~ 24 gallons of water $\times 8.33 \text{ lbs./gal}$

(b) Unhydrated bentonite~~((—))~~ including pelletized, granulated, powder, or chip bentonite may be used in the construction of seals or in decommissioning of wells. The bentonite material shall be specifically designed for sealing or decommissioning and be within the industry tolerances for dry western sodium bentonite. ~~((Polymer additives must be designed and manufactured to meet industry standards to be nondegrading and must not act as a medium which will promote growth of micro-organisms. All unhydrated bentonite used for sealing or decommissioning must be free of organic polymers.))~~ Placement of bentonite shall conform to the man-

ufacturer's specifications and result in a seal free of voids or bridges.

(c) All bentonite used in any well shall be certified by NSF/ANSI approval standards for use in potable water supply wells, or equivalent standards as approved by the department. The product shall be clearly labeled as meeting these standards.

(2) Cement sealants:

(a) Neat cement consists of either portland cement types I, II, III, or high-alumina cement mixed with not more than six gallons of potable water per sack of cement (ninety-four pounds per sack).

(b) Neat cement grout consists of neat cement with up to five percent bentonite clay added, by dry weight of the bentonite. Bentonite is added to improve flow qualities and compensate for shrinkage.

(c) Concrete sealants consist of clean, hard and durable aggregate with not less than five sacks (ninety-four pounds per sack) of portland cement per cubic yard of concrete sealant and water.

(i) The maximum diameter of aggregate particles may not exceed 1 1/2 inches, but in any case may not exceed 1/5 the minimum width of the casing thickness.

(ii) The ratio of coarse aggregate to fine aggregate (passing No. 4 U.S. Standard Sieve) must be approximately 1 1/2 to 1 by volume, but in any case, may not exceed 2 to 1 nor be less than 1 to 2.

(iii) The quantity of water used for each batch of cement sealant shall not exceed manufacturer's recommendation.

(d) Expanding agents, such as aluminum powder, may be used at a rate not exceeding 0.075 ounce (1 level teaspoon) per sack (ninety-four pounds per sack) of dry cement. The powder may not contain polishing agents. High-alumina cement and portland cement of any type must not be mixed together.

(e) Controlled density fill (CDF) or fly ash shall not be used in any well construction or decommissioning.

(f) All cement sealants shall be mechanically mixed prior to placing in the well or bore hole.

(3) Sealing methods:

(a) When neat cement or neat cement grout is used in sealing, it shall be placed seventy-two hours before additional drilling takes place, unless special additives are mixed with the neat cement or neat cement grout that cause it to set in a shorter period of time.

(b) All hydrated sealing materials shall be placed by ~~((tremmying))~~ tremying the mixture from the bottom of the annular space to the surface in one continuous operation.

(4) This section may not preclude the use of new sealant materials which have been approved by the technical advisory group.

(5) Sealing materials shall be impervious to any contaminants encountered.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-231 What are the standards for surface seals? (1) All water wells constructed shall have a sur-

face seal which seals the annular space between the bore hole and the permanent surface casing.

(a) The seal shall be constructed to prevent surface contaminants from reaching the ground water.

(b) The surface seal must have a minimum diameter of four inches larger than the nominal size of the surface casing, to include the outside diameter of the bell, in bell and hub couplings.

(c) The surface seal must extend from land surface to a minimum depth of eighteen feet. Except, when the minimum surface seal requirements for driven, jetted, dewatering and some dug wells are less than eighteen feet. See the appropriate section for these wells for a detailed description of their sealing requirements.

(2) Sealing material must be placed in an open annular space that is a minimum of four inches greater in diameter than the nominal size of the permanent casing. The annular space must be kept at least one-half full of sealing material whenever the production casing is advanced.

(3) The completed surface seal must fully surround the permanent casing, must be evenly distributed, free of voids, and extend to undisturbed or recompacted soil.

(4) After the permanent casing has been set in final position, the annular space shall be filled to land surface with bentonite or neat cement grout or neat cement. Leaving voids for future installation of equipment such as a pitless adapter is prohibited.

(5) A temporary surface casing with a minimum length of eighteen feet and a minimum nominal diameter of four inches greater than the permanent casing shall be used in all unconsolidated formations such as in gravels, sands, or other unstable conditions when the use of drilling fluid or other means of keeping the bore hole open are not employed. Except driven and jetted wells shall utilize a temporary surface casing with a minimum length of six feet and a minimum nominal diameter of four inches greater than the permanent casing shall be used in all unconsolidated formations such as in gravels, sands, or other unstable conditions when the use of drilling fluid or other means of keeping the bore hole open are not employed.

(6) Whenever reconstruction involves permanent surface casing movement; or the existing surface seal is damaged; or a surface seal never existed; the driller shall repair, replace, or install a minimum of eighteen feet of surface seal around the permanent casing.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-241 What are the requirements for formation sealing? (1) Unconsolidated formation sealing - Without significant clay beds or other confining formations - Drilled wells that penetrate an aquifer overlain by unconsolidated formations such as sand and gravel without significant clay beds (at least six feet thick) or other confining formations shall be sealed in accordance with the surface sealing requirements of WAC 173-160-231. See Figure 1.

(2) Unconsolidated formation sealing - With significant clay beds or other significant confining formations - Drilled wells that penetrate an aquifer overlain by clay or other con-

fining formations that are at least six feet thick, shall be sealed to prevent movement of water or contamination in the annular space between the permanent casing and the clay or other confining formation(s). One of the following methods shall be used to seal the annular space:

(a) A drill hole at least four inches greater in diameter than the nominal size of the permanent well casing shall extend from the land surface into the clay bed or other confining formation located directly above the aquifer to be developed. The annular space shall be filled with bentonite (slurry or unhydrated), neat cement grout, or neat cement to form a watertight seal between the permanent casing and all significant confining formations encountered during drilling. If bentonite slurry, neat cement grout, or neat cement is used to seal the annular space it must be placed by either pumping or (~~tremmying~~) tremying the seal material from the lowest clay bed or other confining formation of significance encountered, to land surface. The drill hole shall be kept open through the use of a temporary casing or any other drilling method that stabilizes the bore hole wall. See Figure 1.

(b) An upper drill hole at least four inches greater in diameter than the nominal size of the permanent well casing shall extend to a minimum of eighteen feet from land surface. A temporary casing or other means of maintaining an open bore hole shall be utilized. All temporary casing will have an outside diameter of a minimum of four inches larger than the permanent casing (for example, a ten-inch temporary casing for a six-inch permanent casing). The upper drill hole shall always contain a minimum of nine feet of sealant throughout the advancement of the permanent casing. Except, if the temporary casing is removed or not utilized, the upper drill hole shall be kept full of sealant. See Figure 1.

(3) Consolidated formations - In drilled wells that penetrate an aquifer, either within or overlain by a consolidated formation, sealing of the casing shall conform with one of the following procedures.

(a) Procedure one - An upper drill hole at least four inches greater in diameter than the nominal size of the permanent well casing shall extend from land surface into a sound, unfractured, consolidated formation. An unperforated permanent casing shall be installed to extend to this same depth, and the lower part of the casing shall be driven into the consolidated formation and sealed in a manner that establishes a watertight seal between the formation and the casing. The remainder of the annular space to land surface shall be filled with neat cement grout, neat cement, or bentonite.

(i) If the consolidated formation is encountered at a depth less than eighteen feet from land surface, the upper drill hole and permanent casing shall extend to a minimum of eighteen feet from land surface. See Figure 2.

(ii) If neat cement grout, neat cement, or bentonite slurry is placed by pumping to seal the entire annulus from the bottom up to land surface, the upper drill hole may be a minimum of two inches larger than the outside diameter of the permanent casing.

(b) Procedure two - An upper drill hole at least four inches greater in diameter than the nominal size of the permanent casing extends from land surface to a depth of at least eighteen feet. An unperforated permanent casing shall be driven into the consolidated formation and sealed in a manner

that establishes a watertight seal between the formation and the casing. Throughout the driving of the well casing to the consolidated formation, the annular space between the upper drill hole and the permanent casing shall be kept at least one-half full with unhydrated bentonite, or bentonite slurry. The remainder of the annular space to land surface shall be filled with cement grout, neat cement, or bentonite. See Figure 2.

(c) If temporary surface casing is used in either procedure (a) or (b) of this subsection, the casing must be a minimum of eighteen feet long and at least four inches larger in diameter than the permanent casing. If a consolidated formation is encountered within the first eighteen feet, the temporary casing may terminate at the interface of the consolidated formation. Withdrawal of the temporary casing must take place simultaneously with proper sealing of the annular space to land surface.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-261 How do I seal dug wells? The surface seal of all dug wells shall be constructed to effectively seal the annular space between the undisturbed native material of the upper well hole and the well curbing, which may consist of (~~(c)~~)concrete tile, steel pipe or liner(~~(t)~~). The seal depth shall be at least eighteen feet from land surface or to within three feet of the bottom in dug wells that are less than twenty-one feet in depth. Dug wells may be sealed with cement, neat cement, bentonite, or neat cement grout. A cap shall be placed on all dug wells. Except during maintenance, the cap shall remain in place. The cap shall prevent entry of pollutants, insects, and mammals into the well. See Figure 3.

AMENDATORY SECTION (Amending Order 97-08, filed 3/23/98, effective 4/23/98)

WAC 173-160-281 What are the construction standards for artificial gravel-packed wells? Wells must be constructed in accordance with sealing standards under this chapter. In gravel-packed wells, the gravel mixture shall be placed around the screen so that bridging or size separation does not occur. The gravel pack must be clean, and chemically stable. All gravel and water used must be disinfected with at least fifty parts per million (~~(ppm)~~) chlorine for a contact time of at least thirty minutes. Rinse water containing chlorine is a pollutant. Chlorine in the rinse water must be allowed to dissipate and the water must be discharged in a safe manner consistent with the intent of the Water Pollution Control Act, chapter 90.48 RCW. (~~(See Figure 5-)~~)

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-291 What are the standards for the upper terminal of water wells? (1) The watertight casing or curbing of any well shall extend at least six inches above the ground surface. Pit completion is prohibited.

(2) Where the site is subject to flooding, the top of the casing must be at least two feet above the estimated water level of a one hundred-year frequency flood.

(3) All drilled wells shall be capped to prevent contamination of the aquifer. The cap shall be designed for that purpose and consist of metal or plastic material that is mechanically secured or welded to the casing. All wells shall be equipped with an access port that allows for the measurement of the depth to water surface, or with a pressure gage that indicates the shut-in pressure of a flowing artesian well. See Figure 6. The access ports and pressure gages or other openings in the cover are sealed or capped to prevent entrance of surface water or foreign material into the well.

(4) Any vent opening, observation ports or air-line equipment shall extend from the upper end of the well by watertight piping to a point at least six inches above land surface. The terminals of these facilities shall be shielded or sealed to prevent entrance of foreign matter or pollutants.

(5) A pitless adapter, or similar device is permitted on water wells if it is made with fittings approved by the department of health. The use and installation of pitless adapters must meet manufacturer's standards. The connection must be above static water level except for adapters specifically designed for installation below static water level.

(6) Any person who removes any part of a surface seal to install a pitless adapter shall be responsible to have the seal repaired by a licensed or otherwise qualified person so that the seal is brought up to land surface.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-311 What are the well tagging requirements? (1) It shall be the operator's responsibility to place a well identification tag with a unique identification number on every well that they construct, alter, or reconstruct within thirty days of completion of the well. The original unique identification number shall be used on all subsequent work and documentation.

(a) The alpha-numeric number shall be recorded on the drilling report in the space provided.

(b) The operator shall remove the well identification tag on all wells they decommission and shall attach the tag to the decommissioning well report.

(2) It shall be the well owner's responsibility to place a well identification tag with a unique identification number on every well they own, unless the well has been previously tagged.

(a) Upon request, the department shall furnish the well owner with a well tag and tagging instructions.

(b) The well owner shall tag their well(s) and submit a completed tagging report to the department.

(3) The well tag shall be permanently attached to the outer well casing or other prominent well feature and be visible above land surface.

(4) All well identification tags shall be supplied by the department.

(5) It is unlawful for a person to tamper with or remove a well identification tag except during well alteration.

AMENDATORY SECTION (Amending Order 06-16, filed 2/22/07, effective 3/25/07)

WAC 173-160-381 What are the standards for decommissioning a well? Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned. The decommissioning procedure (as prescribed by these regulations) must be recorded and reported as required by the department.

(1) Cased wells. Remove all liners, debris, accumulated sediments, and obstructions from the well casing, except well screens and packers. All cased water wells, including driven and jetted wells shall be decommissioned in one of the following ways:

(a) Perforate the casing from the bottom to within five feet of the land surface and pressure seal the casing.

(i) Perforations shall be at least four equidistant cuts per row, and one row per foot. The perforations must be sufficient enough to allow neat cement grout or neat cement, or bentonite slurry to migrate outside the casing and effectively prevent the movement of water.

(ii) Apply enough pressure to force the sealing material through the perforations, filling any voids on the outside of the casing.

(iii) The casing shall be filled completely with neat cement grout, neat cement, or bentonite slurry. The screen and up to five feet of riser pipe may be filled with unhydrated bentonite. The remainder of the riser pipe must be removed.

(iv) The casing may be cut off at a maximum of five feet below land surface (~~(-A steel cap shall be welded on the casing)~~); or

(b) Withdraw the casing and fill the bore hole with concrete, neat cement grout, neat cement, unhydrated bentonite, or bentonite slurry as the casing is being withdrawn.

(2) Uncased wells - Remove all liners, debris, accumulated sediments, and obstructions. Seal uncased wells with concrete, neat cement grout, neat cement, or bentonite.

(3) Dug wells -

(a) The following criteria are required for the decommissioning of all dug wells:

(i) Remove all debris, accumulated sediments, and obstructions that impede decommissioning or that may contaminate the aquifer from within the dug well.

(ii) Dug wells may have a maximum of three feet of soil cover from top of sealing material to land surface.

(iii) Dug wells shall be sealed with either unhydrated bentonite, neat cement, neat cement grout, or concrete. The use of controlled density fill (CDF), bentonite slurry, or fly ash is prohibited.

(iv) Dug wells that are not cast-in-place must have a minimum of three feet of sealing material in contact with native soil below land surface. (~~Bentonite slurry shall not be used to decommission dug wells.~~)

(b) Dug wells (~~that are dry at any time during the year and that are less than twenty feet in depth shall be sealed from the bottom to within three feet of land surface.~~)

(e) Dug wells that have a) less than twenty feet deep.

(i) Dry wells (dry at any time during the year). Decommission by placing unhydrated bentonite, neat cement, neat

cement grout or concrete from the bottom to within three feet of land surface.

~~((ii))~~ Static water level ~~((of))~~ ten feet or less from land surface ~~((or less and a depth of less than twenty feet may be decommissioned)).~~ Decommission by ((installing)) placing clean chlorinated sand or pea gravel to a maximum depth of ten feet below land surface. The remainder of the well shall be filled with ~~((either))~~ unhydrated bentonite, neat cement, neat cement grout, or concrete to within three feet of land surface.

~~((d))~~ ~~Dug wells that have a~~ ~~((over))~~ ~~of greater than~~ ten feet ~~((and a depth of less than twenty feet from land surface may be decommissioned))~~ from land surface. Decommission by ((installing)) placing clean chlorinated sand or pea gravel to the static level. The remainder of the well shall be filled with ~~((either))~~ unhydrated bentonite, neat cement, neat cement grout, or ~~((cement))~~ concrete to within three feet of land surface.

~~((e))~~ ~~(c)~~ Dug wells ~~((with static levels))~~ twenty feet or ~~((less))~~ greater in depth.

~~((i))~~ Static water level twenty feet or less from the land surface ~~((and that are greater than twenty feet deep may be decommissioned)).~~ Decommission by placing chlorinated sand or pea gravel to twenty feet below land surface. The remainder of the well ~~((to a maximum of three feet below land surface,))~~ shall be filled with unhydrated bentonite, neat cement, neat cement grout, or concrete to within three feet of land surface.

~~((f))~~ ~~Dug wells with~~ ~~((ii))~~ Static water level ~~((s below))~~ greater than twenty feet from land surface ~~((;))~~. These wells may be decommissioned by placing chlorinated sand or pea gravel to the static level and then placing alternating layers of sealing material and chlorinated sand or pea gravel to within twenty feet of land surface. The alternating layers of sand or pea gravel must be a maximum of five feet thick. The minimum thickness of the sealing ~~((material))~~ layers must be five feet. The remainder of the ~~((dug))~~ well shall be filled with unhydrated bentonite, neat cement, neat cement grout, or concrete to ~~((a maximum of))~~ within three feet ~~((below))~~ of land surface.

(4) Flowing artesian wells that are not leaking on the outside of the casing shall be decommissioned by pressure grouting with neat cement or weighted high solids bentonite slurry from the bottom of the well bore to land surface. If the well is leaking on the outside of the casing or if leaking develops while the decommissioning method above is employed, then the casing must be perforated and pressure grouted to replace all confining layers and to stop leakage.

(5) Placement of sealing material.

(a) Sealing material placed below the ~~((static))~~ water level shall be piped directly to the point of application or placed by means of a dump bailer or pumped through a tremie tube. As the sealing material is placed, the existing well tile may be encapsulated into the seal material. If concrete, neat cement grout, bentonite, bentonite slurry, or neat cement is used to seal below the static water level in the well, the material shall be placed from the bottom up by methods that avoid segregation or dilution of the material. When used to place concrete, neat cement, neat cement grout, or bentonite slurry the discharge end of the tremie tube shall be sub-

merged in the sealing material to avoid breaking the seal while filling the annular space.

(b) All authorized sealing material placed above the static water level or into the dewatered portion of the well may be hand poured above the static water level, provided the material does not dilute or segregate, and result in a seal free of voids.

(c) When decommissioning wells that were originally constructed without casing, unhydrated bentonite chips or pellets may be hand placed, provided it forms a continuous seal.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-410 What are the specific definitions for words in this chapter? This section specifically defines words associated with resource protection wells and geotechnical soil borings. To find the definitions of other words, see WAC 173-160-111.

(1) "Confining layer" or "confining formation" means a layer of low hydraulic conductivity material that significantly limits vertical movement of ground water.

(2) "Environmental investigation well" means a cased hole intended or used to extract a sample or samples of ground water, vapor, or soil from an underground formation and which is decommissioned immediately after the sample or samples are obtained. An environmental investigation well is typically installed using direct push technology or auger boring and uses the probe, stem, auger, or rod as casing. An environmental investigation well is not a geotechnical soil boring.

~~((2))~~ (3) "Geotechnical soil boring" or "boring" means ((an uncased)) a well drilled for the purpose of obtaining soil samples or information to ascertain structural properties of the subsurface.

~~((3))~~ (4) "Ground source heat pump boring" means a vertical boring constructed for the purpose of installing a closed loop heat exchange system for a ground source heat pump.

~~((4))~~ (5) "Grounding well" means a grounding electrode installed in the earth by the use of drilling equipment to prevent buildup of voltages that may result in undue hazards to persons or equipment. Examples are anode and cathode protection wells.

~~((5))~~ (6) "Instrumentation well" means a well in which pneumatic or electric geotechnical or hydrological instrumentation is permanently or periodically installed to measure or monitor subsurface strength and movement. Instrumentation well includes bore hole extensometers, slope indicators, pneumatic or electric pore pressure transducers, and load cells.

~~((6))~~ (7) "Monitoring well" means a well designed to obtain a representative ground water sample or designed to measure the water level elevations in either clean or contaminated water or soil.

~~((7))~~ (8) "Nested well" means the installation of more than one cased resource protection well in one bore hole. This does not preclude casing reductions or installation of vibrating wire piezometers.

~~((8))~~ (9) "Observation well" means a well designed to measure the depth to the water or water level elevation in either clean or contaminated water or soil.

~~((9))~~ (10) "Piezometer" means a well designed to measure water level elevation at a specific depth beneath the water table.

~~((10))~~ (11) "PTFE" means polytetrafluoroethylene casing materials such as teflon. The use of the term teflon is not an endorsement for any specific PTFE product.

(12) "Remediation well" means a well intended or used to withdraw ground water or inject water, air (for air sparging), or other solutions into the subsurface for the purpose of remediating, cleaning up, or controlling potential or actual ground water contamination.

~~((11))~~ (13) "Resource protection well" means a cased boring intended or used to collect subsurface information or to determine the existence or migration of pollutants within an underground formation. Resource protection wells include monitoring wells, observation wells, piezometers, spill response wells, remediation wells, environmental investigation wells, vapor extraction wells, ground source heat pump boring, grounding wells, and instrumentation wells.

~~((12))~~ (14) "Resource protection well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing resource protection wells or geotechnical soil borings.

~~((13))~~ (15) "Resource protection report" or "geotechnical soil boring report" means a document that describes how a resource protection well or geotechnical soil boring was constructed or decommissioned and identifies its components per the requirements of WAC 173-160-420.

~~((14))~~ (16) "Spill response well" means a well used to capture or recover any spilled or leaked fluid which has the potential to, or has contaminated the ground water.

~~((15))~~ (17) "Structural properties" means subsurface engineering properties or geotechnical information used for the purpose of designing structures such as bridges, buildings, highways, pipelines, or for assessing slope stability samples.

~~((16))~~ (18) "Vapor extraction well" means a well used to withdraw gases or vapors from soil, rock, landfill, backfill or ground water for the purpose of investigating or remediating soil or ground water contamination or managing gases or vapors.

~~((17))~~ (19) "Vibrating wire piezometer" is a down hole instrument that measures water pore pressure and converts it to an electronic signal.

(20) "Well driller" or "driller" means a resource protection well contractor or operator and a water well contractor or operator.

~~((18))~~ (21) "Well" means water wells, resources protection wells, instrumentation wells, dewatering wells, and geotechnical soil borings. Well does not mean an excavation made for the purpose of obtaining or prospecting for oil or natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-420 What are the general construction requirements for resource protection wells? (1) No resource protection well or soil boring excavation may be used to withdraw or inject water for domestic, industrial, municipal, commercial, or agricultural purposes.

(2) No resource protection well or soil boring excavation may interconnect aquifers.

(3) Nested resource protection wells are prohibited.

(4) Cuttings, development water, and other investigation derived waste from resource protection well construction or geotechnical soil borings shall be managed in a manner consistent with the intent and purposes of the Water Pollution Control Act, chapter 90.48 RCW, the Hazardous Waste Management Act, chapter 70.105 RCW, and implementing regulations.

(5) Well tagging:

(a) It shall be the driller's responsibility to place a well identification tag with a unique identification number on every resource protection well that they construct or alter within thirty days of completion of the well. Uncased geotechnical soil borings and environmental investigation wells are exempt from the tagging requirements of this chapter.

(i) The alpha-numeric number shall be recorded on the drilling report in the space provided.

(ii) The driller shall remove the well identification tag on all resource protection wells they decommission and shall attach the tag to the decommissioning well report.

(b) It shall be the well owner's responsibility to place a well identification tag with a unique identification number on every resource protection well they own and which was completed prior to the effective date of this regulation.

(i) Upon request, the department shall furnish the well owner with a well tag and tagging instructions.

(ii) The well owner shall tag their well(s) and submit a completed tagging report to the department.

(c) The well tag shall be permanently attached to:

~~(i) The ~~(outer)~~ well casing and be visible above land surface for all wells which have been completed above land surface. ~~(For wells completed below land surface, the well tag shall be attached to)~~~~

~~(ii) The well casing or to any permanent and protected portion of the vault for wells completed below land surface.~~

~~(iii) A prominent system component visible above land surface for ground source heat pump borings.~~

(d) All well identification tags shall be supplied by the department.

(e) It is unlawful for a person to tamper with or remove a well identification tag except during well alteration.

(6) All resource protection wells will be sealed in accordance with WAC 173-160-450 regardless of the method of installation. Except, resource protection wells that are properly decommissioned prior to the removal of any drilling equipment from the well location are exempted from the surface sealing requirements of this chapter. Provided the decommissioning process includes the removal of any conduit, tubing, probe, or other items inserted into the ground.

(7) All geotechnical soil borings shall be decommissioned under the terms of this chapter.

(8) Except as provided in RCW 18.104.180, all construction, alteration, reconstruction, and decommissioning of resource protection wells and geotechnical soil borings shall be done by an individual licensed under the provisions of chapter 173-162 WAC.

(9) A notice of intent to construct or decommission a resource protection well and a geotechnical soil boring shall be filed with the department a minimum of seventy-two hours prior to initiating construction or decommissioning of the well(s) or boring(s). A fee must accompany each notice of intent to construct or decommission a resource protection well.

(a) The fee for a resource protection well, except for an environmental investigation well, a ground source heat pump boring, or a grounding well, is forty dollars for each well.

(b) The fee for an environmental investigation well in which ground water is sampled or measured is forty dollars for the construction of up to four environmental investigation wells per project, and ten dollars for each additional environmental investigation well constructed on a project with more than four wells. There is no fee for soil or vapor sampling purposes.

(c) The fee for a ground source heat pump boring or a grounding well is forty dollars for construction of up to four ground source heat pump borings or grounding wells per project and ten dollars for each additional ground source heat pump boring or grounding well constructed on a project with more than four wells.

(d) The fee to decommission a resource protection well, except for an environmental investigation well, is twenty dollars per well. There is no fee to decommission an environmental investigation well or a geotechnical soil boring.

(e) The fee to decommission a ground source heat pump boring or a grounding well is twenty dollars per well.

(f) Under some circumstances, it may be necessary to construct more resource protection wells or geotechnical soil borings than originally anticipated. When additional resource protection wells are constructed on a site for which a notice of intent and fee were submitted, a second notice and fee shall be submitted within twenty-four hours after all wells have been completed or as soon as the final number of wells to be constructed is determined, whichever is sooner. When additional geotechnical soil borings are needed, the borings may be completed. A follow-up notice of intent shall be submitted to the department within twenty-four hours after all borings are constructed. Notification to construct multiple wells or geotechnical soil borings within the same quarter/quarter section, township, and range may be submitted on one notice form.

(10) Resource protection well ~~((and geotechnical soil boring drilling))~~ reports.

(a) ~~((Every well contractor))~~ Anyone who constructs or decommissions a well is required to submit a complete well report on the construction ~~((, alteration,))~~ or decommissioning of all resource protection wells and geotechnical soil borings ~~((they construct))~~. Reports must be submitted to the water resources program within thirty days after completion of construction ~~((, alteration,))~~ or decommissioning. Submission of a well report to consulting firms does not meet the ~~((well contractor's obligation))~~ requirement of this section. The report

must be an accurate summation of data collected in the field taken from field notes written as the well was constructed or decommissioned. Field notes must be available at all times during construction or decommissioning for review by state and local inspectors and kept until the well report is submitted.

~~(b) ((This applies to all resource protection wells and geotechnical soil borings.~~

~~(e))~~ The resource protection well ~~((and geotechnical soil boring))~~ report must be made on a form provided by the department, or a reasonable facsimile of the form, as approved by the department.

~~((c))~~ (c) Where applicable the report shall include the following information:

(i) Owner's name; operator/trainee name; operator/trainee license number; contractor registration number, drilling company name;

(ii) Tax parcel number;

(iii) Well location address;

(iv) Location of the well to at least 1/4, 1/4 section or smallest legal subdivision;

(v) Unique well identification tag number;

(vi) Construction date;

(vii) Start notification number;

(viii) Intended use of well;

(ix) The well depth, diameter, and general specifications of each well;

(x) Total depth of casing;

(xi) Well head elevation;

(xii) Drilling method;

(xiii) Seal material, seal location and type of placement used;

(xiv) Filter pack location; filter pack material used;

(xv) The thickness and character of each bed, stratum or formation penetrated by each well including identification of each water bearing zone;

(xvi) Casing gauge, diameter, stickup, type of material, and length, also of each screened interval or perforated zone in the casing;

(xvii) The depth to the static water level, as measured below the land surface; and

(xviii) Such additional factual information as may be required by the department.

~~((e))~~ (d) The well report must ~~((show the license number and signature of the person who constructed the well. If this is an unlicensed person, exempted under RCW 18.104.180(2), the report shall show the license number and signature of the licensed individual who witnessed the drilling. Resource protection well reports for wells constructed by trainees shall have the signature and license number of the trainee and licensed operator))~~ include one of the following:

(i) The license number and signature of the person who constructed or decommissioned the well;

(ii) The license number and signature of the trainee and the licensed operator under chapter 18.104 RCW; or

(iii) The license number and signature of an exempted individual as defined under RCW 18.104.180(3).

(e) This rule shall allow an individual to submit electronic reports in accordance with department procedures. The use of a digital signature in the electronic reports will be

authorized as a substitute for an original signature under (d) of this subsection.

What are the surface protection requirements?

(11) All resource protection wells shall be capped and protected using one of the following methods:

(a) If the well is cased with metal and completed above the ground surface, you must attach a watertight cap with a lock to the top of the casing.

(b) If the well is not cased with metal and completed above the land surface, you must install a protective metal casing over and around the well. The protective casing shall extend at least six inches above the top of the well casing and be cemented at least two feet into the ground. A cap with lock shall be attached to the top of the protective casing.

(12) You shall protect the well(s) completed above ground from damage by:

(a) Cementing three metal posts, at least three inches in diameter, in a triangular array around the casing and at least two feet from it. Each post shall extend at least three feet above and below the land surface.

(b) A reinforced concrete pad may be installed to protect against and prevent frost heave. If installed, the concrete pad shall extend to a depth equal to anticipated frost depth. When a concrete pad is used, the well seal may be part of the concrete pad.

(13) If the well is completed below land surface, a watertight cap with a lock shall be attached to the top of the well casing. A metal monument or equivalent shall be installed over and around the well. The monument shall serve as a protective cover and be installed level with the land surface and be equipped with a waterproof seal to prevent the inflow of any water or contaminants. Drains will be provided, when feasible, to keep water out of the well and below the well cap. The cover must be designed to withstand the maximum expected loading.

(14) The protective measures may be waived or modified upon written approval from the department (a variance).

(15) If the well is damaged, the well protection measures and casing shall be repaired to meet the requirements of this chapter. If the well is damaged beyond repair, it shall be decommissioned in accordance with WAC 173-160-460.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-430 What are the minimum casing standards? (1) The casing may not ~~((effect))~~ affect or interfere with the chemical, physical, radiological, or biological constituents of interest. The casing shall be resistant to the corrosive effects of the surrounding formations, earth, and water and shall be impervious to any contaminants encountered.

(2) The casing shall ~~((also))~~ withstand ~~((normal))~~ typical forces which act upon it during and after installation. All resource protection well casing shall conform to ASTM Standards, or at least 304 or 316 stainless steel, PTFE, or Schedule 40 PVC casing.

NEW SECTION

WAC 173-160-442 What are the limitations for use of drilling materials? (1) At no time shall a product contain materials that:

- (a) Are toxic or polluting;
- (b) Develop odor or color changes in the water; or
- (c) Serve as a microbial nutrient.

(2) Organic materials which foster or promote undesired organic growth or have the potential to degrade water quality shall not be employed in the construction of a resource protection well. This includes, but is not limited to, brans, hulls, grains, starches, and proteins, unless NSF/ANSI approved.

NEW SECTION

WAC 173-160-444 What are the standards for use of polymers and additives? (1) All polymers and additives used in any well shall be certified by NSF/ANSI approval standards for use in potable water supply wells, or equivalent standards as approved by the department. The product shall be clearly labeled as meeting these standards.

(2) Polymers and additives must be designed and manufactured to meet industry standards to be nondegrading and must not act as a medium which will promote growth of microorganisms.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-450 What are the well sealing requirements? (1) All resource protection wells constructed shall have a continuous seal, which seals the annular space between the bore hole and the permanent casing. The seal shall be constructed to prevent interconnection of separate aquifers penetrated by the well, and shall provide casing stability. Except for environmental investigation wells, the seal shall have a minimum diameter of four inches larger than the nominal size of the permanent casing, and shall extend from land surface to the top of the filter pack. The filter pack shall be no less than one foot or greater than five feet above the screen interval. See Figure 7. Wells that are installed using direct push technology will follow the sealing guidelines of WAC 173-160-451.

(2) After the permanent casing has been set in final position, the filter pack (optional) and sealing material shall be placed in the open bore hole annular space that must be a minimum of four inches greater in diameter than the nominal size of the permanent casing. After installing the filter pack (optional) a layer of bentonite shall be placed on top of the filter pack to maintain separation between the seal material and the screened interval. Insure that placement will not disturb the filter pack. The remaining annular space shall be filled to land surface in a continuous operation with bentonite, neat cement, or neat cement grout. If ~~((#))~~ neat cement~~((#))~~, neat cement grout or bentonite slurry is used as the sealant, it shall be installed with a tremie tube and pumped from the top of the bentonite plug (above the filter pack) to land surface. Use only potable water to hydrate the mixture.

(3) The completed annular space shall fully surround the permanent casing, be evenly distributed, free of voids, and

extend from the permanent casing to undisturbed or recom-pacted soil.

(4) All sealing materials used shall conform to one of the following minimum requirements:

(a) **Bentonite sealants:**

(i) Bentonite used to prepare slurries for sealing(~~(s)~~) or decommissioning shall be specifically designed for this purpose. (~~(At no time shall grout slurry contain materials that are toxic, polluting, develop odor or color changes, or serve as a micro-bacterial nutrient.)~~) All bentonite slurries shall be prepared and installed according to the manufacturer's instructions. (~~(All additives must be certified by a recognized certification authority such as NSF.)~~) Active solids content (bentonite) shall be twenty percent by weight or greater in all bentonite slurries. The active solids shall be checked by using the following formula:

Weight of bentonite (lbs.) X 100 = % solids
Weight of bentonite (lbs.) + (gallons of water x 8.33 lbs./gal)

Example: (50 lbs. of bentonite X 100 = 20% solids) divided by

(50 lbs. bentonite + 24 gallons of water x 8.33 lbs./gal)

(ii) Unhydrated bentonite—pelletized, granulated, powder, or chip bentonite may be used in the construction of seals or in decommissioning of (~~(resource protection)~~) wells. The bentonite material shall be specifically designed for sealing or decommissioning and be within the industry tolerances for dry western sodium bentonite. (~~(Polymer additives must be designed and manufactured to meet industry standards to be nondegrading and must not act as a medium which will support or promote the growth of micro-organisms. All unhydrated bentonite used for sealing or decommissioning must be free of organic polymers.)~~) Placement of bentonite shall conform to the manufacturer's specifications and result in a seal free of voids or bridges.

(iii) All bentonite used in any well shall be certified by NSF/ANSI approval standards for use in potable water supply wells, or equivalent standards as approved by the department. The product shall be clearly labeled as meeting these standards.

(b) **Cement sealants:**

(i) Neat cement consists of either portland cement types I, II, III, or high-alumina cement mixed with not more than six gallons of potable water per sack of cement (ninety-four pounds per sack).

(ii) Neat cement grout consists of neat cement with up to five percent bentonite clay added, by dry weight of the bentonite. Bentonite is to be added to improve flow qualities and compensate for shrinkage.

(iii) (~~(Concrete sealants consist of clean, hard and durable aggregate with not less than five sacks (ninety-four pounds per sack) of portland cement per cubic yard of concrete sealant and water.~~)

~~(A) The maximum diameter of aggregate particles may not exceed 1 1/2 inches, but in any case may not exceed 1/5 the minimum width of the casing thickness.~~

~~(B) The ratio of coarse aggregate to fine aggregate (passing No. 4 U.S. Standard Sieve) must be approximately 1 1/2 to 1 by volume, but in any case, may not exceed 2 to 1 nor be less than 1 to 2.~~

~~(iv))~~ Expanding agents, such as aluminum powder, may be used at a rate not exceeding 0.075 ounce (1 level teaspoon) per sack (ninety-four pounds per sack) of dry cement. The powder may not contain polishing agents. High-alumina cement and portland cement of any type must not be mixed together.

(5) This section may not preclude the use of new sealant materials which have been approved by the technical advisory group.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-453 What are the minimum standards for construction of ground source heat pump borings? (1)

General requirements.

(a) Applicability of minimum standards. The minimum standards set forth herein apply to all ground source heat pump borings as defined in WAC 173-160-111(~~(constructed by a licensed operator)~~).

(b) Prohibition against other uses. Ground source heat pump borings cannot be used for any purpose other than heat exchange. After completion, ground source heat pump borings shall not be converted to any other type of well except by written approval by the department. The operator shall ensure that the ground source heat pump boring is constructed according to this chapter.

(2) Location of ground source heat pump borings.

(a) A ground source heat pump boring shall not be located within one hundred feet from any water supply well.

(b) The setback from public water supply wells for ground source heat pump borings must comply with applicable department of health sanitary control zone regulations for the public water supply wells. Where the sanitary control zone is greater than one hundred feet the setback should reflect the expanded distance.

(c) Variances to the standard setback for water supply wells can be obtained when:

(i) The approved sanitary control zone for the public supply well is less than one hundred feet. Notification and concurrence is required from the department of health to insure that the new setback is consistent with the approved public water supply well sanitary control zone. Variances for public supply wells will be issued by the local or state health authority.

(ii) The water supply well is not a public water supply well and the reduced set back is adequate to protect against encroachment on the well and can provide adequate protection against potential contamination. The reduced set back shall be no (~~(more)~~) less than seventy-five feet.

(d) No variance shall be approved for a setback less than the approved sanitary control zone for a water supply well, unless it can be demonstrated that the water supply well is hydrogeologically protected from any potential threat posed by the closed-loop heat system.

(3) Construction standards for ground source heat pump borings. Site specific conditions shall be assessed to determine the best method and materials to be used for sealing the well annulus to protect the ground water.

(a) Casing material. If permanent casing is needed in a ground source heat pump boring, it must meet standards set out in WAC 173-160-201 for steel and for plastic.

(b) In a closed-loop ground source heat pump boring, the material used to make up the heat exchange loop that is placed into the ground must be able to withstand the ~~((normal))~~ typical forces which act upon it during and after construction. It shall be resistant to the corrosive effects of the surrounding formations, earth, water, and heat exchange fluids within the pipe.

(c) Pressure testing. Pressure testing will be done in accordance with manufacturer recommended specifications. The closed-loop assembly pipe within the bore hole shall not leak or cause contamination to the ground water.

(d) All fluids used in the construction and testing of ground source heat pump borings will be handled and utilized in a manner that does not contaminate the ground water or surface water ~~((s of the state))~~.

(e) Bore hole size. The hole size for ground source heat pump borings must be of sufficient size to allow placement of the heat exchange loop and ~~((tremie pipe, but in no case shall the bore hole diameter be less than six inches when one inch loop pipe is installed. When a loop pipe greater than one inch is utilized, the size of the bore hole will be determined by ecology))~~ tremie tube to the bottom of the hole.

(f) No more than one heat exchange loop can be placed in one bore hole.

(g) Grouting of an uncased bore hole. Grouting (sealing) the bore hole of a ground source heat pump boring must be completed immediately after the heat exchange loop is installed to avoid cave in of the uncased hole. The near surface area where the ground source heat pump borings will be connected to a manifold to connect it to the closed-loop system may be filled with earth materials.

(i) Sealing must be done with an active solids content bentonite grout slurry (minimum twenty percent active solids by weight) per WAC 173-160-221. Use of controlled density fill (CDF) and fly ash is prohibited.

(ii) Sealing material placed in the bore hole shall be uncontaminated; drilling fluids must be purged from the bore hole during the installation of the sealing material. Neither cuttings from the drilling process nor drilling fluid shall be used as bore hole sealing material.

(iii) ~~((Slurry))~~ Mixes of bentonite ~~((grout))~~ slurry shall be installed by pumping through a tremie ~~((pipe))~~ tube in a continuous operation using a positive displacement method. Polymer additives designed to retard swelling are acceptable for use with the bentonite ~~((grout))~~ slurry per WAC ~~((173-160-221-1(a)))~~ 173-160-450. The tremie ~~((pipe))~~ tube will extend to the full depth of the bore hole before pumping begins. Minimum slurry volume used must be equal to or exceed the calculated annulus volume of the bore hole. Grouting material shall surround all pipes remaining in the bore hole to land surface.

~~((g))~~ (h) Grouting of a permanently cased bore hole ~~((Grouting of cased bore holes))~~ shall be sealed in accordance with this chapter. Exception: When the casing is perforated from bottom to land surface and is pressure grouted in accordance with WAC 173-160-381 (1)(a).

~~((h))~~ (i) Unsuccessful installation of a ground source heat pump boring. If grouting is not successful, the department must preapprove an alternate completion of the ground source heat pump boring. If an alternate completion is not approved, the well must be properly decommissioned.

~~((i))~~ (j) An open-loop system must meet the construction standards of a water well. If the withdrawal of ground water exceeds the exemption requirements of RCW 90.44.-050, a water right permit is required.

~~((j))~~ (k) It shall be the responsibility of the driller to properly construct the bore hole, pressure test the loop pipe, install the loop pipe, and grout the bore hole.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-456 What are the minimum standards for construction of grounding wells? (1) ~~((General requirements-))~~ Grounding wells (cathodic protection wells or anode wells) ~~((—These wells))~~ must be constructed in accordance with the provisions of Part One—General Requirements for Water Well Construction, chapter 173-160 WAC.

(2) Grounding wells shall be designed by an engineer, licensed in Washington state, trained in the design of corrosion protection wells.

(3) The internal materials used and size of element installed shall meet all industry standards for cathodic protection and anode wells.

(4) Grounding wells shall not pollute the waters of the state.

(5) If constructed within one hundred feet of a potential source of contamination, sealing is required to a minimum depth of fifty feet or the first significant confining layer, whichever is deeper, in accordance with WAC 173-160-241.

(6) Where the well construction regulations cannot be met, a variance may be requested.

(7) Grounding wells twenty-five feet in depth or less are exempt from all notice, licensing, fees, and reporting requirements of these regulations, however, commingling of aquifers is still prohibited.

(8) Driven grounding rods installed to a depth of twenty-five feet or less are exempt from all notice, licensing, fees, and reporting requirements of these regulations.

NEW SECTION

WAC 173-160-457 How are vibrating wire piezometers constructed? (1) The bore hole containing the vibrating wire piezometers shall have a minimum diameter at least four inches larger than the diameter of the instrument.

(2) When sealing with a grout or slurry, the bore hole shall be grouted from the bottom up via a tremie tube. The tremie tube may be left within the bore hole provided: It meets casing standards, is filled completely with grout and the annular requirements of this section are met.

(3) UngROUTED tubing, piping, liner, or casings shall not be left in the bore hole upon completion.

(4) Individual transducers may be sand packed provided that the sand pack is not more than five feet in thickness.

(5) Sealing between sand packed transducers shall be designed and constructed to prohibit flow between monitored

zones. At no time shall a vibrating wire piezometer bore hole connect aquifers.

NEW SECTION

WAC 173-160-458 What sealing materials are allowed for sealing vibrating wire piezometers? (1) Vibrating wire piezometers shall be sealed using materials as allowed in WAC 173-160-450; or sealing materials as designed and recommended by the manufacturer provided that the material, when placed, provides a permeability of 1×10^{-7} cm/sec or less. The licensed driller or engineer shall provide documentation from the manufacturer demonstrating that the sealing material meets the permeability requirements of this section.

(2) The use of bentonite products intended for use as drilling fluids, low solids content bentonite mixtures, fly ash, and hydrated lime are prohibited as additives or sealants.

AMENDATORY SECTION (Amending Order 06-08, filed 11/21/06, effective 12/22/06)

WAC 173-160-460 What is the decommissioning process for resource protection wells? (1) For resource protection wells and (~~geotech~~) geotechnical soil borings that were not constructed in accordance with these regulations, or for which a drilling report required under this section is missing, (~~shall be decommissioned~~) remove all debris, accumulated sediment, equipment and obstructions from the well casing, except well screens and packers, and decommission in one of the following ways:

(a) Perforate the casing from the bottom to land surface and pressure grout the casing.

(i) Perforations shall be at least four equidistant cuts per row, and one row per foot. Each cut shall be at least one and one-half inches long.

(ii) Apply enough pressure to force the sealing material through the perforations, filling any voids on the outside of the casing.

(iii) The remainder of the casing shall be filled with cement grout, neat cement, or bentonite slurry; or

(b) Withdraw the casing and fill the bore hole with neat cement grout, neat cement, bentonite or bentonite slurry as the casing is being withdrawn.

(2) For resource protection wells and geotechnical soil borings that were constructed in accordance with these regulations, remove all debris, accumulated sediment, equipment and obstructions from the well casing, except well screens and packers and then decommission in one of the following ways:

(a) Wells with an inside casing diameter equal to or greater than one inch and constructed in accordance with these regulations as verified through a field examination and review of the drilling report shall be decommissioned by filling the casing from bottom to land surface with bentonite, bentonite slurry, neat cement grout, or neat cement.

~~((3))~~ (b) Wells with an inside casing diameter less than one inch shall be decommissioned by pressure grouting the entire casing length with bentonite slurry, neat cement grout, or neat cement.

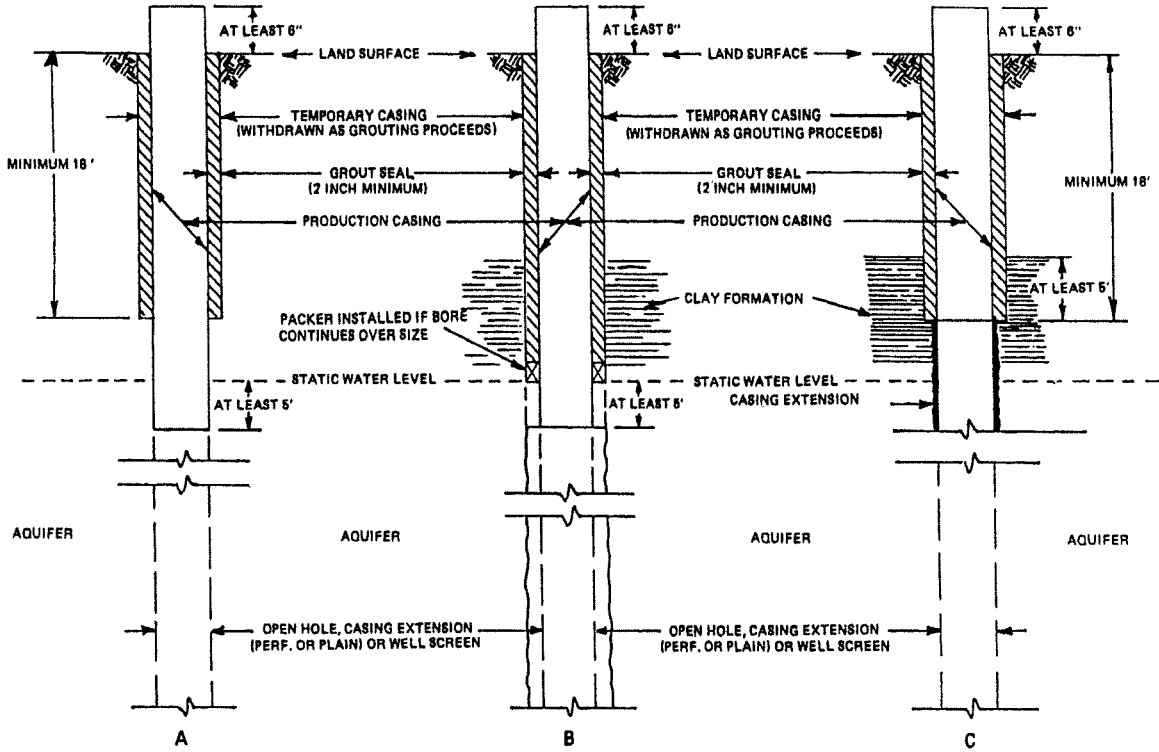
~~((4))~~ (c) Vibrating wire piezometers installed (~~per~~) to meet or exceed the sealing requirements of WAC 173-160-450, 173-160-457, and 173-160-458 are exempt from (~~these~~) the decommissioning procedures and decommissioning reporting requirements provided here.

~~((5))~~ (d) Direct push wells shall be decommissioned in accordance with this section.

~~((6))~~ (e) Geotechnical soil borings, or boring, shall be decommissioned by sealing from bottom to land surface with bentonite, bentonite slurry, neat cement grout, or neat cement. Sealing material placed below the static water level shall be piped directly to the point of application or placed by means of a dump bailer or pumped through a tremie tube. If (~~cement~~) bentonite slurry, neat cement grout(~~or~~) or neat cement is used to seal below the (~~static~~) water level in the well, the material shall be placed from the bottom up by methods that avoid segregation or dilution of the material. When used to place bentonite slurry, neat cement or neat cement grout, the discharge end of the tremie tube shall be submerged in the bentonite slurry, neat cement or neat cement grout to avoid breaking the seal while filling the annular space. Provided the material does not dilute or segregate and the resulting seal is free of voids, sealing material may be hand poured above the static water level.

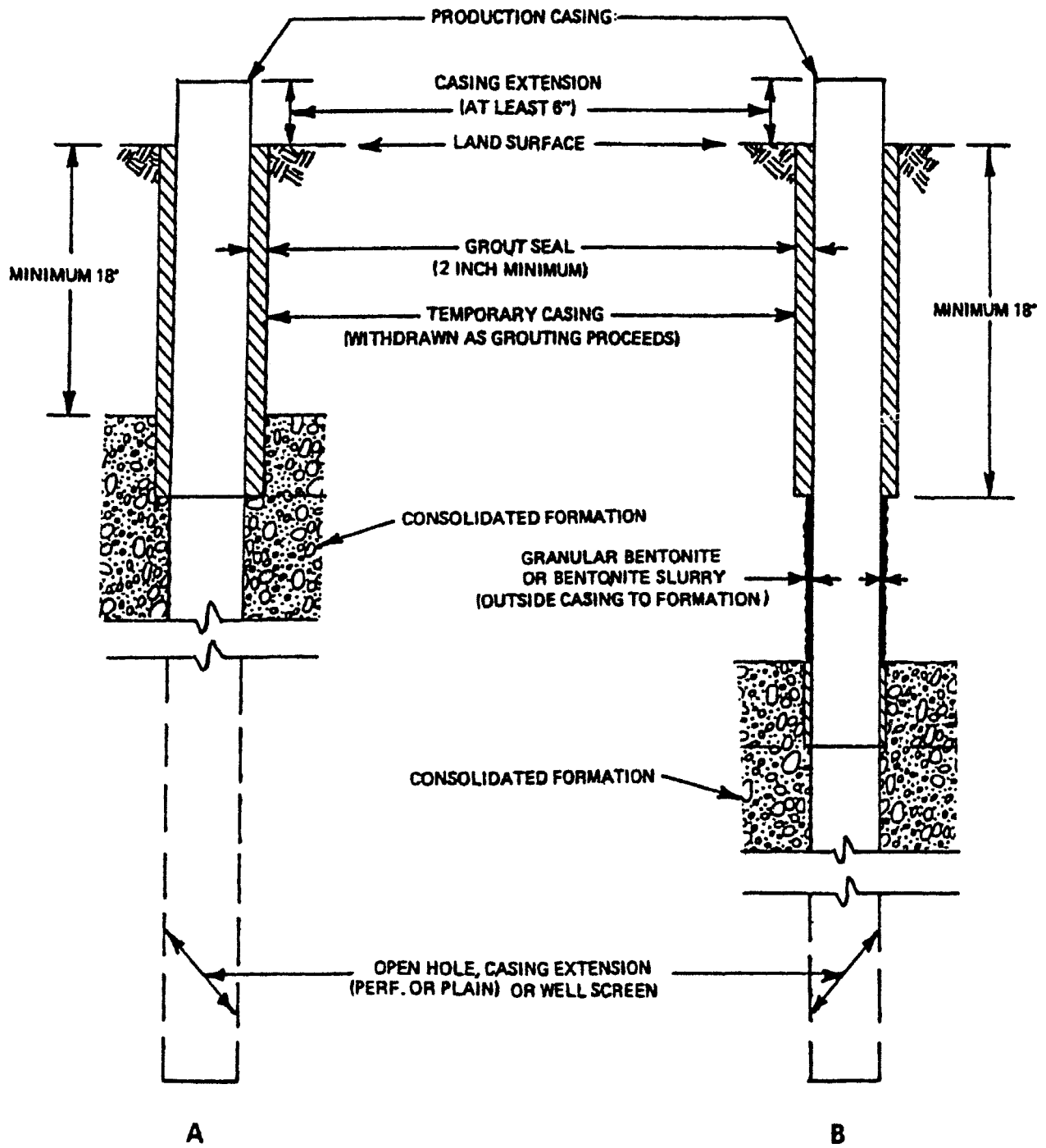
AMENDATORY SECTION (Amending Order 98-17, filed 9/2/98, effective 10/3/98)

WAC 173-160-990 Well construction illustrations.



NOT TO SCALE

Figure 1. SEALING OF UNCONSOLIDATED FORMATIONS



NOT TO SCALE

Figure 2. SEALING OF CONSOLIDATED FORMATIONS

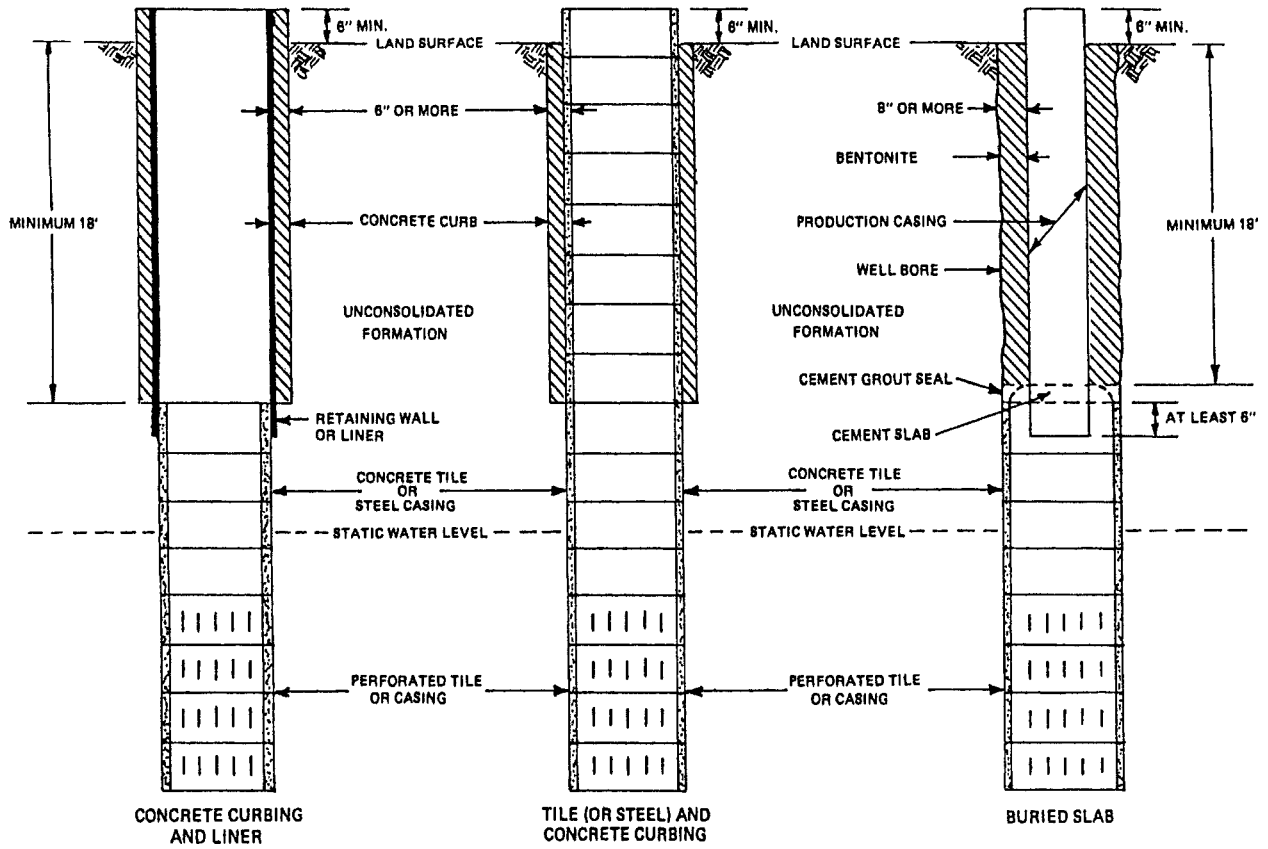
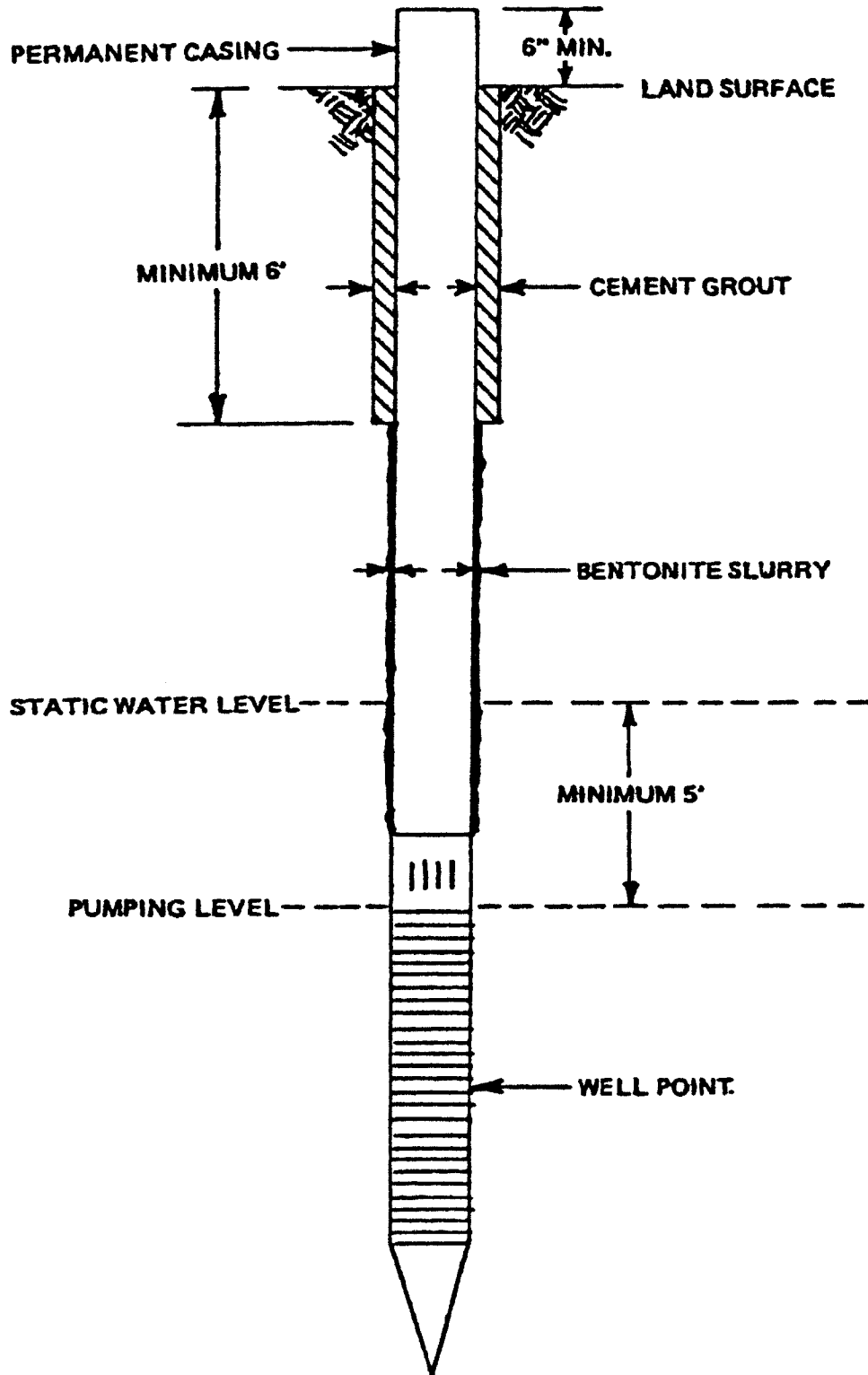


Figure 3. SEALING OF DUG WELLS



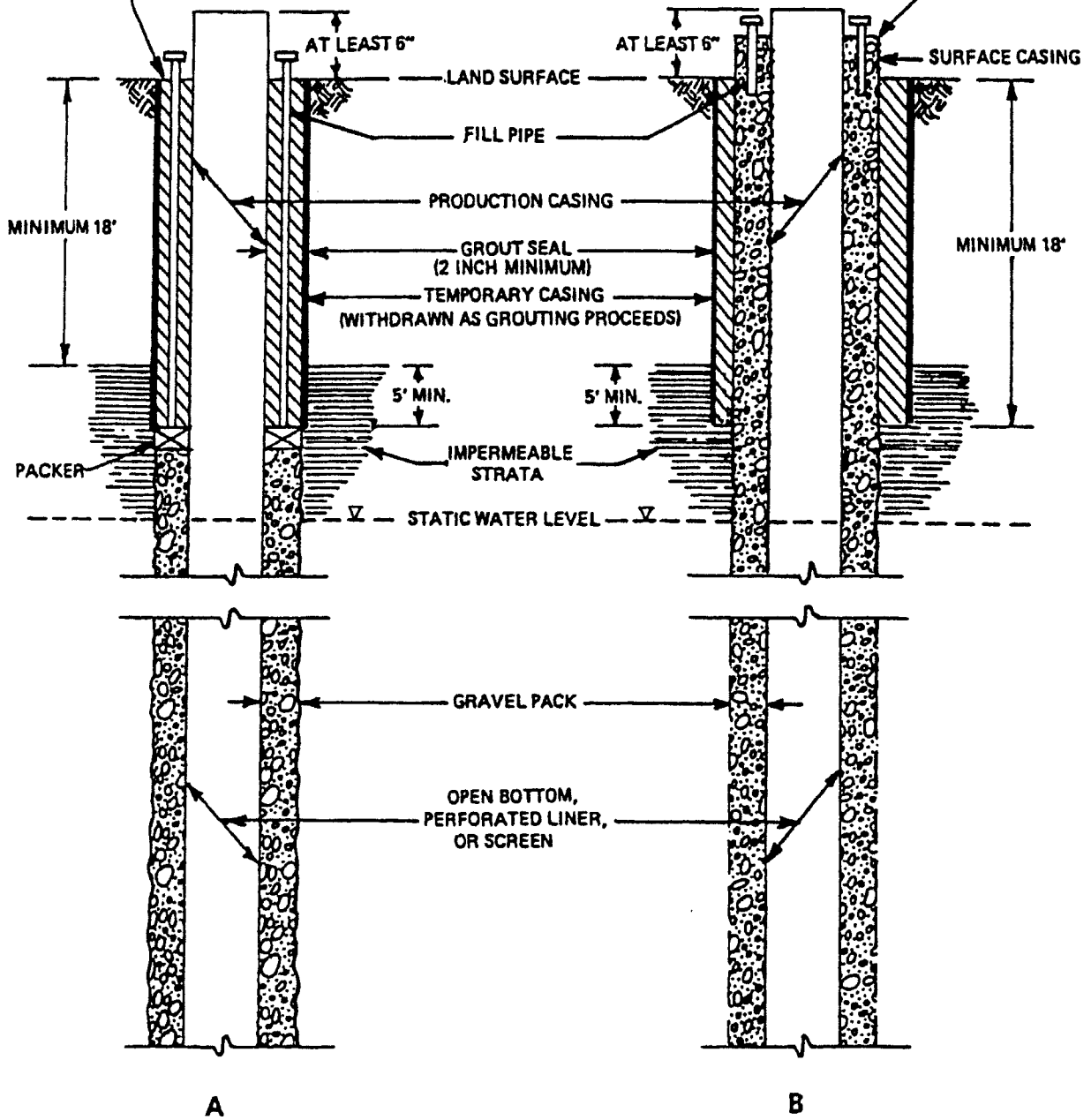
NOT TO SCALE

Figure 4. SEALING OF DRIVEN AND JETTED WELLS

~~((STRICKEN GRAPHIC~~

WATER TIGHT SEAL BETWEEN CASING, OVER SIZE BORE HOLE AND FILL PIPE

WATER TIGHT SEAL BETWEEN CASINGS AND DRILL PIPE



~~STRICKEN GRAPHIC))~~

~~((NOT TO SCALE~~

~~A WELL CONSTRUCTED WITH TEMPORARY SURFACE CASING.~~

~~B WELL CONSTRUCTED WITH PERMANENT SURFACE CASING.~~

~~Figure 5. SEALING OF GRAVEL PACKED WELLS))~~

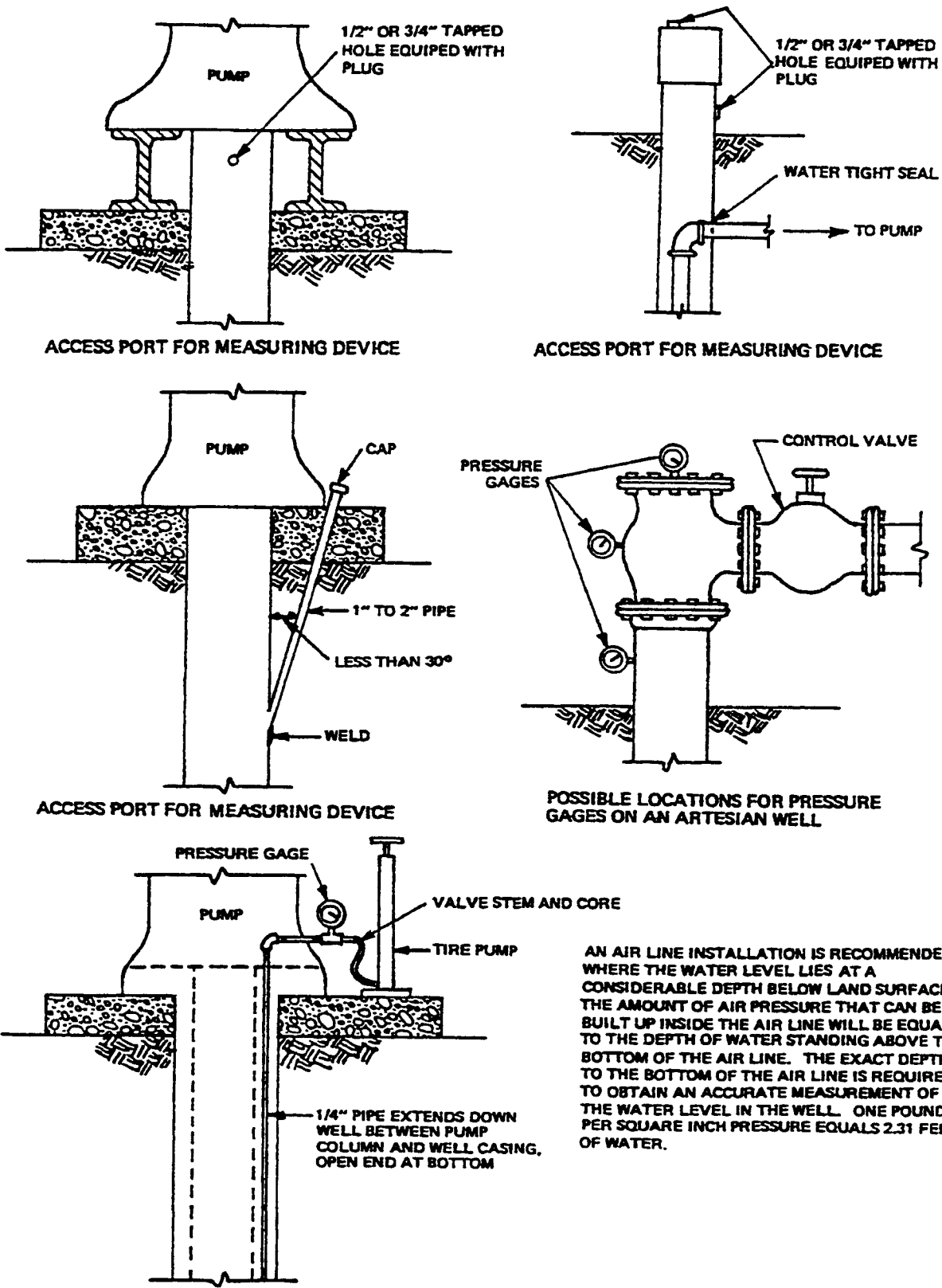
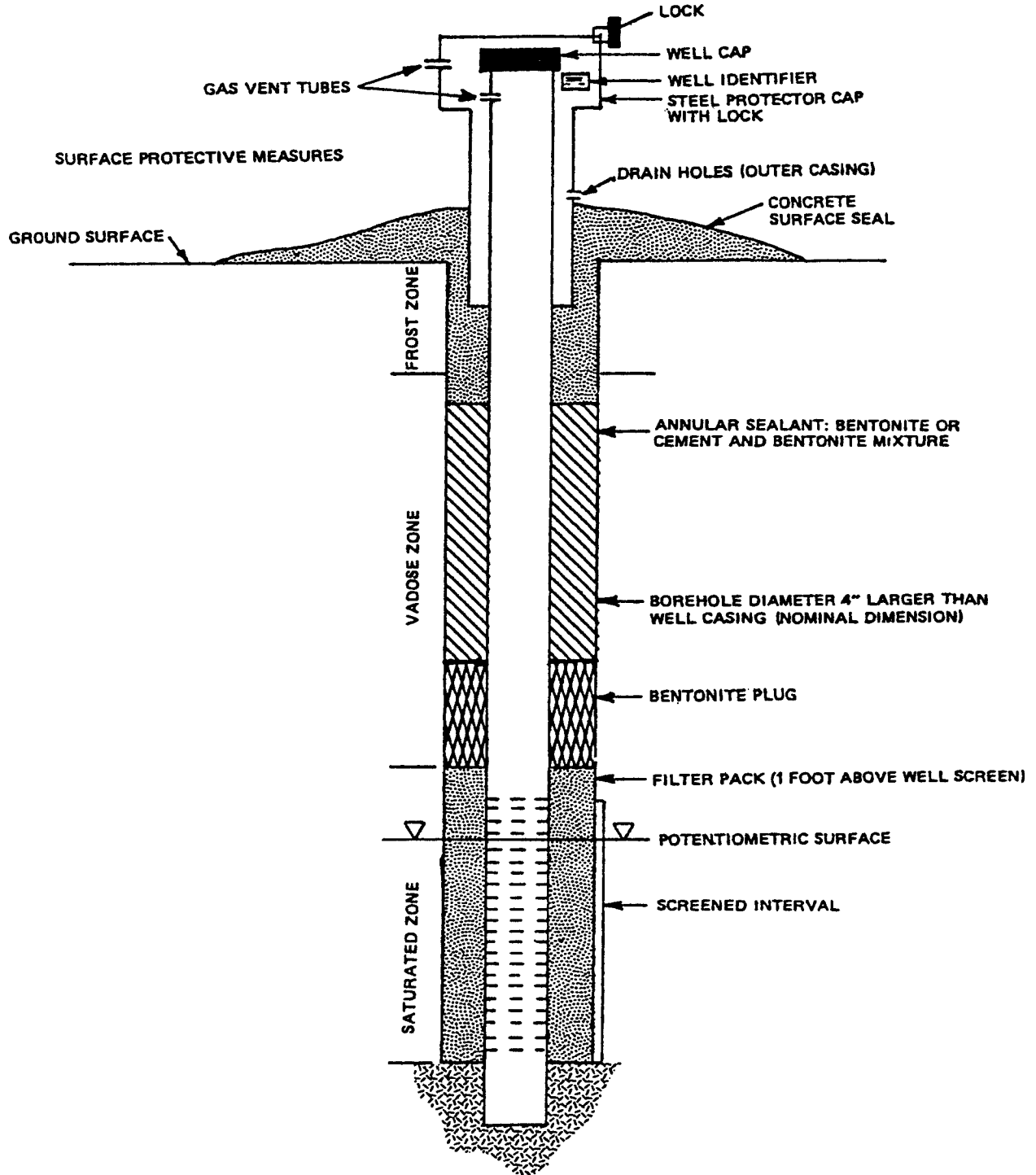


Figure ((6-)) 5. SUGGESTED METHODS FOR INSTALLING PRESSURE GAGES AND AIR LINES FOR MEASURING WATER LEVELS IN WELLS



NOT TO SCALE

Figure ((7)) 6. GENERAL RESOURCE PROTECTION WELL—CROSS SECTION.

WSR 08-20-107
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Board of Boiler Rules)

[Filed September 30, 2008, 10:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-16-103.

Title of Rule and Other Identifying Information: Board of boiler rules—Substantive (chapter 296-104 WAC).

Hearing Location(s): Department of Labor and Industries, 950 Broadway, Suite 200, Tacoma, WA, on November 19, 2008, at 10:00 a.m.

Date of Intended Adoption: November 25, 2008.

Submit Written Comments to: Sally Elliott, Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, e-mail yous235@lni.wa.gov, fax (360) 902-5292, by 5:00 p.m. on November 19, 2008.

Assistance for Persons with Disabilities: Contact Sally Elliott by November 1, 2008, yous235@lni.wa.gov or (360) 902-6411.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to make clarification and technical changes to the Board of boiler rules—Substantive (chapter 296-104 WAC) based on actions and requests of the board of boiler rules. The changes will:

- Clarify insurance inspector's responsibilities;
- Adopt current editions of inspection codes;
- Adopt nationally recognized fuel train standards;
- Clarify administrative codes for standards for repair; and
- Update references throughout the rule.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350.

Statute Being Implemented: Chapter 70.79 RCW.

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

Name of Proponent: Board of boiler rules, governmental.

Name of Agency Personnel Responsible for Drafting: Board of Boiler Rules, Tumwater, WA, (360) 902-5270; Implementation and Enforcement: Linda Williamson, Tumwater, WA, (360) 902-5270.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The board of boiler rules has considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the costs associated with the proposed rules will not place a more than minor impact on any business or contractor and/or they are exempted by law (see RCW 19.85.025 referencing RCW 34.05.310(4)) from the small business economic impact requirements. The fees are exempt from the small business economic impact statement under RCW 34.05.328 (5)(b)(vi).

ninth edition, with addenda. This code may be used on or

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis was not prepared because the costs associated with the proposed changes are exempted by law since the proposed changes are updating the rule for clarification (see RCW 19.85.025 referencing RCW 34.05.-310(4) and 34.05.328 (5)(b)(vi)).

September 30, 2008

Steven Bacon, Chair
Board of Boiler Rules

AMENDATORY SECTION (Amending WSR 01-24-061, filed 11/30/01, effective 12/31/01)

WAC 296-104-045 Administration—What are the insurance companies' responsibilities? All insurance companies shall notify the chief inspector within thirty days of all boiler and/or unfired pressure vessel risks written, canceled, not renewed or suspended (~~((because of unsafe conditions))~~). Special inspectors shall perform all in-service inspections of boilers and unfired pressure vessels insured by their employer. (~~((After a repair or alteration the in-service inspector is responsible to assure that proper documentation is completed and submitted to the department in accordance with the rules of the National Board Inspection Code (NBIC) as adopted in WAC 296-104-102.))~~)

AMENDATORY SECTION (Amending WSR 05-22-092, filed 11/1/05, effective 1/1/06)

WAC 296-104-102 Inspection—What are the standards for in-service inspection? Where a conflict exists between the requirements of the standards listed below and this chapter, this chapter shall prevail. The duties of the in-service inspector do not include the installation's compliance with other standards and requirements (environmental, construction, electrical, undefined industrial standards, etc.), for which other regulatory agencies have authority and responsibility to oversee.

(1) The standard for inspection of nonnuclear boilers, unfired pressure vessels, and safety devices is the National Board Inspection Code (NBIC), ~~((2004))~~ 2007 edition Part 2, with addenda, excluding Section 6 Supplements 2, 5, 6, and 7 which may be used as nonmandatory guidelines. This code may be used on or after the date of issue and becomes mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2).

(2) The standard for inspection of historical steam boilers of riveted construction preserved, restored, or maintained for hobby or demonstration use, shall be Appendix "C" of the National Board Inspection Code ~~((as referenced in subsection (1) of this section))~~ (NBIC) 2004 edition with 2006 addenda.

(3) The standard for inspection of nuclear items is ASME section XI. The applicable ASME Code edition and addenda shall be as specified in the owner in-service inspection program plan.

(4) Where a petroleum or chemical process industry owner/user inspection agency so chooses, the standard for inspection of unfired pressure vessels used by the owner shall be the API-510 Pressure Vessel Inspection Code, ~~((eighth))~~ after the date of issue.

(5) TAPPI TIP 0402-16, dated ((2004)) 2006 may be used for both pulp dryers and paper machine dryers when requested by the owner. When requested by the owner, this document becomes a requirement and not a guideline.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

WAC 296-104-105 Inspection—How much time is required for notification of an internal inspection? Seven days will be considered sufficient notification. The owner or user shall prepare each boiler and unfired pressure vessel for internal inspection and shall prepare for and apply a hydrostatic pressure test whenever necessary on the date specified by the inspector.

AMENDATORY SECTION (Amending WSR 08-12-015, filed 5/27/08, effective 6/30/08)

WAC 296-104-200 Construction—What are the standards for new construction? The standards for new construction are:

(1) ASME Boiler and Pressure Vessel Code, 2007 edition, with addenda Sections I, III, IV, VIII, Division 1, 2, 3, X, XII;

(2) ASME PVHO-1 2007 Safety Standard for Pressure Vessels for Human Occupancy; and

(3) ASME CSD-1 Part CF 2004 edition with addenda ((as referenced in WAC 296-104-302)); and

(4) NFPA 85 Boiler and Combustion Systems Hazards Code 2004 edition (for use with boilers with fuel input ratings of 12, 500,000 BTU/hr or greater; and

(5) Standards of construction approved by the chief inspector and meeting the National Board Criteria for Registration of Boilers, Pressure Vessels and Other Pressure Retaining Items.

These codes and standards may be used on or after the date of issue and become mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2). ASME Code Cases may be approved for use when accepted by the chief inspector. The board recognizes that the ASME Code states that new editions of the code become mandatory on issue and that subsequent addenda become mandatory six months after the date of issue. For nuclear systems, components and parts the time period for addenda becoming mandatory is defined in the Code of Federal Regulations.

AMENDATORY SECTION (Amending WSR 05-22-092, filed 11/1/05, effective 1/1/06)

WAC 296-104-302 Installation—What fuel controls ((and limit devices)) are required on automatically fired boilers after December 1998? In addition to those requirements listed in WAC 296-104-301, the following are also required with regard to installations or refits of gas, oil, or combinations of gas or oil:

(1) All boilers installed or refitted after December 1998, ((with fuel input ratings of less than 12,500,000 BTU/hr which are fired by gas, oil, or a combination of gas or oil shall comply with the fuel train requirements defined in ASME CSD-1 (CF), as adopted in WAC 296-104-200 where appli-

able)) shall be equipped with suitable primary (flame safeguards) safety controls, safety limit switches, and burners or electrical elements as required by a nationally or internationally recognized standard.

(2) ((Verification of fuel train compliance will be per CSD-1. A CSD-1 report will be completed and signed by an authorized representative of the manufacturer and/or the installing contractor.

(3) The CSD-1 report must be made available to the authorized inspection agency or the inspector after which a certificate of operation may be issued. The report shall remain in the possession of the boiler owner.)) The symbol of the certifying organization that has investigated such equipment as having complied with a nationally or internationally recognized standard shall be affixed to the equipment and shall be considered evidence that the unit was manufactured in accordance with that standard. A certifying organization is one that provides uniform testing, examination, and listing procedures under established, nationally or internationally recognized standards, and that is acceptable to the authorities having jurisdiction.

(3) These devices shall be installed in accordance with jurisdictional requirements, manufacturer's recommendations, and/or industry standards as applicable.

AMENDATORY SECTION (Amending WSR 06-24-042, filed 11/30/06, effective 1/1/07)

WAC 296-104-502 Repairs—What ((are the requirements)) is the standard for nonnuclear ((boilers and unfired pressure vessel)) repairs and alterations? ((Repairs and alterations to nonnuclear boilers and pressure vessels shall be made in accordance with the rules of the National Board Inspection Code (NBIC) as adopted in WAC 296-104-102. Additionally, repairs and alterations to non-standard boilers and pressure vessels, as addressed in WAC 296-104-215, must be authorized by the chief inspector.

Repairs and alterations may be made by an organization in possession of a valid Certificate of Authorization for use of the "R" symbol stamp, issued by the national board provided such repairs/alterations are within the scope of the authorization.

Owner/user special inspectors may only accept repairs and alterations to boilers and unfired pressure vessels operated by their respective companies per RCW 70.79.130.

Documentation of repairs and alterations, in accordance with the requirements of the National Board Inspection Code (NBIC) as adopted in WAC 296-104-102, shall be submitted to the department.)) The standard for repairs/alterations is:

(1) National Board Inspection Code (NBIC), 2007 edition Part 3, with addenda, excluding Section 6 Supplements 2, 5, 6, and 7 which may be used as nonmandatory guidelines.

(2) The standard for repair of historical boilers or riveted construction preserved, restored, or maintained for hobby or demonstration use, shall be Appendix C of the National Board Inspection Code (NBIC) 2004 edition with 2006 addenda.

NEW SECTION

WAC 296-104-503 Repairs—What are the requirements for nonnuclear boilers and unfired pressure vessel repairs and alterations? Repairs and alterations to nonnuclear boilers and pressure vessels shall be made in accordance with the rules of the National Board Inspection Code (NBIC) as adopted in WAC 296-104-502(1). Additionally, repairs and alterations to nonstandard boilers and pressure vessels, as addressed in WAC 296-104-215, must be authorized by the chief inspector.

Repairs and alterations may be made by an organization in possession of a valid Certificate of Authorization for use of the "R" symbol stamp, issued by the national board provided such repairs/alterations are within the scope of authorization.

Owner/user special inspectors may only accept repairs and alterations to boilers and unfired pressure vessels operated by their respective companies per RCW 70.79.130.

Documentation of repairs and alterations, in accordance with the requirements of the National Board Inspection Code (NBIC) as adopted in WAC 296-104-502(1), shall be submitted to the department.

AMENDATORY SECTION (Amending WSR 06-24-042, filed 11/30/06, effective 1/1/07)

WAC 296-104-520 Repairs—What are the requirements for repair of nonnuclear safety devices? (1) The resetting, repairing, and restamping of safety valves and relief valves shall be done by a qualified valve repair organization holding a valid "VR" Certificate of Authorization issued by the National Board of Boiler and Pressure Vessel Inspectors. ASME valve manufacturers holding a valid "V," "HV," and "UV" Certificate(s) of Authorization may also do this work provided they also have a valid "VR" Certificate of Authorization issued by the national board.

(2) With jurisdictional approval, boiler and pressure vessel owners/users, may authorize external adjustments to bring their installed safety valves and relief valves, back to the stamped set pressure when performed by the owner/user's trained, qualified, regular, and full-time employees. Refer to ((~~Appendix "J"~~) Supplement 7.10 of the National Board Inspection Code as referenced in WAC ((~~296-104-102~~) 296-104-502(1)) for guidelines regarding training, documentation, and the implementation of a quality system for the owner/user employees. All such external adjustments shall be resealed with a metal tag showing the identification of the organization making the adjustments and the date. If any valve repairs are required, they shall be done by a qualified "VR" certificate holder.

(3) Repairing of noncode relief or safety valves shall not be allowed, except as specified below. Noncode liquid relief valves installed prior to 1-1-85 shall be repaired by an organization holding a valid "VR" Certificate of Authorization, but need not be stamped.

WSR 08-20-111**PROPOSED RULES****PUBLIC DISCLOSURE COMMISSION**

[Filed September 30, 2008, 1:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-14-167.

Title of Rule and Other Identifying Information: Amendments to incorporate statutory changes in 2SHB 3104 (chapter 6, Laws of 2008) concerning domestic partners. New WAC 390-05-222 Domestic partner—Definition, amending WAC 390-17-305 Personal funds of a candidate and 390-20-110 Forms for lobbyist employers.

Hearing Location(s): Commission Hearing Room, 711 Capitol Way, Room 206, Olympia, WA 98504, on December 4, 2008, at 9:30 a.m.

Date of Intended Adoption: December 4, 2008.

Submit Written Comments to: Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, e-mail dellis@pdc.wa.gov, fax (360) 753-1112, by November 24, 2008.

Assistance for Persons with Disabilities: Contact Nicole Stauffer by phone (360) 586-0544.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The new WAC 390-05-222 and amendments to WAC 390-17-305 and 390-20-110 are needed to conform to section 1303 of 2SHB 3104 that requires state agencies to adopt rules to implement the legislation by January 2009. The rules define "domestic partner" and include domestic partner when referencing spouse or other immediate family members.

Reasons Supporting Proposal: To implement 2SHB 3104.

Statutory Authority for Adoption: RCW 42.17.370 and 2SHB 3104, section 1303.

Statute Being Implemented: Chapter 6, Laws of 2006.

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: The amended rules are designed to clarify the definition and use of "domestic partner" for purposes of public disclosure.

Name of Agency Personnel Responsible for Drafting and Implementation: Doug Ellis, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 664-2735; and Enforcement: Phil Stutzman, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 664-8853.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The implementation of these rule amendments has minimal impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The public disclosure commission (PDC) is not an agency listed in subsection (5)(a)(i) of section 201. Further, the PDC does not voluntarily make section 201 applicable to the adoption of these rules pursuant to subsection (5)(a)(i) of section 201, and, to date, JARRC has not made

section 201 application [applicable] to the adoption of these rules.

September 30, 2008
Vicki Rippie
Executive Director

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93, effective 8/30/93)

WAC 390-17-305 Personal funds of a candidate. (1)

The personal funds of a candidate include:

- (a) Assets which the candidate has legal access to or control over, and which he or she has legal title to or an equitable interest in, at the time of candidacy;
- (b) Income from employment;
- (c) Dividends and proceeds from stocks and other investments;
- (d) Income from trusts, if established before candidacy;
- (e) Income from trusts established from bequests, even if established after candidacy;
- (f) Personal gifts, if customarily received; and
- (g) Proceeds from lotteries and similar games of chance.

(2) A candidate may also use, as personal funds, his or her portion of assets owned jointly with a spouse or domestic partner. If the candidate's financial interest is not specified, then the candidate's share is deemed to be half the value of the asset.

(3) If any person gives or loans the candidate funds in connection with his or her campaign, the funds are not considered personal funds of the candidate. Such funds are considered a contribution under chapter 42.17 RCW unless the loan meets the exemption provided in RCW 42.17.720(3).

AMENDATORY SECTION (Amending WSR 05-06-070, filed 3/1/05, effective 4/1/05)

WAC 390-20-110 Forms for lobbyist employers report. The official form for statement by employers of registered lobbyists as required by RCW 42.17.180 is designated "L-3," revised ((2/05)) 1/09. Copies of this form are available at the Commission Office 711 Capitol Way, Room 206, Evergreen Plaza Building, PO Box 40908, Olympia, Washington, 98504-0908. Any paper attachments shall be on 8-1/2" x 11" white paper.

((STRICKEN GRAPHIC

PUBLIC DISCLOSURE COMMISSION
pdc
711 CAPITOL WAY RM 206
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

Employer's Lobbying Expenses

L3
2/05

THIS SPACE FOR OFFICE USE

1. Employer's Name (Use complete company, association, union or entity name.)

Attention (Identify person to whom inquiries about the information below should be directed; NOT the lobbyist.)

Mailing Address Telephone () -

City State Zip + 4 E-Mail Address Year Report Covers

THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Include expenditures made and accrued during the previous calendar year for lobbying the Washington State Legislature and/or any state agency. Complete all sections. Use "none" or "0" when applicable.

2. Identify each of your lobbyists/lobbying firms below. In column 1, show the full amount of salary or fee each earned for lobbying. In column 2, show the full amount paid (plus obligated) for other lobbying related expenses that were made by or through the lobbyist and reported by the lobbyist on the monthly L-2 report (e.g., contributions to legislative candidates, reimbursement for entertainment expenses, etc.). Compute the subtotals across and down the columns; put the grand total of expenses incurred by or through lobbyists in the space designated.

Names of Registered Lobbyists (if payments were to lobbying firm, list firm name)	Col 1-Salary	Col 2-Other	Total Amount
	\$	\$	\$
Total From Attached Page			
Total Expenses By or Through Lobbyists			\$

Information continued on attached pages

DO NOT INCLUDE EXPENDITURES ALREADY ACCOUNTED FOR IN ITEM 2 ABOVE when completing Items 3 through 7 below.

3. Other expenditures made by the employer for lobbying purposes. Show total expenditures made/accrued:

- a. to vendors on behalf of or in support of registered lobbyists (e.g., entertainment credit card purchases); \$
- b. to or on behalf of expert witnesses or others retained to provide lobbying services who offer specialized knowledge or expertise that assists the employer's lobbying effort;
- c. for entertainment, tickets, passes, travel expenses (e.g., transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families; (Also complete Item 9.)
- d. for composing, designing, producing and distributing informational materials for use primarily to influence legislation; and
- e. for grass roots lobbying expenses, including those previously reported by employer on Form L-6, and payments for lobbying communications to clients/customers (other than to corporate stockholders and members of an organization or union).

4. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. (Also complete Item 10.)

- a. Contributions made directly by the employer, including those previously reported on PDC Form L-3c.
- b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this L-3 report.)
Name of PAC _____

5. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. (Also complete Item 11.)

6. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. (Normal course of business payments are not reportable.) (Also complete Item 14.)

7. Other lobbying-related expenditures, whether through or on behalf of a registered lobbyist. Attach list itemizing each expense (i.e., show date, recipient, purpose and amount). Do not include payments accounted for above.

Total Lobbying Expenses \$
(Items 2 thru 7)

8. This report must be certified by the president, secretary-treasurer or similar office of lobbying employer.

Certification: I certify that this report is true, complete and correct to the best of my knowledge. Signature of Employer Officer Date

Printed Name and Title of Officer: _____

CONTINUE ON REVERSE

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((STRICKEN GRAPHIC

Employer's Name

Year report covers:

9. Entertainment, tickets, passes, travel expenses (including transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families. See instruction manual for details.

Name and Title	Cost or Value	Date and Description of Expense
	\$	

Information continued on attached pages

10. Contributions (not reported by the lobbyist) totalling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure. Do not list employer-affiliated PAC contributions.

Name of Recipient	Amount	Date (and, if In-Kind, Description)
	\$	

Information continued on attached pages

11. Independent expenditures in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot proposition.

See instruction manual for definition of "independent expenditure."

Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description	Amount	Date and Description of Expense (Note if Support or Oppose)
	\$	

Information continued on attached pages

12. Compensation of \$1,500 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate family.

Name	Relationship to Candidate or Elected Official if Member of Family	Amount (Code)**	Description of Consideration or Services Exchanged for Compensation

Information continued on attached pages

13. Compensation of \$1,500 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family hold office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)**	Description of Consideration or Services Exchanged for Compensation

Information continued on attached pages

14. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position.


Name	Amount	Date and Purpose
	\$	

Information continued on attached pages

****DOLLAR**
CODE AMOUNT
 A - \$1 to \$2,999
 B - \$3,000 to \$14,999
 C - \$15,000 to \$29,999

****DOLLAR**
CODE AMOUNT
 D - \$30,000 to \$74,999
 E - \$75,000 or more

STRICKEN GRAPHIC))

 PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828	<h2 style="margin: 0;">Employer's Lobbying Expenses</h2>	<h1 style="margin: 0;">L3</h1>	THIS SPACE FOR OFFICE USE
1. Employer's Name (Use complete company, association, union or entity name.)			Year Report Covers
Attention (Identify person to whom inquiries about the information below should be directed; NOT the lobbyist.)			
Mailing Address		Telephone () -	
City	State	Zip + 4	
E-Mail Address			
<p>THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Include expenditures made and accrued during the previous calendar year for lobbying the Washington State Legislature and/or any state agency. Complete all sections. Use "none" or "0" when applicable.</p>			
2. Identify each of your lobbyists/lobbying firms below. In column 1, show the full amount of salary or fee each earned for lobbying. In column 2, show the full amount paid (plus obligated) for other lobbying related expenses that were made by or through the lobbyist and reported by the lobbyist on the monthly L-2 report (e.g., contributions to legislative candidates, reimbursement for entertainment expenses, etc.). Compute the subtotals across and down the columns; put the grand total of expenses incurred by or through lobbyists in the space designated.			
Names of Registered Lobbyists (if payments were to lobbying firm, list firm name)	Col 1-Salary	Col 2-Other	Total Amount
	\$	\$	\$
Total From Attached Page			
<input type="checkbox"/> Information continued on attached pages			Total Expenses By or Through Lobbyists \$
<p>DO NOT INCLUDE EXPENDITURES ALREADY ACCOUNTED FOR IN ITEM 2 ABOVE when completing Items 3 through 7 below.</p>			
3. Other expenditures made by the employer for lobbying purposes. Show total expenditures made/accrued:			
a. to vendors on behalf of or in support of registered lobbyists (e.g., entertainment credit card purchases);			\$
b. to or on behalf of expert witnesses or others retained to provide lobbying services who offer specialized knowledge or expertise that assists the employer's lobbying effort;			_____
c. for entertainment, tickets, passes, travel expenses (e.g., transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families; (Also complete Item 9.)			_____
d. for composing, designing, producing and distributing informational materials for use primarily to influence legislation; and			_____
e. for grass roots lobbying expenses, including those previously reported by employer on Form L-6, and payments for lobbying communications to clients/customers (other than to corporate stockholders and members of an organization or union).			_____
4. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. (Also complete Item 10.)			
a. Contributions made directly by the employer, including those previously reported on PDC Form L-3c.			_____
b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this L-3 report.)			_____
Name of PAC _____			_____
5. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. (Also complete Item 11.)			
6. Expenditures to or on behalf of legislators, state officials, or their spouse, registered domestic partner and dependents for the purpose of influencing, honoring or benefiting the legislator or official. (Normal course of business payments are not reportable.) (Also complete Item 14.)			_____
7. Other lobbying-related expenditures, whether through or on behalf of a registered lobbyist. Attach list itemizing each expense (i.e., show date, recipient, purpose and amount). Do not include payments accounted for above.			_____
Total Lobbying Expenses			\$
(Items 2 thru 7)			
8. This report must be certified by the president, secretary-treasurer or similar office of lobbying employer.			
Certification: I certify that this report is true, complete and correct to the best of my knowledge.		Signature of Employer Officer	Date
Printed Name and Title of Officer:			

CONTINUE ON REVERSE

Employer's Name	Year report covers:
-----------------	---------------------

9. Entertainment, tickets, passes, travel expenses (including transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families. See instruction manual for details.

Name and Title	Cost or Value	Date and Description of Expense
	\$	

Information continued on attached pages

10. Contributions (not reported by the lobbyist) totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure. Do not list employer-affiliated PAC contributions.

Name of Recipient	Amount	Date (and, if In-Kind, Description)
	\$	

Information continued on attached pages

11. Independent expenditures in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot proposition.
See instruction manual for definition of "independent expenditure."

Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description	Amount	Date and Description of Expense (Note if Support or Oppose)
	\$	

Information continued on attached pages

12. Compensation of \$2,000 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate family.

Name	Relationship to Candidate or Elected Official if Member of Family	Amount (Code)**	Description of Consideration or Services Exchanged for Compensation

Information continued on attached pages

13. Compensation of \$2,000 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family hold office, partnership, directorship or ownership interest of 10% or more.

Firm Name	Person's Name	Amount (Code)**	Description of Consideration or Services Exchanged for Compensation

Information continued on attached pages

14. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position.

Name	Amount	Date and Purpose
	\$	

Information continued on attached pages

****DOLLAR**
CODE AMOUNT
 A - \$1 to \$3,999
 B - \$4,000 to \$19,999
 C - \$20,000 to \$39,999

****DOLLAR**
CODE AMOUNT
 D - \$40,000 to \$99,999
 E - \$100,000 or more

INFORMATION CONTINUED

L3

(Use this page if you need additional space for Items 2 or 9)

Employer's Name	Year report covers:
-----------------	---------------------

2. Names of Registered Lobbyists	Col 1-Salary \$	Col 2-Other \$	Total Amount \$
Total From This Page			

9. Entertainment, etc.		
Name and Title	Cost or Value \$	Date and Description of Expense

INFORMATION CONTINUED

(Use this page if you need additional space for Items 10 or 11)

L3

Employer's Name		Year report covers:	
10. Contributions			
Name of Recipient	Amount	Date (and, if In-Kind, Description)	
	\$		
11. Independent expenditures			
Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description	Amount	Date and Description of Expense (Note if Support or Oppose)	
	\$		

INFORMATION CONTINUED

L3

(Use this page if you need additional space for Items 12 thru 14)

Employer's Name		Year report covers:	
12. Compensation of \$2,000 or more for employment, etc.			
Name	Relationship to Candidate or Elected Official if Member of Family	Amount (Code)**	Description of Consideration or Services Exchanged for Compensation
13. Compensation of \$2,000 or more for professional services			
Firm Name	Person's Name	Amount (Code)**	Description of Consideration or Services Exchanged for Compensation
14. Any expenditure not otherwise reported			
Name	Amount	Date and Purpose	
	\$		

****DOLLAR
CODE AMOUNT**
 A - \$1 to \$3,999
 B - \$4,000 to \$19,999
 C - \$20,000 to \$39,999

****DOLLAR
CODE AMOUNT**
 D - \$40,000 to \$99,999
 E - \$100,000 or more

NEW SECTION

WAC 390-05-222 Domestic partner—Definition. "Domestic partner" or "domestic partners," as those terms are used in chapter 42.17 RCW and Title 390 WAC, means "state registered domestic partners" as defined in RCW 26.60.020 (1).

WSR 08-20-112
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION
 [Filed September 30, 2008, 1:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-14-166.

Title of Rule and Other Identifying Information: Amendments to WAC 390-20-120 Forms for report of legislative activity by public agencies and 390-16-207 In-kind contributions—Explanation and reporting.

Hearing Location(s): Commission Hearing Room, 711 Capitol Way, Room 206, Olympia, WA 98504, on December 4, 2008, at 9:30 a.m.

Date of Intended Adoption: December 4, 2008.

Submit Written Comments to: Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, e-mail dellis@pdc.wa.gov, fax (360) 753-1112, by November 24, 2008.

Assistance for Persons with Disabilities: Contact Nicole Stauffer by phone (360) 586-0544.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To update rules to provide guidance and clarification to filers. Amendments to WAC 390-20-120 Forms for report of legislative activity by public agencies, provide for the name and contact information of the person within each public agency who prepared the public agency lobbying report (PDC L-5). Amendments to WAC 390-16-207 will clarify that all candidates with contribution limits, including judicial and county candidates, are subject to limits when receiving in-kind contributions.

Reasons Supporting Proposal: To update and clarify rules.

Statutory Authority for Adoption: RCW 42.17.370.

Statute Being Implemented: RCW 42.17.190, 42.17-640, and 42.17.645.

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: The amended rules are designed to identify the person responsible for preparing the L-5 reports and to clarify that all candidates with contribution limits are subject to those limits when receiving in-kind contributions.

Name of Agency Personnel Responsible for Drafting and Implementation: Doug Ellis, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 664-2735; and Enforcement: Phil Stutzman, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 664-8853.

is subject to chapter 42.17 RCW and is subject to the

No small business economic impact statement has been prepared under chapter 19.85 RCW. The implementation of these rule amendments has minimal impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The public disclosure commission (PDC) is not an agency listed in subsection (5)(a)(i) of section 201. Further, the PDC does not voluntarily make section 201 applicable to the adoption of these rules pursuant to subsection (5)(a)(i) of section 201, and, to date, JARRC has not made section 201 application [applicable] to the adoption of these rules.

September 30, 2008

Vicki Rippie

Executive Director

AMENDATORY SECTION (Amending WSR 06-11-132, filed 5/23/06, effective 6/23/06)

WAC 390-16-207 In-kind contributions—Explanation and reporting. (1) An in-kind contribution occurs when a person provides goods, services or anything of value, other than money or its equivalent, to a candidate or political committee free-of-charge or for less than fair market value, unless the item or service given is not a contribution according to RCW 42.17.020 or WAC 390-17-405.

(2) An in-kind contribution also occurs when a person makes an expenditure that

- Supports or opposes a candidate or a ballot measure,
- Meets the definition of contribution in RCW 42.17.020 or WAC 390-05-210, and
- Is other than a monetary contribution made directly to a candidate or political committee.

For example, an in-kind contribution occurs when a person, after collaborating with a candidate or a candidate's agent, purchases space in a newspaper for political advertising supporting that candidate or opposing that candidate's opponent.

(3) An in-kind contribution also occurs when a person makes an electioneering communication that is a contribution as provided in RCW 42.17.570.

(4) According to RCW 42.17.095 and WAC 390-16-238, a candidate may not use his or her campaign funds to make a contribution, including an in-kind contribution, to another candidate or a political committee. However, under RCW 42.17.095, a candidate may use surplus funds as defined in RCW 42.17.020 to make a contribution to a political party or caucus political committee.

(5) In-kind contributions to recipients who have limits under RCW 42.17.640 or 42.17.645.

(a) If a (~~state office~~) candidate receives in-kind contributions from any person valued at more than \$25 in the aggregate (~~during~~) for an election (~~cycle~~), the contribution is reportable by the giver and the recipient pursuant to chapter 42.17 RCW and is subject to the applicable contribution limit provided in RCW 42.17.640 or 42.17.645.

(b) If a bona fide political party or legislative caucus committee receives in-kind contributions from any person valued at more than \$25 in the aggregate during a calendar year, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17 RCW and is subject to the applicable contribution limit provided in RCW 42.17.640.

(c) If ~~((a-state))~~ an elected official against whom recall charges have been filed or a political committee supporting the recall of a state official receives in-kind contributions from any person valued at more than \$25 in the aggregate during a recall campaign, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17 RCW and is subject to the applicable contribution limits provided in RCW 42.17.640 or 42.17.645.

(6) Political committees that make in-kind contributions. Except as provided for in subsection (5) of this section, a political committee that makes in-kind contributions to a candidate or political committee totaling more than \$50 in the aggregate during a reporting period must identify the recipient and the amount of the contribution as part of its C-4 report covering that period.

If the in-kind contribution is in the form of an expenditure that has been obligated, but not yet paid, the identity of the recipient candidate or political committee, along with a good faith estimate of the value of the contribution, must be disclosed in part 3 of Schedule B, in addition to the other information required by the form. When the expense is paid, the recipient's name and the amount of the contribution must be disclosed on Schedule A, along with the other information required by the form.

If a political committee provides equipment, property or anything else of value owned, leased or controlled by it to a candidate or political committee, the contributing committee must attach a statement to its C-4 report showing the name of the candidate or political committee to whom the contribution was made and the date, description and fair market value of the in-kind contribution.

(7) Reporting by recipients. Except as provided in subsection (5) of this section, in-kind contributions from one source are not reportable by the recipient candidate or political committee until the aggregate value of all in-kind contributions received from that source during a reporting period is more than \$50. If this threshold is met, the in-kind contributions must be reported in part 1 of Schedule B to the C-4 report covering that reporting period.

(8) Valuing in-kind contributions.

(a) For purposes of determining the value of goods or services provided as in-kind contributions, refer to WAC 390-05-235, Definition—Fair market value.

(b) If an expenditure that constitutes an in-kind contribution is made, the value of the in-kind contribution to a particular candidate or political committee is the portion of the expense that benefits the candidate or political committee.

(9) Application of RCW 42.17.105—Last-minute contributions.

(a) If an expenditure that constitutes an in-kind contribution is made no later than twenty-two days before a general election and written notice of the in-kind contribution is in the possession of the recipient candidate committee or political committee twenty-two or more days before that general election, the contribution is not subject to the respective \$5,000 or \$50,000 maximum amounts specified in RCW 42.17.105.

(b) If an in-kind contribution is in the form of personal services donated to a campaign for the duration of the twenty-one days before a general election, and if written notice of the

value of this donation is in the possession of the recipient candidate or political committee twenty-two or more days before the election, that in-kind contribution is not subject to the respective \$5,000 or \$50,000 maximum amounts specified in RCW 42.17.105.

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-20-120 Forms for report of legislative activity by public agencies. The official form for the report of legislative activity by public agencies as required by RCW 42.17.190 is designated "L-5," revised ~~((1/02))~~ 1/09. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908. Any attachments shall be on 8-1/2" x 11" white paper.

((STRICKEN GRAPHIC

PUBLIC DISCLOSURE COMMISSION

711 CAPITOL WAY RM 206
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

PDC FORM L-5 <small>(Rev 1/02)</small>	LOBBYING BY STATE AND LOCAL GOVERNMENT AGENCIES
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Instructions Are Printed On Reverse

Agency or Governmental Entity Name and Address	Date prepared	Report for calendar quarter ending Month Year
	County	

PERSONS WHO LOBBIED THIS QUARTER

Name	Job title	Annual salary \$	% of time spent lobbying during quarter
------	-----------	---------------------	---

General description of lobbying activities or objectives. (Include bill or WAC numbers, if any)

Check if person spent more than \$15 of non-public funds in lobbying. See instructions on reverse.

Name	Job title	Annual salary \$	% of time spent lobbying during quarter
------	-----------	---------------------	---

General description of lobbying activities or objectives. (Include bill or WAC numbers, if any)

Check if person spent more than \$15 of non-public funds in lobbying. See instructions on reverse.

Name	Job title	Annual salary \$	% of time spent lobbying during quarter
------	-----------	---------------------	---

General description of lobbying activities or objectives. (Include bill or WAC numbers, if any)

Check if person spent more than \$15 of non-public funds in lobbying. See instructions on reverse.

EXPENDITURES FOR LOBBYING THIS QUARTER

Report only the separately identifiable and measurable expenditures incurred for lobbying purposes

Salaries Of Persons Who Lobbied (Include only portion of quarterly salary attributable to lobbying)	\$
Travel (Include food, lodging, per diem payments and cost of transportation used)	\$
Brochures And Other Publications Whose Principal Purpose Is To Influence Legislation	\$
Consultants Or Other Contractual Services	\$
Total This Quarter	\$
Total To Date This Year	\$

CERTIFICATION: I certify that to the best of my knowledge the above is a true, complete and correct statement in accordance with RCW 42.17.190.	Signature of agency head
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Attach additional sheets if more room is required

STRICKEN GRAPHIC))

((STRICKEN GRAPHIC _____

THESE INSTRUCTIONS APPLY ONLY TO GOVERNMENT AGENCIES REPORTING PURSUANT TO RCW 42.17.190.

WHO SHOULD REPORT?

Each state agency, county, city, town, municipal corporation, quasi-municipal corporation or special purpose district which expends public funds for "lobbying". Please study the definitions of what is and is not included in lobbying to determine if your agency is required to report.

"Lobbying" means attempting to influence the passage or defeat of any legislation by the state legislature or the adoption or rejection of any rule, standard, rate or other legislative enactment by any state agency under chapters 28.19 and 34.04 RCW. "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the Governor.

LOBBYING DOES NOT INCLUDE

1. Requests for appropriations by a state agency to OFM pursuant to RCW 43.88 or requests by OFM to the legislature for appropriations other than its own agency budget. Note that an agency representative who, in person, contacts a legislator or committee on appropriations matters is lobbying.
2. Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation or report on a particular subject.
3. Official reports including recommendations submitted annually or biennially by a state agency as required by law.
4. Requests, recommendations or other communications between or within state agencies or between or within local agencies.
5. Telephone conversations or preparation of written correspondence.
6. Preparation or adoption of policy positions within an agency or group of agencies. Note that once a position is adopted, further action to advocate it may constitute lobbying.
7. Attempts to influence federal or local legislation.

LOBBYING NOT REPORTABLE

1. In person lobbying totaling no more than four days or parts of days during any three month period in aggregate for all officials and employees of the agency. In person lobbying includes testifying at legislative committee hearings and state agency hearings on rules and regulations but does not include attendance merely to monitor or observe testimony and debate.
2. In person lobbying by any elected official on behalf of his agency or in connection with his powers, duties or compensation.

EXPENDITURES OVER \$15 OF NON-PUBLIC FUNDS

Any person (including an elected official) who expends more than \$15 of personal or non-public funds for or on behalf of one or more legislators, state elected officials or state public officers or employees in connection with in person lobbying must be listed on the L-5 report. Attach a page showing the spender's name, and date, the source of funds and amount spent, and for whom the money was spent. Examples of these expenditures include entertainment, dinners and campaign contributions.

REPORTS REQUIRED

The L-5 report is submitted to cover each calendar quarter in which lobbying occurs. No report is required if no reportable lobbying has taken place during the quarter.

DUE DATES: April 30 (1st quarter) July 31 (2nd quarter)
October 31 (3rd quarter) January 31 (4th quarter)

ONE CONSOLIDATED REPORT SHOULD BE SUBMITTED TO INCLUDE LOBBYING ACTIVITIES OF ALL DIVISIONS OR OFFICES OF AN AGENCY.

Public Disclosure Commission
Send Reports To: 711 Capitol Way, Rm 206
PO Box 40908
Olympia, WA 98504-0908

SPECIAL NOTE: In lieu of reporting as provided in RCW 42.17.190 any agency or lobbyist for an agency may elect to register and report as provided in RCW 42.17.150, .160, .170 and .180. An agency so choosing must notify PDC of that fact and obtain necessary reporting forms and instructions.

_____STRICKEN GRAPHIC))

PUBLIC DISCLOSURE COMMISSION
 **711 CAPITOL WAY RM 206**
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

PDC FORM <b style="font-size: 2em;">L-5 <small>(Rev 1/09)</small>	LOBBYING BY STATE AND LOCAL GOVERNMENT AGENCIES
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Instructions Are Printed On Reverse

Agency or Governmental Entity Name and Address <hr/>	Date prepared <hr/>	Report for calendar quarter ending _____ Month Year
County _____		

PERSONS WHO LOBBIED THIS QUARTER

Name	Job title	Annual salary	% of time spent lobbying during quarter
		\$	

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Brochures And Other Publications Whose Principal Purpose Is To Influence Legislation	\$
Consultants Or Other Contractual Services	\$
Total This Quarter	\$
Total To Date This Year	\$

CERTIFICATION: I certify that to the best of my knowledge the above is a true, complete and correct statement in accordance with RCW 42.17.190.	Name of employee completing report <hr/>
Signature of agency head <hr/>	Work telephone Number <hr/> Work E-mail <hr/>

Attach additional sheets if more room is required

THESE INSTRUCTIONS APPLY ONLY TO GOVERNMENT AGENCIES REPORTING PURSUANT TO RCW 42.17.190.**WHO SHOULD REPORT?**

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REPORTS REQUIRED

The L-5 report is submitted to cover each calendar quarter in which lobbying occurs. No report is required if no reportable lobbying has taken place during the quarter.

DUE DATES: April 30 (1st quarter) July 31 (2nd quarter)
October 31 (3rd quarter) January 31 (4th quarter)

ONE CONSOLIDATED REPORT SHOULD BE SUBMITTED TO INCLUDE LOBBYING ACTIVITIES OF ALL DIVISIONS OR OFFICES OF AN AGENCY.

Send Reports To: **Public Disclosure Commission**
711 Capitol Way, Rm 206
PO Box 40908
Olympia, WA 98504-0908

SPECIAL NOTE: In lieu of reporting as provided in RCW 42.17.190 any agency or lobbyist for an agency may elect to register and report as provided in RCW 42.17.150, .160, .170 and .180. An agency so choosing must notify PDC of that fact and obtain necessary reporting forms and instructions.

L-5

ATTACHMENT

Agency or Governmental Entity Name

Report for calendar quarter ending

Month Year

Expenditures over \$15 of non-public funds

Date	Spender's Name	Source of Funds	Amount	Person(s) on Whom Funds Spent
			\$	

WSR 08-20-114
PROPOSED RULES
DEPARTMENT OF
NATURAL RESOURCES

[Filed September 30, 2008, 4:01 p.m.]

Supplemental Notice to WSR 08-10-059.

Preproposal statement of inquiry was filed as WSR 04-19-146.

Title of Rule and Other Identifying Information: Public access and recreation on lands managed by the department of natural resources (DNR).

Hearing Location(s): Issaquah's King County Library Systems Services Center, 960 Newport Way N.W., Issaquah, WA, on November 5, 2008, at 7:00 p.m.

Date of Intended Adoption: December 2, 2008.

Submit Written Comments to: Mary Coacher, P.O. Box 47014, Olympia, WA 98504-7014, e-mail mary.coacher@wadnr.gov, fax (360) 902-1789, by November 4, 2008.

Assistance for Persons with Disabilities: Contact Washington department of natural resources by November 4, 2008, TTY (360) 902-1156.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of chapter 332-52 WAC is to set standards for public use on lands managed by DNR. The objective of these rules is to promote safety and protect DNR-managed lands, property, and resources (pursuant [to] RCW 43.12.065 in accordance with chapter 34.05 RCW). These rules govern public behavior on:

- DNR managed state lands, state forest lands, and state-owned aquatic lands;
- Natural area preserves as defined in chapter 79.70 RCW or natural resources conservation areas as defined in chapter 79.91 RCW;
- Lands leased from DNR by another public agency in place of the agency's own rules governing use of the leased lands when the agency requests the department rules apply; and
- Other city, county, state and federal lands under the department's management.

Reasons Supporting Proposal: DNR is conducting one follow-up public hearing in November. This proposal provides the public with an additional comment period to respond to changes made in the proposed language.

Statutory Authority for Adoption: Chapter 43.30 RCW.

Statute Being Implemented: RCW 43.12.065.

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: The primary objective of these rules is to promote public safety and protect DNR-managed lands, property and resources (pursuant [to] RCW 43.12.065 in accordance with chapter 34.05 RCW).

Name of Proponent: DNR.

Name of Agency Personnel Responsible for Drafting: Pene Speaks, 1111 Washington Street S.E., Olympia, (360) 902-1916; Implementation: Mark Mauren, 1111 Washington Street S.E., Olympia, (360) 902-1047; and Enforcement:

Larry Raedel, 1111 Washington Street S.E., Olympia, (360) 902-1625.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There was no small business economic impact.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Mary Coacher, 1111 Washington Street S.E., Olympia, WA 98504, phone (360) 902-1430, fax (360) 902-1789.

September 30, 2008

Bonnie B. Bunning

Executive Director of

Policy and Administration

INTRODUCTION, PURPOSE AND DEFINITIONS
((AND APPLICABILITY))

AMENDATORY SECTION (Amending Order 516, filed 8/27/87)

WAC 332-52-010 Definitions. ((The following definitions shall apply throughout this chapter:

(1) "~~Developed recreation sites~~" means all improved observation, swimming, boating, camping and picnic sites.

(2) "~~Camping equipment~~" includes tent or vehicle used to accommodate the camper, the vehicles used for transport, and the associated camping paraphernalia.

(3) "~~Department~~" means the department of natural resources.

(4) "~~Vehicle~~" means any motorized device capable of being moved upon a road and in, upon, or by which any persons or property is or may be transported or drawn upon a road. It shall include, but not be limited to automobiles, trucks, motorcycles, motor bikes, motor scooters and snowmobiles, whether or not they can legally be operated on the public highways.

(5) "~~Organized event~~" means any event involving more than fifty participants which is advertised in advance, sponsored by any recognized club(s), and conducted at a predetermined time and place.

(6)) When used in this chapter, the following terms are defined as follows:

"Applicant" means a person who applies for a permit, reservation, or other written authorization from the department.

"Authorized" means written approval given by the department.

"Business hours" means 8:00 a.m. until 4:30 p.m. Pacific Time, Monday through Friday, except holidays.

"Campfire" means any open flame using wood as a fuel source as well as fuel made from materials such as manufactured fireplace logs.

"Campground" means a developed area consisting of more than one campsite used for the purposes of camping.

"Camping" means erecting a tent or shelter or arranging bedding, or both, or parking a vehicle for the purpose of remaining overnight on land.

"Camping party" means an individual or a group of two or more people who are equipped and capable of camping activity.

"Commissioner" means the commissioner of public lands.

"Contact" means via telephone, e-mail, mail, in person, fax, or other electronic methods as allowed by the department unless otherwise noted.

"Corridor" means that portion of the Milwaukee Road Corridor under the jurisdiction of the department.

"Day-use" means use during the period of one-half hour before sunrise until one-half hour after sunset.

"Day-use areas and facilities" means any department-managed lands, trailhead, picnic area, viewpoint, and designated parking areas for vehicles, boat launch or other facility that is designated for day-use only.

"Department" or "DNR" means the Washington state department of natural resources.

"Department-managed lands" means lands of the state of Washington administered by the department including but not limited to state lands, state forest lands, state-owned aquatic lands, natural area preserves, natural resources conservation areas, other city, county, state and federal lands under department management and department-managed roads.

"Department-managed roads" means all roads designated as such and under DNR jurisdiction and all access roads across private lands through which the department has acquired the right of public use. See WAC 332-36-010.

"Designated" means any facility, trail, or location that has been approved by the department for public use.

"Developed recreation facility" means any designated site or location built or improved for recreation on department-managed land such as a trailhead, vista, parking area, boat launch, picnic area, campground, or water trail site.

"Dispersed recreation" means recreation that occurs on department-managed lands outside of a developed recreation facility.

"Firearm" means a loaded or unloaded pistol, rifle, shotgun, or other weapon that is designed to, or may be readily converted to, expel a bullet or pellets by the ignition of a propellant.

"Livestock" means any animal used for agriculture, riding, pulling, or packing purposes.

"Motor vehicle or motorized vehicle" means any device that is moved or propelled by an internal combustion engine or electrically powered motor. It shall include, but not be limited to automobiles, trucks, motorcycles, all-terrain vehicles, motor bikes, motor-scooters and off-road vehicles, whether or not they can be licensed to operate on public roads. The term does not include vessels or personal mobility assistive devices, such as wheelchairs.

"Nonmotorized vehicles" means any device that is moved or propelled by means other than an internal combustion engine or electrically powered motor, including but not limited to bicycles, roller blades, mountain boards, animal drawn carriages or conveyances, excluding vessels and personal mobility assistive devices, such as wheelchairs.

"Off-road vehicle (ORV)" or "off-highway vehicle (OHV)" means any street or nonstreet licensed vehicle when

used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain. Such vehicles include, but are not limited to, all-terrain vehicles, motorcycles, four-wheel drive vehicles, and dune buggies.

"Parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

"Person" means all individuals, firms, partnerships, public or private corporations, limited liability companies, clubs, and all associations or combinations of persons when acting for themselves, by an agent, servant or employee.

"Pet" means a dog, cat, or any animal that has been domesticated; livestock and service animals are specifically excluded from this definition.

"Posted" means information displayed on any signs, information boards, kiosks, web sites, maps, or other medium that either allows or prohibits access or specific activities on department-managed lands.

"Public trust doctrine" means the legal principle as recognized by Washington courts under which navigable waters are subject.

"Recreation permit" means a nontransferable, revocable written document, which the department issues to allow a person to engage in activities specifically authorized at such times and in such locations as identified in the document, such as a land use license.

"Refuse or waste" means discarded material from any person, trailer, camper, automobile, other motorized vehicle, or vessel, including but not limited to bottles, broken glass, spent ammunition casings, ashes, waste paper, cans, garbage, or human bodily waste.

"Region" means a geographical administrative unit of the department of natural resources.

"Reservation" means setting aside department-managed recreation facilities or lands for a specific use at a defined location(s) for a specified time period.

"Service animal" means an animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.

"Snowmobile" means any self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, and which is steered wholly or in part by skis or sled type runners, and which is not otherwise registered as, or subject to the motor vehicle excise tax in the state of Washington.

"Trail" means a route on department-managed land, other than a road, designated for a specific use by the department that is suitable for travel by motorized or nonmotorized means.

"Vessel" means every description of watercraft used or capable of being used as a means of transportation on the water, other than a seaplane. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

GENERAL RULES

NEW SECTION

WAC 332-52-100 Managing recreation and public use. (1) Can DNR limit recreational activities and public use on department-managed land?

(a) The department may limit any recreation activity or public use on department-managed lands to:

(i) Protect public safety, natural resources, or other property.

(ii) Execute its management and administrative obligations if any recreation activities or public use unreasonably interferes with the department's ability to carry out those obligations.

(b) All persons shall comply with any department-posted restrictions that limit recreational activities.

(2) Any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 332-52-105 Capacity. (1) Can the department limit the number of individuals and/or motorized or nonmotorized vehicles at developed recreation facilities on department-managed land?

(a) The department may establish or limit the number of individuals and vehicles allowed in any given developed recreation facility on department-managed lands at any given time or period for the reasons set forth in WAC 332-52-100. The capacity of developed trailheads and campgrounds will be determined by the number of parking spaces and campsites designated for such purposes.

(b) Persons shall not enter any developed recreation facility or bring in or cause to be brought in any motorized or nonmotorized vehicle or persons, which would exceed the established capacity set by the department.

(2) Any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 332-52-110 Destruction of property. (1) May property or resources be removed, defaced, damaged or destroyed on department-managed lands?

(a) A person shall not physically damage, remove, or destroy department-managed resources, or property to include but not be limited to locks, gates, traffic barriers, earthen berms, notices, signs, markers, facilities, or equipment.

(b) A person shall not physically damage a trail or road, including boardwalks, bridges, water bars, or any other related improvements.

(2) Any violation of this section is a misdemeanor.

NEW SECTION

WAC 332-52-115 Removal of plants, soils, rocks, and other valuable materials. (1) Can soil, plants, rocks, or other valuable materials be removed on department-managed lands?

(a) A person shall not remove soil, rocks, plants, natural features, or valuable materials on department-managed lands without written authorization from the department unless otherwise permitted by law.

(b) Information about what written authorization is required for the removal of soil, rocks, plants, natural features, or valuable materials may be obtained by contacting a region office during business hours.

(2) Any violation of this section is a misdemeanor.

NEW SECTION

WAC 332-52-120 Sanitation. (1) How and where can refuse or waste be disposed on department-managed lands?

(a) Where toilet or sewage facilities are provided, no person shall dispose of human waste except in those facilities.

(b) Persons shall not deposit human waste within two hundred feet of any campsite, trail, or body of water. Human waste shall be disposed of by burying to a depth of at least six inches.

(c) Where the department has provided receptacles, persons shall deposit bottles, cans, waste paper, garbage and other appropriate refuse in designated receptacles. If no receptacle is provided, persons shall take such refuse with them for disposal off-site.

(d) Persons shall not use department-provided receptacles for the disposal of personal or commercial refuse, garbage, debris or waste not associated with recreational activities on department-managed lands.

(e) Persons shall not pollute, contaminate, leave, or burn refuse or waste of any kind on department-managed lands, including but not limited to any stream, river, lake, marine waters, or other body of water running in, through, or adjacent to department-managed lands, except as authorized by these rules.

(f) DNR may establish controlled discharge areas in order to prohibit discharge of waste from vessels in designated water recreation facilities as referred to in WAC 332-52-305(1). Refuse or waste from vessels does not include the discharge of grey water.

(2) Any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 332-52-125 Posting. (1) Can the public post advertisements, signs, or posters on department-managed lands?

(a) Persons shall not erect bills, notices, posters, signs, markers, advertising devices or matter of any kind on department-managed lands without advance written authorization from the department.

(b) A person must contact the region office during business hours to obtain advance written authorization prior to posting advertisements, signs, or posters on department-managed land.

(2) Any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 332-52-130 Peace and quiet. (1) What is unacceptable behavior on department-managed lands?

(a) Persons shall not engage in disorderly conduct on department-managed lands.

(b) For the purposes of this subsection, "disorderly conduct" means conduct that unreasonably disturbs the repose of other persons using department-managed lands; or is of a loud, threatening, insulting, boisterous, or abusive nature towards other persons, creating a risk of assault, fight, or riot; or by its indifference to or disregard for public safety, warrants alarm for the safety or well-being of others.

(2) When are quiet hours on department-managed land? Quiet hours are the hours after 10:00 p.m. and before 7:00 a.m. every day of the week.

(3) What is prohibited during quiet hours?

(a) Persons shall not:

(i) Unreasonably disturb any person during quiet hours.

(ii) Operate engine-driven electrical generators in designated campgrounds during quiet hours (except when medically required).

(b) A person accompanied by children or pets must ensure that children and pets maintain reasonable quiet during quiet hours.

(4) What types of noise or sounds are prohibited at any time on department-managed land? A person shall not engage in loud and boisterous conduct or the playing of radios, musical instruments, sound, or music systems, or the activation of sound producing electronic or mechanical devices such as generators, in such a manner, and at such times, so as to unreasonably disturb other persons. Any such sound that can be heard at a volume that unreasonably disturbs other recreational users is prohibited.

(5) Any violation of this section is an infraction under chapter 7.84 RCW except violation of subsection (1) of this section is a misdemeanor.

NEW SECTION

WAC 332-52-135 Campfires. (1) Where are campfires permitted?

(a) Within department-designated campgrounds or day-use facilities, persons may have campfires only in the department-provided campfire enclosures.

(b) On department-managed lands outside of designated campgrounds or day-use facilities, campfires are not allowed without advance written authorization from the department.

(c) To reduce the danger of a fire spreading, any campfire must meet all of the following conditions:

(i) All flammable material shall be cleared for a distance of ten feet around and ten feet above the campfire;

(ii) The fire is less than three feet in diameter with flames no more than three feet high; and

(iii) The campfire is not prohibited in the particular location or at the time of ignition as determined by the department or other authority.

(2) Can the department impose additional restrictions for fires? The department may impose or post additional restrictions related to the use of fire on department-managed lands

for the protection of people, public resources, and other property.

(3) What are the responsibilities of the person constructing, igniting, maintaining or utilizing the campfire where campfires are permitted? The person responsible for the campfire shall ensure that:

(a) The campfire is attended at all times by a person capable of immediately taking effective suppression action should the fire escape;

(b) The fire is burning only during periods of calm to very light winds when wind will not scatter loose flammable materials, such as dry leaves and clippings;

(c) All of the requirements in subsection (1) of this section are met;

(d) A serviceable shovel and a minimum of five gallons of water that can be poured on the campfire are located within the immediate vicinity of the campfire. A bucket is acceptable if it is within the immediate vicinity of the campfire and the campfire is adjacent to an accessible source of water;

(e) The campfire is made only from natural untreated wood materials including manufactured fire logs; and

(f) The fire is completely extinguished before leaving it unattended.

(4) Can firewood from department-managed lands be gathered and used for a campfire?

(a) Yes. Persons may gather firewood for their personal use while camping or using department-managed lands, except where otherwise prohibited in these rules.

(b) No person shall gather firewood within the boundaries of any developed recreation facility.

(c) Firewood shall be collected only from dead and down material that is twelve inches or less in diameter at its largest point.

(d) No standing trees, living or dead, may be felled for use as firewood.

(e) Persons shall not remove firewood for their personal use from department-managed lands without a valid firewood permit.

(f) Persons shall not gather or use any live, dead, or downed wood or vegetation from streams or rivers.

(5) Any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 332-52-140 Pets, service animals, and livestock. (1) Where are pets and service animals allowed on department-managed lands?

(a) Pets are allowed on department-managed lands, except in areas that are closed to pets or animals for the protection of wildlife, sensitive natural systems, special cultural areas, or for other purposes.

(b) Persons may bring service animals to assist or accommodate persons with disabilities on all department-managed land.

(2) Must pets be on a leash when on department-managed lands? In all developed recreation facilities and in other areas posted by the department, persons shall keep pets on leashes no longer than eight feet or otherwise restrained from free movement and under physical control at all times. Pets

accompanying livestock with riders may be under voice control.

(3) What are the requirements of the person responsible for the pet?

(a) The person responsible for the pet shall not allow the pet to:

(i) Dig or otherwise disturb or damage the natural or cultural features of department-managed lands.

(ii) Bite or unreasonably interfere with or annoy persons or animals.

(iii) Bark in a manner that disturbs the peace and tranquility of others.

(iv) Disturb or harass wildlife.

(v) Be in an area where pets are not allowed.

(b) The person responsible for the pet shall:

(i) Pick up the animal's feces in developed recreation facilities, along designated recreation trails, and where posted by the department.

(ii) Dispose of feces into a designated receptacle or take feces with them for disposal off-site.

(4) Where are livestock allowed in developed recreation facilities?

(a) In recreation facilities designated for such use.

(b) Persons with livestock may travel through developed recreation facilities, but shall not stay overnight with livestock unless the facility has been built to accommodate such animals.

(5) What are the requirements of the person responsible for livestock? In developed recreation facilities, persons shall pick up and either dispose of the livestock's feces in a designated receptacle or off-site.

(6) Any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 332-52-145 Firearms and target shooting. (1)

What is recreational target shooting? Recreational target shooting is the use of a firearm or bow and arrow on targets and the sighting in of rifles or other firearms on department-managed lands. The department regulates and enforces target shooting on department-managed lands.

(a) The department may restrict target shooting for the reasons set forth in WAC 332-52-100.

(b) Persons shall not target shoot carelessly, recklessly, or without regard for the safety of any person, or in a manner that endangers, or is likely to endanger, any person, pet, livestock, wildlife or property.

(c) Persons shall not discharge tracer or incendiary ammunition or projectile devices on department-managed lands. For purposes of this subsection, "incendiary" means causing or designed to cause fires, such as certain substances or bombs. "Tracer ammunition" means a bullet, projectile, or shell that traces its own course in the air with a trail of smoke, chemical incandescence, or fire, so as to facilitate adjustment of the aim.

(2) Does recreational target shooting include hunting? No. This section does not apply to hunting activities, which are subject to the rules and regulations administered by the Washington state department of fish and wildlife.

(3) Where is target shooting permitted?

(a) Persons may target shoot in:

(i) Developed recreation facilities specifically designed for target shooting; or

(ii) Areas with an unobstructed, earthen backstop capable of stopping all projectiles and debris in a safe manner.

Persons shall not target shoot in any other location.

(b) Persons shall not shoot within, from, along, across, down, or in the direction of roads or trails.

(c) Persons shall not shoot on, at, across, along, down, from, or within five hundred feet, of:

(i) Recreational facilities that are not specifically designed for target shooting;

(ii) Residences;

(iii) Businesses;

(iv) Structures or equipment;

(v) Other areas as restricted;

(vi) Areas designated or posted as no shooting.

(4) What may be used as a target?

(a) Items that are commercially manufactured for the specific purpose of target shooting or similar targets privately manufactured by the person(s) engaging in target shooting that are consistent with this section.

(b) Unauthorized targets include but are not limited to:

(i) Natural features, except earthen berms or banks used as backstops for target shooting;

(ii) Vegetation;

(iii) Structures;

(iv) Gates;

(v) Vehicles;

(vi) Signs;

(vii) Other department improvements;

(viii) Appliances;

(ix) Furniture;

(x) Glass;

(xi) Privately owned or occupied structures;

(xii) Pets, service animals or livestock;

(xiii) Wildlife;

(xiv) Explosive and incendiary items;

(xv) Garbage of any kind.

Persons shall not target shoot at unauthorized targets.

(5) When is target shooting permitted? Unless otherwise posted, persons shall not target shoot one-half hour after sunset to one-half hour before sunrise.

(6) Is possession of a loaded firearm in or on a motor vehicle permitted on department-managed lands? Persons shall not possess a loaded firearm in or on a motor vehicle, except as provided by state law.

(7) Who is responsible for disposing of spent items resulting from target shooting? Persons who target shoot shall dispose of spent items and remove all shell casings, targets, ammunition packaging, or target fragments resulting from their activity, with the exception of biodegradable clay targets. Failure to remove any such debris is prohibited.

(8) Any violation of this section is a misdemeanor except a violation of subsection (7) of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 332-52-150 Fireworks. May fireworks be used on department-managed lands? No. Except for legal firearms, persons shall not discharge or possess fireworks, model rockets, or other devices containing any explosive or flammable compounds on or into any department-managed lands. For purposes of this section, "fireworks" means any composition or device designed to produce a visible or audible effect by combustion, deflagration, or detonation, and which meets the definition of pyrotechnic articles or consumer fireworks or display fireworks.

Any violation of this section is a misdemeanor.

NEW SECTION

WAC 332-52-155 Anchorage. (1) What is the length of time that a vessel may be moored or anchored on state-owned aquatic lands? Persons shall not moor or anchor a vessel in the same area on state-owned aquatic lands for periods longer than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five day period. For purposes of WAC 332-52-155, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored.

(2) Are there places where the time limit does not apply? Subsection (1) of this section does not apply where the federal government, a county, a city, a state agency, including DNR, a port, or any other public entity with authority has posted, enacted, or adopted different anchorage or moorage restrictions. Additionally, persons may exceed this time limit if:

(a) Granted express consent by either DNR or the lessee of the state-owned aquatic lands where the vessel is moored or anchored; and

(b) Anchorage or moorage does not violate any other law or rule.

(3) Any violation of this section is an infraction under chapter 7.84 RCW.

RESERVATIONS AND PERMITSNEW SECTION

WAC 332-52-200 Reservations. (1) Are reservations required for developed recreation facilities on department-managed lands? No. Except where posted by the department, persons do not need reservations to use developed recreation facilities.

(2) If required, how do I make a reservation? Persons must contact the region office during business hours at least seventy-two hours prior to the use of the recreational facility.

(3) How will reservation requests be processed?

(a) The region will process reservation requests in the order of their arrival.

(b) The region will contact the requestor of the approval or denial of the reservation request prior to the desired reservation date.

(4) How do I cancel a reservation? Persons must notify the region in person, via phone, or e-mail during business

hours at least twenty-four hours prior to the scheduled use of the facility to cancel the reservation.

(5) Can the department revoke a reservation? The department may revoke the rights of a reservation holder, and remove any or all persons from the site, at any time, if:

(a) The person is in violation of these rules or any other applicable state law.

(b) The person's behavior is detrimental to the health and safety of any person.

(c) The person's behavior unreasonably interferes with the recreational enjoyment of any other person.

(d) The department's management activities conflict with the purpose of the reservation.

(6) Any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 332-52-205 Recreation permits. (1) Are recreation permits required for organized events on department-managed lands? Persons are required to obtain recreation permits for organized events and as otherwise indicated in this chapter.

For the purposes of this subsection, "organized event" means:

(a) Any planned activity on department-managed lands involving more than twenty-five people, unless otherwise posted;

(b) Conducted at an agreed upon date and place, such as events advertised to the general public or as a nonprofit club or group event; and

(c) Sponsored by any person. An organized event does not include informal small groups who use facilities and/or trails for their ordinary intended use.

(2) May I charge a fee at an organized event? Yes. A person shall obtain a recreation permit if a fee is charged at an organized event on department-managed lands.

(3) May I use department-managed lands for commercial purposes? A person who uses department-managed lands for commercial purposes shall obtain a contract, lease, permit or other written authorization from the department.

For the purposes of this subsection and in the context of public use, "commercial purposes" means charging a fee of any type for access to department-managed lands or any use or activity on department-managed lands where the primary purpose is the sale or barter of a good or service, regardless of whether the use or activity is intended to produce a profit.

(4) How do I obtain a recreation permit? Persons must contact the region office during business hours prior to the proposed organized event use to request a recreation permit application. The completed recreation permit application must be submitted via fax, e-mail, mail, or in person to the region office during business hours at least sixty days prior to the proposed organized event.

(5) How are recreation permit applications processed? The region will process recreation permit applications in order of their arrival.

(6) Is the department required to issue a recreation permit?

(a) The region may approve or deny the application for a recreation permit for the reasons set forth in WAC 332-52-100.

(b) The region will notify the applicant if the permit application is denied.

(7) If the permit application is approved, when will the permit be issued? If approved, the region will issue the permit within thirty days of receipt of the permit application.

(8) How do I cancel a permit? Persons must notify the region office of the cancellation at least seventy-two hours prior to the scheduled organized event.

(9) Can the department revoke a permit? The department may revoke a permit, and remove any or all persons from the site, if:

(a) The person is in violation of these rules or any other applicable state law.

(b) The person's behavior is detrimental to the health and safety of any person.

(c) The person's behavior unreasonably interferes with the recreational enjoyment of any other person.

(d) The department's management activities conflict with either the purpose or the conditions of the permit.

(10) Any violation of this section is an infraction under chapter 7.84 RCW.

CAMPGROUNDS, CAMPSITES, AND DAY-USE FACILITIES

NEW SECTION

WAC 332-52-300 Campground and campsite use and occupancy. (1) Do these rules apply to all department-managed lands?

(a) These rules apply to all persons using department-managed lands for overnight use which includes:

(i) Campgrounds and individual campsites;

(ii) Group campgrounds and campsites (for the purposes of this subsection, "group campgrounds and campsites" means any designated areas with an established capacity for camping use by groups);

(iii) Water trail camping facilities and sites (for purposes of this subsection, "water trail camping sites or facilities" means specially designated camping facilities identified with signs that are near water ways); and

(iv) Developed, designated or dispersed campsites.

(b) The department may approve exceptions to these rules on a case-by-case basis.

(2) Are reservations required for campgrounds or campsites? No. Except where posted by the department, persons do not need reservations to use campgrounds or campsites. All campgrounds and campsites for which the department does not require reservations are on a first-come, first-served basis.

(3) What is the maximum total length of stay while camping on department-managed lands? The department may determine the maximum length of stay for camping.

(a) If the department has posted the maximum length of stay, persons shall not stay longer than the maximum length of stay posted.

(b) If the department has not posted the maximum length of stay, persons shall not stay longer than ten days in a thirty-day time period on any or all department-managed lands. The ten and thirty-day count begins on the date of the first night's camping and applies to the total overnight stays on all department-managed lands during that thirty-day time period.

(c) Persons shall vacate campsites by removing all personal property from the campsite no later than 1:00 p.m. on the day the time limit for occupancy expires.

(4) May a campsite be held for another party for current or future camping dates? Persons shall not hold or attempt to hold campsite(s) for another camping party.

(5) When may persons occupy a campsite? Persons may occupy a campsite when persons:

(a) Find the campsite unoccupied and not already posted as reserved; or

(b) Hold a reservation for the campsite for the period of occupation.

Persons shall not occupy a campsite under any other circumstances.

(6) How many people are permitted to stay in a campsite in a campground? The department may determine the number of occupants per campsite. A group exceeding the predetermined capacity of the campsite shall not use the site overnight.

(a) If the department posts the maximum number of occupants per campsite, the number of persons shall not exceed the maximum number per campsite per night as posted.

(b) If the department has not posted the maximum campsite capacity, a maximum of eight people are permitted to camp overnight.

(7) How many tents are allowed in each campsite? The department may determine the number of tents allowed in each campsite.

(a) If the department posts the maximum number of tents per campsite, the number of tents shall not exceed the maximum number posted.

(b) In developed campsites, the number of tents is limited to the number that will fit entirely on the tent pad.

(c) Persons shall not expand a tent pad, or clear or alter the vegetation in the vicinity around the tent pad.

(8) How many passenger vehicles are allowed at each campsite? The department may determine the number of passenger vehicles allowed at each campsite. Camping parties of one or more persons shall not occupy a campsite with more than two passenger vehicles unless otherwise posted.

(9) May personal property be left unattended overnight in a campground, campsite, or lands managed by the department?

(a) Persons must not leave personal property unattended overnight without permission from the department.

(b) The department will presume unattended personal property has been abandoned and may remove and dispose of the property as authorized in chapter 63.21 RCW or as otherwise determined by the department.

(10) May a person occupy a residence camp on department-managed lands?

(a) Persons shall not occupy a residence camp on department-managed lands without the written authorization of the department. A residence camp is an encampment, occupancy, or presence on department-managed lands that is the principal place of residence for the person or occupant.

(b) A residence camp on department-managed lands is declared to be a public nuisance and may be abated by the department without prior notice or process.

(11) May firearms be discharged in a campground? Persons shall not discharge a firearm in, adjacent to, from, or within five hundred feet of campgrounds.

(12) Are campfires permitted in campgrounds or campsites? Persons may have campfires in campgrounds and campsites as authorized in WAC 332-52-135.

(13) Are pets allowed in campgrounds? Persons may bring pets into campgrounds as authorized in WAC 332-52-140.

(14) Is camping permitted outside of developed recreation facilities? Yes, except persons shall not camp:

(a) In a manner that requires the removal or damage to vegetation.

(b) In a manner that removes or disturbs soil.

(c) Where camping is restricted to designated campsites only.

(d) Within five hundred feet of a developed recreation facility.

(e) In areas designated or posted day-use only.

(f) In other than preexisting campsites within two hundred feet from any body of water.

(15) How do I know when the campgrounds are open or closed? Information about seasonal or temporary closures may be obtained by contacting the region office, on-line and/or may be posted on-site. If the department has closed and locked the gates or posted the campground as closed, persons shall not use the campground.

(16) Can campsites be designated for specific recreational activity?

(a) The department may designate campgrounds or individual campsites for a specific recreational activity, e.g., horses, hike in only, four-wheel vehicle use, ORV use.

(b) Persons shall comply with the posted recreational use in campgrounds and individual campsites.

(17) Any violation of this section is an infraction under chapter 7.84 RCW except violations of subsections (3), (10), and (11) of this section are misdemeanors.

NEW SECTION

WAC 332-52-305 Water recreation facilities. (1) What are water recreation facilities? Water recreation facilities include recreational floats, piers, mooring buoys, docks, pilings, linear moorage facilities, and other similar structures managed by the department for recreational use.

(2) Are reservations required for moorage at water recreation facilities?

(a) Moorage at water recreation facilities is on a first-come, first-served basis.

(b) Persons are not required to reserve moorage at water recreation facilities, unless otherwise posted. Any required

reservations must be made in accordance with WAC 332-52-200.

(3) What is the maximum length of stay at a water recreation facility? The department may determine the maximum length of stay at each moorage facility.

(a) Unless posted otherwise, continuous moorage by the same vessel is limited to three consecutive nights, after which time the vessel must vacate the water recreation facility for twenty-four hours. The three-night count begins on the date of the first night's moorage.

(b) Persons must vacate water recreation facilities by removing their vessel and all personal property from the moorage facility no later than 1:00 p.m. on the day the time limit for occupancy expires.

(4) May a water recreation facility be held with a floating marker or other method for current or future moorage dates? A person shall not hold a water recreation facility with a floating marker such as a buoy or dinghy or by any other method other than occupying the facility with the vessel to be moored.

(5) May water recreation facilities be used by commercial recreation providers?

(a) Water recreation facilities may be used by commercial recreation providers only to:

(i) Unload and load passengers transported for recreation purposes.

(ii) Moor overnight as authorized by the department.

(b) Except as stated above, use of water recreation facilities by commercial recreation providers is prohibited.

(6) What size vessel may I moor at water recreation facilities? The maximum length of a vessel moored at a water recreation facility shall not exceed thirty-two feet unless otherwise posted.

(7) May I raft vessels at water recreation facilities? Rafting of vessels is prohibited unless otherwise posted.

(8) Any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 332-52-310 Day-use areas and facilities. (1) Is overnight camping permitted on or in day-use areas and facilities? No. Persons shall not camp on or in day-use areas and facilities.

(2) What types of activities are permitted on or in day-use areas or facilities? The department determines which types of activities are permitted on or in day-use areas and facilities. Only designated activities are permitted on or in day-use areas and facilities. Information about day-use areas and facilities may be obtained by contacting the region office, on-line and/or may be posted on-site.

(3) Are campfires permitted on or in day-use areas and facilities? Persons may have campfires on or in day-use areas and facilities as authorized in WAC 332-52-135.

(4) Are pets allowed on or in day-use areas and facilities? Persons may bring pets onto or into day-use areas and facilities, as authorized in WAC 332-52-140.

(5) Are reservations required for day-use facilities? Persons do not need reservations to use developed day-use facilities except where posted.

(6) Are permits required to use day-use areas or facilities? Persons must obtain a permit as described in WAC 332-52-205 for organized events.

(7) How do I know when day-use areas or facilities are open or closed? Information about seasonal or temporary closures may be obtained by contacting the region office, on-line and/or may be posted on-site. If the department has closed and locked the gates or posted the day-use area or facility as closed, persons shall not use the day-use area or facility.

(8) Any violation of this section is an infraction under chapter 7.84 RCW.

ROADS AND TRAILS

NEW SECTION

WAC 332-52-400 Managing road and trail use. (1) Who manages road and trail use on department-managed lands? The department manages road and trail use on department-managed lands. The department, or lessee of state land in consultation with the department, may close all of, or portions of, a road or trail for the reasons set forth in WAC 332-52-100.

(2) What types of recreation uses are permitted on designated trails or department-managed roads?

(a) The department may designate road and trail use by specific recreation activity, e.g., hiking, horseback riding, mountain biking, all-terrain vehicle, off-road vehicle, four-wheel vehicle, and snowmobile.

(b) Persons shall comply with the posted designated recreational use on roads and trails.

(3) What types of traffic control measures does the department use on a department-managed road or trail? The department may, at any time:

(a) Establish one-way traffic flow on any road or trail.

(b) Establish use hours and/or seasonal use on any road or trail.

(c) Restrict or prohibit use of a road or trail for the reasons set forth in WAC 332-52-100.

(d) Persons shall comply with the posted traffic control measures on roads and trails.

(4) What methods will the department use to indicate if a road or trail is closed to motorized vehicle use? Motorized vehicle use on roads or trails is controlled through a variety of methods to include signs, gates, berms, trenches, concrete barriers, rocks, stumps or other barriers. Motorized vehicular use on or beyond these signs or barriers is strictly prohibited unless otherwise posted.

(5) Where are motorized and nonmotorized vehicles permitted off of a road or trail? Persons shall only operate motorized or nonmotorized vehicles off of a road or trail on lands posted or otherwise designated by the department as open for the designated recreational use.

(6) How do I find out if a road or trail is open or closed? The department will use the following methods to notify the public if a road or trail is open or closed to recreation use: Information displayed on any signs, information boards, kiosks, web sites, maps, or other medium that either allows or

prohibits access or specific activities on department-managed lands.

(7) How do vehicle operators enter or leave a developed recreation facility? Motorized or nonmotorized vehicles shall enter or leave a developed recreation facility only on posted roads or trails.

(8) Any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 332-52-405 Construction and maintenance of trails and structures. (1) May a person construct, modify, repair or maintain a new or existing recreation trail, structure, or other facility or improvement or cause such activities to occur on department-managed lands? No. With the exceptions noted in subsections (2) and (3) of this section, a person shall not construct, modify, repair or maintain a recreation trail, structure, or other facility or improvement, or cause such activities to occur on department-managed lands, without written authorization from the department.

(2) May a person perform routine maintenance of designated recreational trails or facilities on department-managed lands? Yes. With an approved department of natural resources volunteer agreement, individuals may conduct routine maintenance of designated recreational trails or facilities.

(3) May a person perform emergency maintenance of designated recreational trails without written authorization from the department? Yes. A person may perform emergency maintenance of designated recreational trails. Emergency maintenance for purposes of this subsection means brushing, weeding, windfall removal, clearing drain ditches or culverts, or tread repair to prevent immediate resource damage.

(4) Any violation of this section is an infraction under chapter 7.84 RCW except violation of subsection (1) of this section is a misdemeanor.

NEW SECTION

WAC 332-52-410 Traffic rules. (1) What is the speed limit for a motorized or nonmotorized vehicle on department-managed roads? The speed limit for persons operating a motorized or nonmotorized vehicle is the basic speed rule on department-managed roads. The basic speed rule means no person shall drive a motorized or nonmotorized vehicle on a road at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards.

(2) What are the responsibilities of persons operating motorized or nonmotorized vehicles on department-managed roads and trails?

(a) Persons operating motorized or nonmotorized vehicles shall:

(i) Use due care and control speed to avoid colliding with any person, animal, motorized or nonmotorized vehicle or other conveyance on or entering the roadway;

(ii) Follow the basic speed rule; and

(iii) Turn on headlights when visibility is less than two hundred feet due to terrain, darkness, dust, smoke, fog or other weather or atmospheric conditions.

(b) Persons operating a motorized or nonmotorized vehicle shall not:

- (i) Exceed the basic speed rule.
 - (ii) Obstruct or hinder the flow of traffic on any road.
 - (iii) Endanger persons or property or act in a reckless, careless, or negligent manner.
- (3) While operating a motorized or nonmotorized vehicle, who has the right of way?

(a) Emergency vehicles. Persons operating a motorized or nonmotorized vehicle shall yield the right of way to all emergency vehicles making use of audible or visual signals.

(b) Log hauling or gravel vehicles. Persons operating a motorized or nonmotorized vehicle, except emergency vehicle operators, must yield the right of way to log hauling, gravel, or other commercial vehicles conducting authorized department business.

(c) Pedestrians.

(i) Persons operating a motorized or nonmotorized vehicle shall yield the right of way to pedestrians.

(ii) Pedestrians must leave the road as soon as possible to allow the vehicle to pass.

(d) Animal-drawn vehicles and/or persons riding animals.

(i) Persons operating a motorized or nonmotorized vehicle shall yield the right of way to animal-drawn vehicles and to persons riding animals.

(ii) Persons operating a motorized or nonmotorized vehicle must make every reasonable effort to avoid frightening or startling such animals.

(iii) Persons in control of an animal or animal-drawn vehicle must remove the animal or animal-drawn vehicle from the road as soon as possible to allow the vehicle to pass.

(e) Livestock. Persons operating a motorized or nonmotorized vehicle who encounter a herd of livestock, where a person is in control of the herd, shall not move through the herd until directed to do so by the person in control of the herd.

(4) What traffic laws govern traffic on department-managed land? In addition to the traffic rules in this section and WAC 332-52-415, all applicable Washington traffic laws in Title 46 RCW apply on any department-managed road. Violations of those exceptions identified in RCW 46.63.020 are criminal offenses.

(5) Any violation of this section is a traffic infraction under chapter 46.63 RCW except a violation of subsection (2)(b)(iii) of this section is a misdemeanor.

NEW SECTION

WAC 332-52-415 Parking. (1) Where is a person prohibited from parking a vehicle on department-managed lands?

(a) Persons shall not park on department-managed lands if the vehicle:

(i) Blocks or impedes the passage of normal traffic or commercial activity.

(ii) Blocks, interferes with or obstructs a gate, road, trail, path or other access.

(iii) Is parked in a developed recreation facility unless the area is designed for such use.

(b) Persons shall not park on department-managed roads and lands where posted as no parking.

(c) Subsections (a) and (b) above do not apply to persons operating:

(i) Emergency vehicles;

(ii) Department vehicles;

(iii) Logging or other commercial vehicles (for industrial operations) or other commercial vehicles used in connection with activities performed pursuant to department contracts; and

(iv) As otherwise authorized by the department.

(2) How long may a person park or leave a vehicle on department-managed lands? Persons shall not park or leave a vehicle unattended for more than seventy-two hours on department-managed lands with the exceptions noted in subsection (1)(c) of this section or when persons are in designated campgrounds or in trailheads with posted long-term parking.

(3) If a vehicle is found parked in violation of subsection (1) or (2) of this section, may the vehicle be towed? Yes. Any motorized vehicle found parked in violation of subsection (1) or (2) of this section may be impounded by the department at the owner's or operator's expense.

(4) If an infraction is issued under this section, who is responsible for the infraction? In any infraction involving a violation of this section, proof that the particular vehicle described in the notice of infraction was parking in violation of any such provision of this section, together with proof that the person named in the notice of infraction was at the time of the violation the registered owner of the vehicle, shall constitute a prima facie presumption to prove that the registered owner of the vehicle was the person who parked the vehicle at the point where, and for the time during which, the violation occurred.

(5) Any violation of this section is a traffic infraction under chapter 46.63 RCW.

NEW SECTION

WAC 332-52-420 Snowmobiles. (1) Where are snowmobiles permitted to travel on department-managed land?

(a) Persons may operate snowmobiles on department managed lands only when there is adequate snow cover to prevent resource damage.

(b) Persons operating snowmobiles may only travel over the snow:

(i) On roads, cut banks, fill slopes, ditches, and trails.

(ii) On designated roads that are part of a groomed snowmobile trail.

(iii) Off of designated roads and trails unless the area is designated or posted closed to snowmobile use.

(c) Persons shall not operate snowmobiles on department-managed lands under any other conditions or in any other locations.

(d) No other motorized vehicle is allowed on a groomed snowmobile trail without prior written authorization from the department.

(2) Any violation of this section is an infraction under chapter 7.84 RCW.

MILWAUKEE ROAD CORRIDORNEW SECTION

WAC 332-52-500 Specific rules for Milwaukee Road Corridor only. (1) What is the purpose of these rules? The purpose of this section is to set site-specific standards for public use on the Milwaukee Road Corridor managed by the department. These rules promote public safety and protect department-managed lands, property, and resources. Unless otherwise inconsistent with the site-specific rules listed in this section, all other rules of chapter 332-52 WAC apply.

(2) What portions of the Milwaukee Road Corridor do these rules apply to? These rules apply to those portions of Milwaukee Road Corridor of the state of Washington administered by the department from the west bank of the Columbia River east to the westernmost crossing of Highway 21 and the corridor near the town of Lind, Washington.

(3) Are recreation permits required for activities on the corridor? Persons are required to obtain and possess recreation permits for all activities on the corridor.

(4) How do I obtain a recreation permit? Persons must contact the department's southeast region office in Ellensburg during business hours prior to the proposed activity to request a recreation permit application. The completed recreation permit application must be submitted via fax, e-mail, mail, or in person to the region office during business hours at least fifteen days prior to the proposed activity.

(5) How are recreation permit applications processed? The region will process recreation permit applications in order of their arrival.

(6) Is the department required to issue a recreation permit?

(a) The region may approve or deny the application for a recreation permit.

(b) The region will notify the applicant in writing if the permit application is approved or denied.

(7) If the permit application is approved, when will the permit be issued? If approved, the region will issue the permit within five days of receipt of the permit application.

(8) How do I cancel a permit? Persons must notify the region office of the cancellation within seventy-two hours prior to the activity.

(9) How long will the permit be valid? The permit will be valid for not more than one calendar year over the approved route identified in the recreation permit.

(10) Will there be a fee for the permit? A fee may be required based on the costs of processing the application including contacting adjacent landowners when required.

(11) When is the corridor open for use? The corridor is open for use year-round. The corridor may be temporarily closed to reduce fire danger or protect public safety.

(12) Can I have campfires on the corridor? No. Persons shall not ignite fires of any type on the corridor.

(13) When using the corridor, what are my responsibilities to adjacent property owners?

(a) Persons, or their animals, shall not enter onto adjoining property from the corridor without permission of the landowner.

(b) Persons shall leave gates in the condition in which they are found.

(14) Are firearms permitted on the corridor? Persons shall not possess shotguns or rifles on the corridor. Other firearms must be stowed and not loaded while on the corridor.

(15) Where is hunting or target shooting allowed on the corridor? Persons shall not hunt, discharge firearms, tracer or incendiary ammunition or projectile devices, target shoot, or discharge any device capable of killing any animal or person, or damaging or destroying public or private property within, from, along, across, down, or in the direction of the corridor managed by the department, except where portions of the corridor are leased by or covered by an agreement with another public agency which owns or controls adjoining property.

(16) Will adjacent landowners be notified of permits issued for use of the corridor adjacent to their property?

(a) If requested by adjacent landowners, the department will notify them of permits issued for use of the corridor adjacent to their property.

(b) For portions of the corridor where abutting landowners have not asked to be notified about permits and no gates have been built, the department may issue a day-use permit without the fifteen-day advance application requirement. The day-use must be confined to the portions of the corridor described in this subsection. Maps of these day-use areas are available at the southeast region office in Ellensburg.

(17) Any violation of this section is an infraction under chapter 7.84 RCW except a violation of subsection (15) of this section is a misdemeanor.

NOTICE AND SIGNSNEW SECTION

WAC 332-52-600 Notice of rules. Where can I find the public access and recreation rules? The department will make public access and recreation rules available to the public through such means as:

(1) Posted on-site on kiosks or signboards;

(2) Published on the department's internet site;

(3) Published in a site-specific or programmatic management plan;

(4) In the office of the commissioner of public lands in Olympia; or

(5) In any of the department's region offices.

Notices of permitted or prohibited activities will be posted in such locations as will reasonably bring them to the attention of the public.

NEW SECTION

WAC 332-52-605 Compliance with signs. What is the penalty for not complying with posted restrictions? Persons failing to abide by posted restrictions on department-managed lands are subject to the applicable penalty that governs the restricted activity.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 332-52-020	Applicability and scope.
WAC 332-52-030	General rules.
WAC 332-52-040	Public behavior—Recreation sites.
WAC 332-52-050	Vehicles.
WAC 332-52-055	Capital forest—Organized events—Prohibited without prior written approval.
WAC 332-52-060	Use of fire.
WAC 332-52-065	Milwaukee Road Corridor—Recreational use.
WAC 332-52-066	Milwaukee Road Corridor—Permits.
WAC 332-52-067	Milwaukee Road Corridor—Restrictions on use.
WAC 332-52-068	Milwaukee Road Corridor—Protection of adjoining property.
WAC 332-52-069	Milwaukee Road Corridor—Penalties.
WAC 332-52-070	Penalties.
WAC 332-52-080	Enforcement.
WAC 332-52-090	Effective dates.

NEW SECTION

WAC 332-52-001 Introduction. The department of natural resources recognizes recreation on department-managed lands as an important component of the quality of life in Washington state. The department's primary recreation focus is to provide a primitive experience in a natural setting through trails, water access, trailhead facilities and rustic camping facilities. The department currently manages campgrounds and day-use facilities such as picnic areas, boat launches and interpretive areas. In addition to water access, trails and developed recreation sites, the department also manages forest roads primarily designed and maintained for forest management purposes that provide considerable access for dispersed recreation activities such as hunting, fishing, bird watching, and sightseeing. It is the practice of the department of natural resources to encourage public use of roads and trails, land and water under its jurisdiction consistent with its trust responsibilities and other land management obligations. Therefore, the following rules shall apply to all department-managed lands and roads.

NEW SECTION

WAC 332-52-002 Purpose. (1) What is the purpose of these rules? The purpose of this chapter is to set standards for public use on lands managed by the department of natural resources (DNR). These rules promote public health and safety and protect department-managed lands, property, and resources.

(2) Do these rules apply to all department-managed lands? These rules apply to all lands of the state of Washington administered by the department of natural resources. These lands include but are not limited to:

(a) State lands, state forest lands, and state-owned aquatic lands.

(b) Natural area preserves as defined in chapter 79.70 RCW or natural resources conservation areas as defined in chapter 79.71 RCW.

(c) Lands leased from DNR by another public agency in place of the agency's own rules governing use of the leased lands when the agency requests the department rules apply.

(d) Other city, county, state and federal lands under DNR management.

(3) To whom do these rules apply?

(a) These rules apply to any person using department-managed lands with the exceptions noted below.

(b) These rules do not apply to any person engaged in commercial or other activities conducted under sale, lease, permit or other authority from the department if such rules are inconsistent with such contracts, leases, permits, agreements or other arrangements.

(c) These rules do not apply to any person using the waters above state-owned aquatic lands for navigation and other uses associated with the right of navigation under the Public Trust Doctrine, except to the extent that the rules control anchorage. The right of navigation is subject to rules and regulations administered by other public agencies including, but not limited to, the U.S. Coast Guard, counties, and cities.

(4) Who is responsible for knowing and following these rules? All persons who use department-managed land must know and follow the department's rules.

(5) What happens if one of these rules is held invalid? If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances is not affected.

(6) What types of activities will the department allow on department-managed lands? The department may allow activities on department-managed lands that meet all of the following criteria:

(a) Consistent with this chapter and other state laws and regulations.

(b) Consistent with land management objectives.

(c) Consistent with trust obligations on applicable trust lands.

(d) Authorized or permitted by the department.

WSR 08-20-119
PROPOSED RULES
BOARD FOR VOLUNTEER
FIREFIGHTERS AND RESERVE OFFICERS
 [Filed September 30, 2008, 4:44 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-06-068.

Title of Rule and Other Identifying Information: Chapter 491-03 WAC, Membership and participation requirements.

1. What duties within a municipality qualify me for participation/membership in the board for volunteer firefighters' and reserve officers' relief and pension principal fund? - Clarifies the definitions of "firefighter," "emergency worker," and "reserve officer."

2. What level of activities do I have to participate in to be eligible for participation/membership in the volunteer firefighters' and reserve officers' pension? - Clarifies what level of activities are required to be an "active member."

Hearing Location(s): Chelan Co. FPD #1, 206 Easy Street, Wenatchee, WA 98807, on November 14, 2008, at 9:00 a.m. and at the East Pierce Fire and Rescue, 10515 234th Avenue East, Buckley, WA 98321, on November 21, 2008, at 9:00 a.m.

Date of Intended Adoption: December 12, 2008.

Submit Written Comments to: Brigette K. Smith, P.O. Box 114, Olympia, WA 98507, e-mail brigettes@bvff.wa.gov, fax (360) 586-1987, by December 1, 2008.

Assistance for Persons with Disabilities: Contact Brigette K. Smith by November 14, 2008, TTY (360) 753-7318 or (877) 753-7318.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal would not change any existing rules, but would clarify what is already required by the state supreme court case law. It would provide clear written guidance to fire, police, and emergency medical service district employees regarding who is allowed to participate in the Volunteer Firefighters' and Reserve Officers' Relief and Pension Act and to what level they have to participate to be considered "active" for pension purposes.

Reasons Supporting Proposal: In *Schrom v. Board for Volunteer Firefighters*, the state supreme court ruled that "a person asserting pension eligibility must, at minimum, 'fight fires' in order to be a 'firefighter'...(and) must, at minimum, possess some duties that include fighting fires if a fire were to ever occur." *City of Kennewick v. Bd. For Volunteer Firefighters* 85 Wn. App. 366, 933 P.2d 423 (1997) stated that "it is inconceivable that the Legislature intended to create a firefighters' pension fund for individuals who, apart from paying an annual fee, engaged in no activity related to firefighting." In *Campbell v. Bd. For Volunteer Firefighters*, 111 Wn. App. 413, 45 P.3d216 (2002), the court stated that a firefighter could not receive credit for the years following his removal from fire response duties. Furthermore, in *Kennewick*, the court stated that the firefighter was not eligible for pension participation because he "did not engage in sufficient activities related to fire fighting to be eligible for pension credit." Finally, the state supreme court stated that a member must

participate in activities such as fire suppression, training to fight fires, and responding to fire alarms.

Statutory Authority for Adoption: RCW 41.24.290.

Statute Being Implemented: Chapter 491-03 WAC.

Rule is necessary because of state court decision, *Schrom v. Board for Volunteer Firefighters*, 153 Wn.19 (2004).

Name of Proponent: State board for volunteer firefighters and reserve officers, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Brigette K. Smith, 605 11th Avenue S.E., Suite #112, Olympia, WA 98501, (360) 753-7318; and Enforcement: State Board for Volunteer Firefighters and Reserve Officers, 605 11th Avenue S.E., Suite #112, Olympia, WA 98501, (360) 753-7318.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule will not affect small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The board's proposed WAC is not a significant rule of the specified governmental departments nor is it a rule that adopts by incorporation or reference federal or state statutes or rules from other state agencies. It is a rule that relates to only internal governmental operations that are not subject to violation by a nongovernmental party, thus negating the requirement.

September 30, 2008

Brigette K. Smith

Executive Secretary

Chapter 491-03 WAC

MEMBERSHIP AND PARTICIPATION REQUIREMENTS

NEW SECTION

WAC 491-03-010 Purpose. This chapter sets forth the qualifications necessary to be a participant/member in the volunteer fire fighters' and reserve officers' relief and pension principal fund.

NEW SECTION

WAC 491-03-020 What duties within a municipality qualify me for participation/membership in the board for volunteer fire fighters' and reserve officers' relief and pension principal fund? If you are a member of a municipality as a volunteer fire fighter or reserve officer who does not qualify for PERS or LEOFF (for their volunteer duties only), and if:

(1) **Reserve officers:**

(a) You are a reserve officer only if you are commissioned by the Washington state criminal justice training commission under chapter 43.101 RCW, and a member of a municipality as a:

- (i) Reserve city police officer;
- (ii) Reserve town or deputy marshal;
- (iii) Reserve deputy sheriff.

(b) You are not a reserve officer if you volunteer in either:

- (i) A position that is clerical or secretarial in nature;
- (ii) You are not commissioned;
- (iii) A corrections officer position.

(2) Fire fighter:

(a) You are a fire fighter only if you have the legal authority and responsibility to direct or perform fire protection activities that are required for and directly concerned with preventing, controlling, and extinguishing fires, or your primary duty is to serve as an emergency worker (see subsection (3) of this section).

"Fire protection activities" may include incidental functions such as housekeeping, equipment maintenance, grounds maintenance, fire safety inspections, lecturing, performing community fire drills and inspecting homes, businesses, and schools for fire hazards. These activities qualify as fire protection activities only if the primary duty of your position is preventing, controlling, and extinguishing fires.

(b) You are not a fire fighter if you volunteer in:

- (i) A position that is clerical or secretarial in nature;
- (ii) A position where your primary duty is not preventing, controlling, and extinguishing fires;
- (iii) A position that pays a wage which qualifies you for participation in either PERS or LEOFF;

(iv) A position that is only supervisory in nature and the primary duty is not preventing, controlling, and extinguishing fires.

(3) Emergency worker:

(a) You are an emergency worker only if you have the legal authority and responsibility to perform all aspects of medical assessment, treatment, and care for patients as outlined in state and county protocols for paramedics, emergency medical technicians, and first responders.

"Emergency activities" may include incidental functions such as housekeeping, equipment maintenance, grounds maintenance, home safety inspections, lecturing, and driving emergency vehicles. These activities qualify as emergency activities only if the primary duty of your position is to perform all aspects of medical assessment, treatment, and care for patients.

(b) You are not an emergency worker if you volunteer in:

- (i) A position that is clerical or secretarial in nature;
- (ii) A position where your primary duty is not to perform all aspects of medical assessment, treatment, and care for patients;
- (iii) A position that pays a wage that qualifies you for participation in either PERS or LEOFF;

(iv) A position that is only supervisory in nature and the primary duty is not to perform all aspects of medical assessment, treatment, and care for patients.

NEW SECTION

WAC 491-03-030 What level of activities do I have to participate in to be eligible for participation/membership in the volunteer fire fighters' and reserve officers' pension? All departments are required to develop volunteer participation requirements that meet or exceed the participation requirements as set by the state board. If a department does

not develop their own requirements, the board requirements will be in effect.

(1) The board requires that all volunteers:

(a) Attend a minimum of ten percent, or twenty hours, of all drills and/or training annually, whichever is less.

(b) Respond to a minimum of ten percent of all calls at the member's assigned station, or ninety-six hours of shift, duty, on-call, or standby time, annually.

(c) Meet the requirements to be a qualified member under WAC 491-03-010.

(d) Be certified as having met the standards by the local board chair and by the fire chief, police chief, or sheriff annually on the board for volunteer fire fighters and reserve officers provided forms.

(2) An exemption of up to twelve weeks in a twelve-month period may be granted for:

(a) A participant's serious health condition;

(b) A participant to care for a parent, spouse, or minor/dependent child who has a serious health condition;

(c) The birth of and to provide care to an employee's newborn, adopted, or foster child as provided in WAC 357-31-460.

For the purposes of this section, "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment or recovery in connection with such inpatient care; or that involves continuing treatment by or under the supervision of a health care provider or a provider of health care services and which includes any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities).

(3) An exemption of up to twenty-six weeks in a twelve-month period may be granted for: A participant who is the spouse, son, daughter, parent, or next of kin of a covered service member who is suffering from a serious health condition incurred in the line of duty. The leave described in this subsection shall only be available during a single twelve-month period.

For the purposes of this section, "covered service member" is a member of the armed forces, including the National Guard or reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on a temporary disability retired list for a serious health condition.

(4) An exemption of up to one year may be granted for injuries covered under chapter 41.24 RCW; or up to one year for reserve officers injured in the line of duty and covered under Title 51 RCW.

(5) Departments granting exemptions shall submit written documentation on the board for volunteer fire fighters and reserve officers provided forms for board review.

(6) Members joining service after January 1st, or separating from service before December 31st, will have their requirements prorated for the calendar year.

WSR 08-20-120
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed September 30, 2008, 5:53 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-14-117.

Title of Rule and Other Identifying Information: WAC 246-16-270 Mandatory reporting by employers of licensed health care providers.

Hearing Location(s): Department of Health, Point Plaza East, Room 152, 310 Israel Road S.E., Tumwater, WA 98501, on November 25, 2008, at 10:30 a.m.

Date of Intended Adoption: November 28, 2008.

Submit Written Comments to: Margaret Gilbert, Department of Health, P.O. Box 47873, Olympia, WA 98504-7873, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-4930, by November 25, 2008.

Assistance for Persons with Disabilities: Contact Margaret Gilbert by November 18, 2008, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule would place into chapter 246-16 WAC all rules implementing the mandatory reporting requirements of chapter 18.130 RCW, the Uniform Disciplinary Act. The proposed rule would also assure common terminology in reporting requirements and utilize a common reporting mechanism for all professions and all reporting entities.

Reasons Supporting Proposal: In March 2008, the department adopted mandatory reporting rules as directed by RCW 18.130.070 (as amended in 2006 by SHB 2974). These were placed in chapter 246-16 WAC, Standards of professional conduct. In 2008, 4SHB 1103 imposed additional mandatory reporting requirements and amended RCW 18.130.080.

Statutory Authority for Adoption: RCW 18.130.080.

Statute Being Implemented: RCW 18.130.080.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Margaret Gilbert, Department of Health, P.O. Box 47874, Olympia, WA 98504-7873, (360) 236-4913; Implementation and Enforcement: Karen Jensen, Department of Health, P.O. Box 47850, Olympia, WA 98504-7850, (360) 236-4600.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5)(b)(v) exempts rules the content of which is explicitly and specifically dictated by statute.

September 30, 2008

Mary C. Selecky
Secretary

NEW SECTION

WAC 246-16-270 Mandatory reporting—Reports by employers of license holders. (1) Every license holder, corporation, organization, health care facility, and state and local governmental agency that employs a license holder shall report to the department of health when the employed license holder's services have been terminated or restricted based on a final determination or finding that the license holder:

(a) Has committed an act or acts that may constitute unprofessional conduct; or

(b) May not be able to practice his or her profession with reasonable skill and safety due to a mental or physical condition.

(2) Reports under this section must be submitted to the department of health as soon as possible but no later than twenty days after a final determination or finding is made. The report should contain the information described in WAC 246-16-220(2).

(3) Reports made by a hospital according to RCW 70.41.210 and reports by ambulatory surgical facilities according to RCW 70.230.120 meet the requirement of this section.

(4) If a license holder fails to submit a report required by this section, a civil penalty of up to five hundred dollars may be imposed and the disciplining authority may take action against the license holder for unprofessional conduct.

WSR 08-20-124
PROPOSED RULES
NOXIOUS WEED
CONTROL BOARD

[Filed October 1, 2008, 7:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-16-125.

Title of Rule and Other Identifying Information: Chapter 16-750 WAC, State noxious weed list and schedule of monetary penalties. The board is proposing to amend the state noxious weed list and state weed board meeting guidelines.

Hearing Location(s): Red Lion, 607 East Yakima Avenue, Yakima, WA 98901, on November 4, 2008, at 1:30 p.m.

Date of Intended Adoption: November 18, 2008.

Submit Written Comments to: Cindy Orr, WSNWCB, P.O. Box 42560-2560, Olympia, WA 98504-2560, e-mail corr@agr.wa.gov, fax (360) 725-5764, by October 31, 2008.

Assistance for Persons with Disabilities: Contact Cindy Orr by October 31, 2008, TTY (800) 833-6388.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington state noxious weed list provides the basis for noxious weed control efforts for county and district weed control boards and other entities. It also provides guidelines for the state noxious weed control board.

This proposal amends chapter 16-750 WAC by:

(1) Adding three new weed species to the Class A list (shiny geranium, *Geranium lucidum*; false brome, *Brachypoa*

dium sylvaticum; and flowering rush, *Butomus umbellatus* and two new weed species to the Class C list (Himalayan blackberry, *Rubus armeniacus*; evergreen blackberry, *Rubus lacianatus*).

(2) Changing one weed species from the Class B list to the Class A list (smooth cordgrass, *Spartina alterniflora*).

(3) Changing the designation of nine Class B weeds (white bryony, *Bryonia alba*; Bohemian knotweed, *Polygonum bohemicum*; giant knotweed, *P. sachalinense*; Himalayan knotweed, *P. polystachyum*; Japanese knotweed, *P. cuspidatum*; annual bugloss, *Anchusa arvensis*; myrtle spurge, *Euphorbia myrsinites*; yellow starthistle; *Centaurea solstitialis*).

(4) Changing the meeting schedule of the state noxious weed control board.

Reasons Supporting Proposal: Noxious weeds are non-native, invasive species that are difficult to control and are destructive to Washington's agriculture and natural resources. Once established, noxious weeds can colonize our croplands, rangelands, forests, parks, wetlands, estuaries, and waterways, causing economic and ecological damage. RCW 17.10.080 requires the Washington state noxious weed control board to adopt a state noxious weed list each year. The purpose of the state weed list is to limit economic loss and adverse effects to Washington's agricultural, natural, and human resources due to the presence and spread of noxious weeds in the state.

Proposed changes are based on written findings, current county and state specific information, known infestations, potential spread, distribution, potential impact, and the weed list classification A, B, and C categories as defined in WAC 16-750-003.

Statutory Authority for Adoption: Chapter 17.10 RCW.
Statute Being Implemented: Chapter 17.10 RCW.

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

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Is a small business economic impact statement (SBEIS) required for this proposed rule? Yes, an SBEIS is required for portions of this rule proposal. The Washington state noxious weed control board (WSNWCB) assessed the impact on small businesses of the rules in this proposal that are subject to economic impact analysis. For most of the proposed changes to chapter 16-750 WAC, the impacts to the majority of small businesses are less than \$51 and thus below the threshold amount of \$100 under the definition of "minor costs" in RCW 19.85.020. However, there are a few small businesses for which the implementation of the rule changes, related to changing smooth cordgrass, *Spartina alterniflora*, would cost more than \$100 so the WSNWCB analyzed the impacts.

Those portions of the rule dealing with shiny geranium, false brome, flowering rush, and evergreen and Himalayan blackberry do not require an SBEIS. To the best of our knowledge, the three invasive plant species that have been proposed as Class A noxious weeds for 2009 are currently limited in distribution in Washington state and known popu-

lations primarily occur on public land so small businesses should not be affected by these additions. The two closely related invasive plant species that have been proposed as Class C noxious weeds are widespread throughout much of Washington state and as Class C weeds, control is not mandated by the WSNWCB. None of the species are sold through the horticultural industry.

- The two main infestations of shiny geranium, *Geranium lucidum*, occur in Skagit and Clark counties on land owned by Washington state parks and the Washington department of natural resources, respectively.
- The one known infestation of false brome, *Brachypodium sylvaticum*, occurs on Washington state parks land in Skamania County and is actively being eradicated.
- Flowering rush, *Butomus umbellatus*, has been located in a lake owned in part by Whatcom County Parks and Recreation and the Boy Scouts of America. The other population occurs in Benton County along the Yakima River.
- Evergreen and Himalayan blackberry species, *Rubus laciniatus* and *R. armeniacus*, are widespread in Washington state, and the Class C listing does not mandate control at the state level.

Proposals that require an SBEIS: An SBEIS is required for the portion of the rule proposal changing smooth cordgrass, *Spartina alterniflora* from a Class B noxious weed to a Class A noxious weed.

Which industries are affected by this proposed rule?

Smooth cordgrass, *Spartina alterniflora*, is one of four invasive, nonnative cordgrass species that has serious detrimental ecological and economical impacts to Washington's bays and estuaries. Monotypic stands of *Spartina* convert bare mudflats into meadows, causing flooding and altering habitat. It rapidly colonizes tidal mudflats and displaces native eelgrass beds, *Zostera marina*, thereby reducing biodiversity of macroinvertebrates associated with these two habitats, as well as biodiversity and abundance of birds - particularly migratory shorebirds and waterfowl - and wildlife dependent upon these macroinvertebrates and habitat. The estuaries and bays that *Spartina* has invaded are extremely valuable resources to Washington state for commercial shellfish growing, commercial fishing including salmon, and recreational uses as well as for their ecological functioning and habitat. *Spartina* meadows displace tidal mudflats that have been used for growing shellfish such as oysters and Manilla clams.

Significant progress has been made to eradicate this invasive plant from Willapa Bay and millions of dollars have been spent to reduce the acreage of *Spartina* in Washington state. Failure to properly control *Spartina*, which can spread via seeds or by rhizomes, on one property could potentially result in reinfestation of this species on other properties thereby undermining the progress that has already been made.

RCW 17.10.140(1) requires landowners to eradicate a Class A noxious weed, meaning to eliminate the weed within an area of infestation. In contrast, landowners are only required to control a Class B noxious weed, meaning to prevent all seed production and to prevent the dispersal of

propagules (e.g., turions, fragments, nutlets, and tubers) of aquatic weeds. Plants of Class B noxious weeds may persist on a property so long as they are controlled thereby preventing spread; whereas, a Class A noxious weed must be physically eliminated from the property. The rule proposal includes a provision to change *Spartina alterniflora* from Class B to Class A. If adopted, the rule will apply to all landowners whether businesses or private.

The affected businesses are entities that own tidal land containing the noxious weed, smooth cordgrass, *Spartina alterniflora*. According to the WSDA *Spartina* Eradication Program 2007 Progress Report, the majority of *S. alterniflora* occurs in Willapa Bay; therefore, the small businesses that could be affected by this rule change are those of Willapa Bay. These are typically shellfish growers, and according to the Pacific Coast Shellfish Growers Association, there are twenty-nine shellfish growers in Willapa Bay.

What are the costs of complying with this proposed rule for small businesses and for the largest 10% of businesses affected? The majority of small businesses in Willapa Bay will not be affected by this rule change. *Spartina alterniflora* is currently a Class B noxious weed that has been selected for control by the Pacific County Noxious Weed Control Board, meaning that landowners within the county are required by law (chapter 17.10 RCW) to control and prevent the spread of this species. However, 99% of the approximately three hundred private landowners and the state agencies dealing with this species in Willapa Bay have already been treating it with the goal of eradication; therefore, the rule change would not affect their current efforts. Members of the Willapa Bay Oyster Growers Association have already been partnering with such entities as Washington state department of agriculture (WSDA), United States Fish and Wildlife Service, Washington department of fish and wildlife, Washington department of natural resources, The Nature Conservancy, and the Shoalwater Tribe to eradicate *Spartina alterniflora* from Willapa Bay.

The types of costs that affected businesses might incur due to the rule change are costs associated with weed eradication such as labor, equipment, and supplies, and the costs for hiring professional services to eradicate the weed. In Willapa Bay, the largest known contiguous *Spartina* infestation occurring on private land does not cover more than three acres at this time. It should be noted that RCW 17.10.160 allows county noxious weed control boards to work with landowners to contract an enforceable management plan to control or eradicate noxious weeds from a property over a specific period of time. While the WSNWCB cannot guarantee this option, it is possible that the county noxious weed control board will work with landowners to develop an eradication plan of *Spartina* on a given property.

No jobs will be lost as a result of the proposed change, and because *Spartina alterniflora* has proven to negatively impact shellfish growers, eradication of this invasive plant actually protects jobs and the industry.

Does the proposed rule impose a disproportionate impact on small businesses? The proposed rule does not inherently impose a disproportionate cost on small businesses. However, most affected businesses are small businesses as defined in chapter 19.85 RCW. Owners of large

properties will likely incur greater costs than small businesses on average but the costs to eradicate *Spartina alterniflora* are primarily affected by the amount of *S. alterniflora* on a business's property and the method used to eradicate the infestation. Typically, chemical or mechanical methods are available.

If the proposed rule imposes a disproportionate impact of [on] small businesses what efforts were taken to reduce that impact? The majority of small businesses will not be affected by the rule change since they have already been partnering with the WSDA *Spartina* eradication program. For those small businesses that will be affected by the rule change that will require eradication and not control, RCW 17.26.007 notes that WSDA may mitigate costs with a 50% match on private funds used to comply with the *Spartina* eradication program. The board cannot guarantee the future availability of cost share funds but such funds have been available for *Spartina* eradication for the last thirteen years and are expected to be available in 2009.

The board has evaluated options for reducing the costs of compliance by small business including those options listed in RCW 19.85.030(2). The proposed rule does not have any record-keeping or inspection requirements. As this rule change is necessary to address an invasive weed that has potential to detrimentally affect the viability of small shellfish growing operations, changes to the rule to compliance deadlines or modifying substantive regulatory requirements would likely have a worse economic impact on small business. Failure to control *Spartina alterniflora* could result in decreased shellfish production leading to lost sales and revenue and fewer jobs. At the rate of successful *Spartina* eradication that has been achieved during the past few years, compliance with the proposed rule will likely cost the average small business less than \$100 per year, although costs to individual landowners will vary, during the period of eradication, estimated at one or two more years. If *Spartina alterniflora* is successfully eradicated, no further costs will be incurred by small businesses.

How are small businesses involved in the development of this proposed rule? The WSNWCB listing process is open to the public at every step. Anyone may submit a proposal to change the annual noxious weed list (chapter 16-750 WAC) and to provide verbal or written testimony at the public hearing during which time the weed board votes on the proposed changes. The state weed board bimonthly meetings, including committee meetings, are also open to the public, and interested parties have been attending these meetings to provide input.

The majority of small businesses affected support this rule change. Small shellfish growing operations have expressed support for the proposed rule to the board and do not support any delay of implementation of the rule. Failure to address *Spartina alterniflora* could once again jeopardize the small businesses. Many of the shellfish growers have already been contributing time and money towards the eradication of *Spartina alterniflora*; *Spartina* on a few properties has the potential to reinfest Willapa Bay and reverse the progress that has already been made by the majority of small businesses, landowners, and stakeholders. The Pacific Coast Shellfish Growers Association, which represents twenty-one

of the twenty-nine shellfish growers in Willapa Bay, is in full support of this rule change. Additionally, the Willapa-Grays Harbor Oyster Growers Association, along with individual shellfish growers, such as Northern Oyster Company, have expressed their support to change *S. alterniflora* to a Class A. The majority of small businesses feel that the rule change is needed to protect the environment and long-term economic viability of their businesses.

A copy of the statement may be obtained by contacting Cindy Orr, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 725-5764, fax (360) 902-2094, e-mail corr@agr.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state noxious weed control board is not one of the agencies listed in this section.

September 22, 2008
 Alison Halpern
 Executive Secretary

AMENDATORY SECTION (Amending WSR 07-24-023, filed 11/28/07, effective 1/1/08)

WAC 16-750-005 State noxious weed list—Class A noxious weeds.

Common Name	Scientific Name
bean-caper, Syrian	<i>Zygophyllum fabago</i>
blueweed, Texas	<i>Helianthus ciliaris</i>
<u>brome, false</u>	<u><i>Brachypodium sylvaticum</i></u>
broom, Spanish	<i>Spartium junceum</i>
buffalobur	<i>Solanum rostratum</i>
bulrush, ricefield	<i>Schoenoplectus mucronatus</i>
clary, meadow	<i>Salvia pratensis</i>
cordgrass, common	<i>Spartina anglica</i>
cordgrass, dense flower	<i>Spartina densiflora</i>

Common Name	Scientific Name
cordgrass, salt meadow	<i>Spartina patens</i>
<u>cordgrass, smooth</u>	<u><i>Spartina alterniflora</i></u>
crupina, common	<i>Crupina vulgaris</i>
flax, spurge	<i>Thymelaea passerina</i>
four o'clock, wild	<i>Mirabilis nyctaginea</i>
<u>geranium, shiny</u>	<u><i>Geranium lucidum</i></u>
goatsrue	<i>Galega officinalis</i>
hawkweed, European	<i>Hieracium sabaudum</i>
hawkweed, yellow devil	<i>Hieracium floribundum</i>
hogweed, giant	<i>Heracleum mantegazzianum</i>
hydrilla	<i>Hydrilla verticillata</i>
johnsongrass	<i>Sorghum halepense</i>
knapweed, bighead	<i>Centaurea macrocephala</i>
knapweed, Vochin	<i>Centaurea nigrescens</i>
kudzu	<i>Pueraria montana var. lobata</i>
milfoil, variable-leaf	<i>Myriophyllum heterophyllum</i>
mustard, garlic	<i>Alliaria petiolata</i>
nightshade, silverleaf	<i>Solanum elaeagnifolium</i>
primrose-willow, floating	<i>Ludwigia peploides</i>
<u>rush, flowering</u>	<u><i>Butomus umbellatus</i></u>
sage, clary	<i>Salvia sclarea</i>
sage, Mediterranean	<i>Salvia aethiopsis</i>
spurge, eggleaf	<i>Euphorbia oblongata</i>
starthistle, purple	<i>Centaurea calcitrapa</i>
sweetgrass, reed	<i>Glyceria maxima</i>
thistle, Italian	<i>Carduus pycnocephalus</i>
thistle, milk	<i>Silybum marianum</i>
thistle, slenderflower	<i>Carduus tenuiflorus</i>
velvetleaf	<i>Abutilon theophrasti</i>
woad, dyers	<i>Isatis tinctoria</i>

AMENDATORY SECTION (Amending WSR 07-24-023, filed 11/28/07, effective 1/1/08)

WAC 16-750-011 State noxious weed list—Class B noxious weeds.

Name	Will be a "Class B designate" in all lands lying within:
(1) alyssum, hoary <i>Berteroa incana</i>	(a) regions 1, 2, 5, 6, 8, 9, 10 (b) region 3, except Okanogan County (c) Okanogan County, of region 3, except Ranges 29 through 31 East of Townships 37 through 40 North (d) Adams and Whitman counties of region 7.
(2) arrowhead, grass-leaved <i>Sagittaria graminea</i>	(a) regions 1, 3, 4, 6, 7, 8, 9, 10 (b) region 2 except Lake Roesiger, Lake Serene, Lake Loma and Echo Lake in Snohomish County (c) region 5 except Mason Lake in Mason County.
(3) blackgrass <i>Alopecurus myosuroides</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10 (b) Ferry, Stevens, Pend Oreille counties of region 4 (c) Adams County of region 7.

Name	Will be a "Class B designate" in all lands lying within:
(4) blueweed <i>Echium vulgare</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10 (b) region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41 and 42; thence north along this line to a point 1/4 mile south of Charles Road; thence northwesterly parallel to Charles Road to a point 1/4 miles south of the intersection of Charles Road and West Shore Road; thence northerly along West Shore Road to the Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning.
(5) broom, Scotch <i>Cytisus scoparius</i>	(a) regions 3, 4, 6, 7, 9, 10.
(6) bryony, white <i>Bryonia alba</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) region 7 except Whitman County (c) Franklin (County) and <u>Asotin counties</u> of region 10.
(7) bugloss, common <i>Anchusa officinalis</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10 (b) region 4 except Stevens and Spokane counties (c) Lincoln, Adams, and Whitman counties of region 7.
(8) bugloss, annual <i>Anchusa arvensis</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) Lincoln and Adams counties (c) Whitman County except ranges 43 through 46 East of Townships 16 through 20 North((-)) (d) <u>Asotin County of region 10.</u>
(9) butterfly bush <i>Buddleja davidii</i>	(a) Pend Oreille County of region 4 (b) Grays Harbor County, and that portion of Thurston County lying below the ordinary high-water mark of the Nisqually River in region 5 (c) Kittitas County of region 6 (d) Lincoln County of region 7.
(10) camelthorn <i>Alhagi maurorum</i>	(a) regions 1, 2, 3, 4, 5, 7, 8, 9 (b) region 6 except those portions of Sections 23, 24, 25, and 29 through 36, T16N, R27E, W.M. lying outside Intercounty Weed District No. 52 and except Sections 1 through 12, T15N, R27E, W.M. in Grant County and except the area west of Highway 17 and north of Highway 26 in Adams County (c) Franklin, Columbia, Garfield, and Asotin counties of region 10 (d) an area beginning at the Washington—Oregon border at the southwest portion of section 5, R32E, T6N, then north to the northwest corner of section 3, R32E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to southeast portion of section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning.

		Will be a "Class B designate" in all lands lying within:	
Name			
(11)	carrot, wild <i>Daucus carota</i>	(a)	regions 3, 7 (except where intentionally cultivated)
		(b)	Spokane and Ferry counties of region 4 (except where intentionally cultivated)
		(c)	region 6, except Yakima County (except where intentionally cultivated)
		(d)	region 9, except Yakima County (except where intentionally cultivated)
		(e)	region 10, except Walla Walla County (except where intentionally cultivated).
(12)	catsear, common <i>Hypochaeris radicata</i>	(a)	regions 3, 4, 6, 7, 10
		(b)	region 9 except Klickitat County.
(13)	chervil, wild <i>Anthriscus sylvestris</i>	(a)	regions 1, 3, 4, 5, 6, 7, 9, 10
		(b)	region 2 except Guemes Island in Skagit County
		(c)	region 8 except Clark County.
(14)	cinquefoil, sulfur <i>Potentilla recta</i>	(a)	regions 1, 3, 8, 10
		(b)	region 2 except Skagit County
		(c)	region 4 except Stevens, Ferry, and Pend Oreille counties
		(d)	region 5 except Thurston County
		(e)	region 6 except Yakima County
		(f)	region 7 except Spokane County
		(g)	region 8 except Lewis County
		(h)	region 9 except Klickitat County.
(15)	(cordgrass, smooth <i>Spartina alterniflora</i>)	(a)	regions 1, 3, 4, 5, 6, 7, 9, 10
		(b)	region 2 except Padilla Bay of Skagit County
		(c)	region 8 except bays and estuaries of Pacific County.
(16)	daisy, oxeye <i>Leucanthemum vulgare</i>	(a)	regions 7, 10
		(b)	region 9 except those areas lying within Klickitat and Yakima counties west of Range 13 East
		(c)	region 6 except those areas lying within Yakima and Kittitas counties west of Range 13 E.
((17)) (16)	elodea, Brazilian <i>Egeria densa</i>	(a)	regions 3, 4, 6, 7, 9, 10
		(b)	Lewis County of region 8
		(c)	Clallam County of region 1
		(d)	King County of region 5, except lakes Washington, Sammamish, Union and Fenwick.
((18)) (17)	fanwort <i>Cabomba caroliniana</i>	(a)	regions 1, 2, 3, 4, 5, 6, 7, 9, 10
		(b)	region 8 except T8N, R3W of Cowlitz County.
((19)) (18)	fennel, common <i>Foeniculum vulgare</i> (except var. <i>azoricum</i>)	(a)	regions 3, 4, 6, 7, 8, 9, 10
		(b)	region 1 except the incorporated areas of Port Townsend
		(c)	region 2 except the incorporated areas of Anacortes and Mount Vernon
		(d)	region 5 except King and Kitsap counties.
((20)) (19)	fieldcress, Austrian <i>Rorippa austriaca</i>	(a)	regions 1, 2, 3, 4, 5, 6, 8, 9
		(b)	regions 7 and 10 except within the Palouse River Canyon from Big Palouse Falls to the Snake River.

Name	Will be a "Class B designate" in all lands lying within:	
((21)) (20) floating heart, yellow <i>Nymphoides peltata</i>	(a)	regions 1, 2, 3, 5, 6, 7, 8, 9, 10
	(b)	region 4 except the Spokane River between Long Lake Dam and Nine Mile Dam.
((22)) (21) gorse <i>Ulex europaeus</i>	(a)	regions 1, 3, 4, 6, 7, 9, 10
	(b)	Skagit, Island, and Whatcom counties of region 2
	(c)	Thurston, Kitsap, Pierce, and King counties of region 5
	(d)	Wahkiakum, Clark, Skamania, Cowlitz, and Lewis counties of region 8.
((23)) (22) hawkweed, mouseear <i>Hieracium pilosella</i>	(a)	regions 1, 2, 3, 4, 6, 7, 8, 9, 10
	(b)	region 5 except Thurston County
	(c)	Thurston County lying within T17N, R1W, S31; T16N, R2W, S30 W1/2; T16N, R3W, S25, SE1/4; T16N, R3W, S36, N1/2; T16N, R2W, S31, NW1/4.
((24)) (23) hawkweed, orange <i>Hieracium aurantiacum</i>	(a)	regions 1, 3, 6, 9, 10
	(b)	Skagit County of region 2
	(c)	Ferry County of region 4
	(d)	Pierce, Thurston and King counties of region 5
	(e)	Lincoln and Adams counties of region 7
	(f)	Lewis County of region 8.
((25)) (24) hawkweed, polar <i>Hieracium atratum</i>	(a)	regions 1, 2, 3, 4, 6, 7, 8, 9, 10
	(b)	region 5 outside the boundaries of Mt. Rainier National Park.
((26)) (25) hawkweed, queen-devil <i>Hieracium glomeratum</i>	(a)	regions 1, 2, 3, 5, 6, 7, 8, 9, 10
	(b)	Ferry County of region 4.
((27)) (26) hawkweed, smooth <i>Hieracium laevigatum</i>	(a)	regions 1, 3, 4, 5, 6, 7, 8, 9, 10
	(b)	San Juan, Island, and Skagit counties of region 2.
((28)) (27) hawkweed, yellow <i>Hieracium caespitosum</i>	(a)	regions 1, 2, 3, 5, 6, 7, 8, 10
	(b)	region 4 except Stevens and Pend Oreille counties
	(c)	region 9 except sections 32, 33 and 34 of T6N, R12E, and sections 4, 5, 6, and 7 of T5N, R12E, and section 12 of T5N, R11E, of Klickitat County.
((29)) (28) helmet, policeman's <i>Impatiens glandulifera</i>	(a)	regions 1, 3, 4, 6, 7, 8, 9, 10
	(b)	region 2 except Whatcom County
	(c)	region 5 except Thurston County.
((30)) (29) herb-Robert <i>Geranium robertianum</i>	(a)	regions 3, 4, 6, 7, 9, 10
((31)) (30) houndstongue <i>Cynoglossum officinale</i>	(a)	Kittitas County of region 6
	(b)	Douglas and Chelan counties of regions 3 and 6.
((32)) (31) indigobush <i>Amorpha fruticosa</i>	(a)	regions 1, 2, 3, 4, 5, 6
	(b)	regions 7 and 10 except within 200 feet of the Snake River from Central Ferry downstream
	(c)	regions 8, 9, and 10 except within 200 feet of the Columbia River.
((33)) (32) knapweed, black <i>Centaurea nigra</i>	(a)	regions 1, 2, 3, 4, 7, 9, 10

Name	Will be a "Class B designate" in all lands lying within:
((34)) <u>(33)</u> knapweed, brown <i>Centaurea jacea</i>	(b) region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties
	(c) region 6 except Kittitas County
	(d) region 8 except Clark County.
	(a) regions 1, 2, 3, 4, 7, 9, 10
((35)) <u>(34)</u> knapweed, diffuse <i>Centaurea diffusa</i>	(b) region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties
	(c) region 6 except Kittitas County
	(d) region 8 except Clark County.
	(a) regions 1, 2, 5, 8
((36)) <u>(35)</u> knapweed, meadow <i>Centaurea jacea x nigra</i>	(b) Grant County lying in Townships 13 through 16 North, Ranges 25 through 27 East; Townships 17 and 18 N., Ranges 25 through 30 East; Townships 19 and 20 North, Ranges 29 and 30 East; T21N, R23E, Sections 1 through 30; T21N, R26E., Sections 5, 6, 7, 8, 17, and 18; East 1/2 Township 21N, Range 27E.; T21N, Ranges 28 through 30 E; those portions of Townships 22 through 28N, Ranges 28 through 30 E.; those portions of Township 22 through 28N., Ranges 23 through 30E. lying in Grant County; all W.M.
	(c) Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22, 26, 27, 28, 31, 32, 33 and 34; T15N, R37E, western half of Sections 23, 24 and 25; T15N, R38E, Sections 2, 10, 11, 14, 15, 19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6
	(d) Franklin County of regions 9 and 10.
	(a) regions 1, 2, 3, 4, 7, 9, 10
((37)) <u>(36)</u> knapweed, Russian <i>Acroptilon repens</i>	(b) region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties
	(c) region 6 except Kittitas County
	(d) region 8 except Clark County.
	(a) regions 1, 2, 5, 7, 8
((38)) <u>(37)</u> knapweed, spotted <i>Centaurea stoebe</i>	(b) region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County
	(c) Adams County of region 6 except for the area west of Highway 17 and North of Highway 26
	(d) Intercounty Weed District No. 52
	(e) region 10 except Franklin County.
	(a) regions 1, 2, 3, 5, 6, 9
	(b) Ferry County of region 4
	(c) Adams and Whitman counties of region 7
	(d) region 8, except that portion of Lewis County below the ordinary high watermark of the Tilton River from Hwy. 508 to Lake Mayfield

Name	Will be a "Class B designate" in all lands lying within:
	(e) region 10 except Garfield County.
((39)) (38) knotweed, Bohemian <i>Polygonum bohemicum</i>	(a) Kittitas County of region 6 (b) Chelan and Douglas counties of regions 3 and 6 (c) Pend Oreille County of region 4((-) (d) <u>Asotin County of region 10.</u>
((40)) (39) knotweed, giant <i>Polygonum sachalinense</i>	(a) Kittitas County of region 6 (b) Pend Oreille County of region 4((-) (c) <u>Asotin County of region 10.</u>
((41)) (40) knotweed, Himalayan <i>Polygonum polystachyum</i>	(a) Kittitas County of region 6 (b) Pend Oreille County of region 4 (c) Lewis County of region 8((-) (d) <u>Asotin County of region 10.</u>
((42)) (41) knotweed, Japanese <i>Polygonum cuspidatum</i>	(a) Kittitas County of region 6 (b) Chelan and Douglas counties of regions 3 and 6 (c) Pend Oreille County of region 4((-) (d) <u>Asotin County of region 10.</u>
((43)) (42) kochia <i>Kochia scoparia</i>	(a) Regions 1, 2, 5, 8 (b) Pend Oreille County of region 4 (c) Kittitas County of region 6.
((44)) (43) laurel, spurge <i>Daphne laureola</i>	(a) regions 3, 4, 6, 7, 8, 9, 10 (b) San Juan, Snohomish and Skagit counties of region 2 (c) Grays Harbor and Mason counties of region 5.
((45)) (44) lawnweed <i>Soliva sessilis</i>	(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10 (b) (region 2 except Snohomish County (e)) region 5 except King and Thurston counties.
((46)) (45) lepyrodielis <i>Lepyrodielis holosteoides</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10 (b) region 7 except an area within Whitman County east of the Pullman—Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.
((47)) (46) loosestrife, garden <i>Lysimachia vulgaris</i>	(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10 (b) region 5 except King County (c) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line.
((48)) (47) loosestrife, purple <i>Lythrum salicaria</i>	(a) regions 1, 4, 7, 8 (b) region 2 except Snohomish County (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside (d) Grays Harbor, Mason, Kitsap, and Thurston counties of region 5 (e) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line (f) Pierce County, except those areas lying within T2D, 21, 22N, R1W and R1E, all sections

Name	Will be a "Class B designate" in all lands lying within:
<p>((49)) (48) loosestrife, wand <i>Lythrum virgatum</i></p>	(g) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
	(h) region 9 except Benton County
	(i) region 10 except Walla Walla County
	(j) Intercounty Weed Districts No. 51 and No. 52.
	(a) regions 1, 4, 7, 8
	(b) region 2 except Snohomish County
	(c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside
	(d) region 5 except King County
	(e) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line
	(f) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
<p>((50)) (49) nutsedge, yellow <i>Cyperus esculentus</i></p>	(g) region 9 except Benton County
	(h) region 10 except Walla Walla County
	(i) Intercounty Weed Districts No. 51 and No. 52.
	(a) regions 1, 2, 3, 4, 5, 7, 8
	(b) region 6 except those areas lying between State Highway 26 and State Highway 28, and westerly of Dodson Road in Grant County, and except S 1/2, Sec. 2, T20N, R25E., W.M.
	(c) region 9 except:
	(i) except those areas lying within the following boundary description within Yakima County: Beginning at the intersection of Highway 12 and Parker Heights Road and continuing easterly to Konnowac Pass Road follow said road north to the intersection of Konnowac Pass Road and Nightingale Road. The northern boundary shall be the Roza Canal, continuing from the established point at Nightingale Road. The boundaries will follow the Roza Canal easterly to the County Line Road. The east boundaries will be the Yakima/Benton County Line from a point beginning at the County Line and Highway 22 (near Byron) continuing westerly along Highway 22 (to near the city of Mabton) to the intersection of Highway 22 and the Reservation Boundary (Division Road) and continuing north to the Yakima River.

Name	Will be a "Class B designate" in all lands lying within:
	Then it will follow the river northwest to the Wapato-Donald Road continuing north along said road to Highway 12 then Highway 12 to Parker Heights Road.
	(ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E of Klickitat County
	(d) region 10 except Walla Walla County.
((51)) (50) oxtongue, hawkweed <i>Picris hieracioides</i>	(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10
	(b) region 8 except Skamania County.
((52)) (51) parrotfeather <i>Myriophyllum aquaticum</i>	(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10
	(b) region 8 except Clark, Cowlitz, and Wahkiakum counties.
((53)) (52) pepperweed, perennial <i>Lepidium latifolium</i>	(a) regions 1, 2, 3, 4, 5, 7, 8, 10
	(b) Intercounty Weed Districts No. 51 and 52
	(c) Kittitas County of region 6
	(d) Adams County of region 6 except for the area west of Highway 17 and north of Highway 26.
((54)) (53) poison-hemlock <i>Conium maculatum</i>	(a) Clallam County and that area lying within Port Townsend city limits in Jefferson County of region 1
	(b) Snohomish and San Juan counties of region 2
	(c) Pend Oreille County of region 4
	(d) Kitsap and Thurston counties of region 5
	(e) Kittitas County of region 6
	(f) Lincoln County of region 7
	(g) Clark County of region 8.
((55)) (54) primrose, water <i>Ludwigia hexapetala</i>	(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10
	(b) region 8 except T8N, R3W, S14 of Cowlitz County.
((56)) (55) puncturevine <i>Tribulus terrestris</i>	(a) Skagit County of region 2
	(b) Kittitas County of region 6
	(c) Adams County
	(d) Clallam County of region 1.
((57)) (56) ragwort, tansy <i>Senecio jacobaea</i>	(a) regions 3, 4, 6, 7, 9, 10
	(b) region 5, that portion of Pierce County lying south or east of a boundary beginning at the White River and State Highway 410, then west along State Highway 410 to intersection with State Highway 162 (Orting) to intersection with Orville Road, then south along Orville Road to intersection with Kapowsin Highway (304th Street East), then west following Kapowsin Highway to intersection with State Route 7, then south along State Route 7 to intersection with State Route 702, then west along State Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.
((58)) (57) reed, common, nonnative genotypes <i>Phragmites australis</i>	(a) region 1
	(b) Island, San Juan and Snohomish counties of region 2
	(c) Okanogan County of region 3
	(d) Pend Oreille and Stevens counties of region 4
	(e) region 5 except Grays Harbor and Pierce counties
	(f) Kittitas County of region 6

Name	Will be a "Class B designate" in all lands lying within:
((59)) (58) Saltcedar <i>Tamarix ramosissima</i>	(g) Yakima County of regions 6 and 9
	(h) Lincoln County of region 7
	(i) Clark and Lewis counties of region 8
	(j) Klickitat County of region 9
	(k) Asotin County of region 10.
	(a) regions 1, 2, 3, 4, 5, 7, 8, unless intentionally established prior to 2004
((60)) (59) sandbur, longspine <i>Cenchrus longispinus</i>	(b) region 6 except Grant County, unless intentionally established prior to 2004
	(c) region 9 except Benton and Franklin counties, unless intentionally established prior to 2004
	(d) region 10 except Franklin County, unless intentionally established prior to 2004.
	(a) regions 1, 2, 3, 4, 5, 7, 8
	(b) Adams County of region 6 except for that area lying within Intercounty Weed District No. 52
((61)) (60) skeletonweed, rush <i>Chondrilla juncea</i>	(c) Intercounty Weed District No. 51
	(d) Kittitas County of region 6((-))
	<u>(e) Asotin County of region 10.</u>
	(a) regions 1, 2, 3, 5, 8
	(b) Franklin County except T13N, R36E; and T14N, R36E
	(c) Adams County except those areas lying east of a line running north from Franklin County along the western boundary of Range 36 East to State Highway 26 then north on Sage Road until it intersects Lee Road, then due north until intersection with Providence Road, then east to State Highway 261, then north along State Highway 261 to its intersection with Interstate 90, henceforth on a due north line to intersection with Bauman Road, then north along Bauman Road to its terminus, then due north to the Lincoln County line.
	(d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road I Northwest
	(e) Stevens County north of Township 33 North of region 4
	(f) Ferry and Pend Oreille counties of region 4
	(g) region 9 except the Dallesport area in Klickitat County lying within Township 2N, Ranges 13 and 14
	(h) Asotin County of region 10
	(i) Garfield County south of Highway 12
	(j) Columbia County from the Walla Walla County line on Highway 12, all areas south of Turner Road; at Turner Road to the Garfield county line, all areas south and east of Turner Road
(k) Whitman County lying in Ranges 43 through 46 East of Townships 15 through 20 North; T14N, Ranges 44 through 46 East; and T13N, Ranges 45 and 46 East.	
((62)) (61) sowthistle, perennial <i>Sonchus arvensis ssp. arvensis</i>	(a) regions 1, 2, 3, 4, 7, 8, 9, 10
	(b) Adams County of region 6

Name	Will be a "Class B designate" in all lands lying within:
(((63))) (62) spurge, leafy <i>Euphorbia esula</i>	(c) region 5 except for sections 28, 29, 30, 31, 32, and 33 in T19N, R1E of Thurston and Pierce counties.
	(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10
	(b) region 7 except as follows: <ul style="list-style-type: none"> (i) T27N, R37E, Sections 34, 35, 36; T27N, R38E, Sections 31, 32, 33; T26N, R37E, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 26; T26N, R38E, Sections 5, 6, 7, 8 of Lincoln County (ii) T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County.
(((64))) (63) spurge, myrtle <i>Euphorbia myrsinites</i> L	(a) Pend Oreille County of region 4((-))
	(b) <u>Along the Asotin, Grande Ronde, and Snake rivers and in all other areas that are not an actively cultivated garden in Asotin County of region 10.</u>
(((65))) (64) starthistle, yellow <i>Centaurea solstitialis</i>	(a) regions 1, 2, 3, 5, 6, 8
	(b) region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25
	(c) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border
	(d) Franklin County
	(e) region 9 except Klickitat County
	(f) <u>((in all lands lying within Asotin County, Region 10, except as follows: T11N, R44E, Sections 25, 26, 27, 28, 29, 31, 32, 33, 34, and 35; T11N, R45E, Sections 21, 22, 23, and 25; T11N, R36E, Sections 19, 20, 21, 28, 29, 30, 31, 32, and 33; T10N, R44E, Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 15, and 16; T10N, R45E, Sections 23 and 24; T10N, R46E, Sections 7, 8, 17, 18, 19, 20, 21, 22, 27, 34, and 35; T9N, R46E, Sections 1, 2, 12, 13, 14, 23, 24, 25, 26, 35, and 36; T9N, R47E, Sections 18, 19, 30, and 31; T8N, R46E, Sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 23, and 24; T8N, R47E, Sections 8, 17, 18, 19, 20, 29, 30, 31, and 32.)) lands west of Shumaker Grade and south of Mill Road in Asotin County.</u>
(((66))) (65) Swainsonpea <i>Sphaerophysa salicifolia</i>	(a) regions 1, 2, 3, 4, 5, 7, 8
	(b) Columbia, Garfield, Asotin, and Franklin counties
	(c) an area beginning at the Washington—Oregon border at the southwest portion of Section 15, R32E, T6N, then north to the northwest corner of Section 3, R32E, T7N, then east to the northeast corner of Section 3, R36E, T7N, then south to

Name	Will be a "Class B designate" in all lands lying within:
	the southeast portion of Section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning
((67)) (66) thistle, musk <i>Carduus nutans</i>	(d) Weed District No. 3 of Grant County (e) Adams County of region 6. (a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10 (b) Spokane and Pend Oreille counties.
((68)) (67) thistle, plumeless <i>Carduus acanthoides</i>	(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10 (b) region 4 except those areas within Stevens County lying north of State Highway 20.
((69)) (68) thistle, Scotch <i>Onopordum acanthium</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border
((70)) (69) toadflax, Dalmatian <i>Linaria dalmatica ssp. dalmatica</i>	(c) Franklin County. (a) regions 1, 2, 5, 8, 10 (b) Douglas County of region 3 lying south of T25N and west of R25E (c) Okanogan County lying within T 33, 34, 35N, R19, 20, 21, 22E, except the southwest, southeast, and northeast quarters of the northeast quarter of section 27, T35N, R21E; and the northeast quarter of the southeast quarter of section 27, T35N, R21E
	(d) Kittitas, Chelan, Douglas, and Adams counties of region 6 (e) Intercounty Weed District No. 51 (f) Weed District No. 3 of Grant County (g) Lincoln and Adams counties (h) The western two miles of Spokane County of region 7 (i) region 9 except as follows: (i) those areas lying within Yakima County (ii) those areas lying west of the Klickitat River and within Klickitat County.
((71)) (70) watermilfoil, Eurasian <i>Myriophyllum spicatum</i>	(a) regions 1, 9, 10 (b) region 7 except Spokane County (c) region 8 except within 200 feet of the Columbia River (d) Adams County of region 6 (e) in all water bodies of public access, except the Pend Oreille River, in Pend Oreille County of region 4.

AMENDATORY SECTION (Amending WSR 07-24-023, filed 11/28/07, effective 1/1/08)

WAC 16-750-015 State noxious weed list—Class C noxious weeds.

Common Name	Scientific Name
archangel, yellow	<i>Lamiastrum galeobdolon</i>
babysbreath	<i>Gypsophila paniculata</i>
beard, old man's	<i>Clematis vitalba</i>

Common Name	Scientific Name
bindweed, field	<i>Convolvulus arvensis</i>
blackberry, evergreen	<i>Rubus laciniatus</i>
blackberry, Himalayan	<i>Rubus armeniacus</i>
canarygrass, reed	<i>Phalaris arundinacea</i>
cockle, white	<i>Silene latifolia ssp. alba</i>
cocklebur, spiny	<i>Xanthium spinosum</i>
cress, hoary	<i>Cardaria draba</i>

Common Name	Scientific Name
odder, smoothseed alfalfa	<i>Cuscuta approximata</i>
goatgrass, jointed	<i>Aegilops cylindrica</i>
groundsel, common	<i>Senecio vulgaris</i>
hawkweed, common	<i>Hieracium lachenalii</i>
hawkweed, other nonnative species	<i>Hieracium sp.</i> , except species designated in the note in the left-hand column

Note:

This listing includes all species of *Hieracium*, except the following:

- Species designated as Class A noxious weeds in WAC 16-750-005;
- Species designated as Class B noxious weeds in WAC 16-750-011;
- Native species designated below:
 - Canada hawkweed (*H. canadense*)
 - houndstongue hawkweed (*H. cynoglossoides*)
 - long-beaked hawkweed (*H. longiberbe*)
 - narrow-leaved hawkweed (*H. umbellatum*)
 - slender hawkweed (*H. gracile*)
 - western hawkweed (*H. albertinum*)
 - white-flowered hawkweed (*H. albiflorum*)
 - woolley-weed (*H. scouleri*)

henbane, black	<i>Hyoscyamus niger</i>
iris, yellow flag	<i>Iris pseudacorus</i>
ivy, English, 4 cultivars only:	<i>Hedera hibernica</i> 'Hibernica'
	<i>Hedera helix</i> 'Baltica'
	<i>Hedera helix</i> 'Pittsburgh'
	<i>Hedera helix</i> 'Star'
mayweed, scentless	<i>Matricaria perforata</i>
pondweed, curly-leaf	<i>Potamogeton crispus</i>
rye, cereal	<i>Secale cereale</i>
spikeweed	<i>Hemizonia pungens</i>
St. Johnswort, common	<i>Hypericum perforatum</i>
tansy, common	<i>Tanacetum vulgare</i>
thistle, bull	<i>Cirsium vulgare</i>
thistle, Canada	<i>Cirsium arvense</i>
toadflax, yellow	<i>Linaria vulgaris</i>
water lily, fragrant	<i>Nymphaea odorata</i>
whiteweed, hairy	<i>Cardaria pubescens</i>
willow-herb, hairy	<i>Epilobium hirsutum</i>
wormwood, absinth	<i>Artemisia absinthium</i>

AMENDATORY SECTION (Amending WSR 99-24-029, filed 11/23/99, effective 1/3/00)

WAC 16-750-135 State noxious weed control board—Meetings. (1) All meetings of the board are open and public and all persons are permitted to attend any meeting of the board, except as otherwise provided in the Open Public Meetings Act, chapter 42.30 RCW.

(2) Members of the public are not required, as a condition to attendance at a board meeting, to register names, other information, or otherwise to fulfill any condition prior to attending.

(3) Interruptions. In the event that any meeting is interrupted by any person as to render the orderly conduct of the meeting unfeasible, and order cannot be restored by the removal of individuals who are interrupting the meeting, the chairperson may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by a majority vote of the board members present. In such a session, the board will follow the procedures set forth in the Open Public Meetings Act (RCW 42.30.050).

(4) Adoption of rules, regulations, resolution, etc. The board shall not adopt any rules, regulations, resolution, etc. except in a meeting open to the public and then only at a meeting, the date of which is fixed by rule, or at a meeting of which notice has been given according to the provisions of the Open Public Meetings Act. Any action taken at meetings failing to comply with this section is null and void.

(5) Regular meetings—Schedule—Publication in State Register—Notice of change. The board will meet (~~once every two months~~) at least five times per year and at other times determined by the chairperson or by a majority of the voting members. If any regular meeting falls on a holiday, the meeting will be held on the next business day. The executive secretary files with the code reviser a schedule of the time and place of regular meetings on or before January of each year for publication in the Washington State Register. Notice of any change from this meeting schedule will be published in the State Register for distribution at least twenty days prior to the rescheduled meeting date.

(6) Notice. Ten days notice of all meetings will be given by mailing a copy of the notice and agenda to each board member, county noxious weed control board, and weed district.

(7) Special meetings. The ten-day notice may be waived for special meetings which may be called at any time by the chairperson, director, or a majority of the voting board members. Special meeting notification shall follow the procedures for special meetings set forth in the Open Public Meetings Act (RCW 42.30.080).

(8) Adjournments. If a meeting is adjourned before the advertised time, a written notice will be posted at the meeting place that specifies when the meeting was adjourned.

(9) Executive sessions.

(a) The board may hold an executive session during a regular meeting which may be called by the chairperson or a majority of voting board members present. No official actions will be taken at executive sessions. Executive sessions may deal only with matters authorized by RCW 42.30-110.

(b) Before convening in executive session, the chairperson shall publicly announce the purpose of excluding the public from the meeting place and the time when the executive session will be concluded. The executive session may be extended to a later time by announcement of the chairperson.

(10) Agenda. The agenda will be prepared by the executive secretary in consultation with the chairperson. Items may

be submitted by all board members to the executive secretary at least fifteen days prior to the board meeting.

(11) Attendance. Each board member is expected to attend all board and assigned committee meetings. In the event a board member is unable to attend, he or she is requested to provide the chairperson or executive secretary with the reasons for the absence prior to the meeting. Any voting member who misses two consecutive board meetings without providing the chairperson or the executive secretary with the reasons for the absences prior to the meeting may be removed from the board, following due notice and a hearing. Removal procedures may be initiated by a quorum vote of the board.

(12) Voting procedures. Board voting procedures on all matters are as follows:

(a) Five voting members constitute a quorum to conduct the affairs of the board.

(b) The chairperson may vote on all matters coming before the board.

(c) A roll call of all voting board members present may be requested on all motions by any member.

(d) All members have the right to move or second motions.

(e) Proxy voting is not permitted.

(13) Minutes. The minutes of all regular and special meetings, except executive sessions, will be promptly recorded and such records are open to public inspection.

(14) Press releases. All press releases and official information concerning board activities will be released from the board office.

(15) Public participation.

(a) Any person wishing to make a formal presentation at a regularly scheduled meeting of the board must notify the executive secretary of the subject matter at least fifteen days before the meeting.

(b) Permission to appear before the board will be granted by the executive secretary in consultation with the chairperson before the meeting. Permission includes the date and time of the meeting and the time set for formal presentation.

(c) The chairperson may, at his or her discretion, recognize anyone in the audience who indicates at the time of the meeting a desire to speak.

allows the user to access current vehicle or vessel record information from a secure internet site.

Hearing Location(s): Department of Licensing, Conference Room 413, 1125 Washington Street S.E., Olympia, WA 98507, on November 13, 2008, at 1:00 p.m.

Date of Intended Adoption: December 17, 2008.

Submit Written Comments to: Ben Shomshor, P.O. Box 9035, Mailstop 48026, 8005A River Road S.E., Olympia, WA 98507-9035, e-mail bshomshor@dol.wa.gov, fax (360) 902-7821 or 902-7822, by November 10, 2008.

Assistance for Persons with Disabilities: Contact Ben Shomshor by November 6, 2008, TTY (360) 664-8885.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 308-10-030 and 308-10-070 are both updated to reflect the current address of the agency public records officer.

New WAC 308-10-080 through 308-10-100 are added to define terms and clarify access to electronic vehicle and vessel records.

Reasons Supporting Proposal: DOL is responsible for upholding the highest level of public confidence and trust as custodian of personally identifiable information, as well as providing fair and equitable access to that information by legally privileged parties. Rule making is required to govern the department's actions when providing access to vehicle and vessel information through an automated system.

Statutory Authority for Adoption: RCW 42.56.040, 43.17.060, and 43.24.016 (2)(d).

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

Name of Agency Personnel Responsible for Drafting: Ben Shomshor, 8005A River Road S.E., Tumwater, WA, (360) 359-4019; Implementation and Enforcement: Hannah Fultz, 8005A River Road S.E., Tumwater, WA, (360) 359-4013.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in the industry.

A cost-benefit analysis is not required under RCW 34.05.328. The contents of the proposed rules are explicitly and specifically dictated by statute.

September 29, 2008

Hannah Fultz

Public Records Officer

WSR 08-20-131

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed October 1, 2008, 9:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-02-041.

Title of Rule and Other Identifying Information: Chapter 308-10 WAC, Public records disclosure, the department of licensing (DOL) is considering adopting new rules governing access to digital information including the internet vehicle/vessel processing system (IVIPS), the disclosure of electronic records, and expanding and updating definitions in chapter 308-10 WAC. IVIPS is a DOL application that

AMENDATORY SECTION (Amending WSR 06-16-039, filed 7/26/06, effective 8/26/06)

WAC 308-10-030 Public records officer. The department's public records officer shall be designated by the director. The person so designated shall be located (~~in the main administrative offices of~~) at the department's facility at 8005A River Drive S.E., Tumwater, WA 98501. The public records officer shall be responsible for the following: The implementation of the department's rules regarding release of public records, coordinating the staff of the department in this regard, maintaining, keeping current, and publishing an index

of all agency records and ensuring compliance with the public records disclosure act requirements.

AMENDATORY SECTION (Amending WSR 06-16-039, filed 7/26/06, effective 8/26/06)

WAC 308-10-070 Communications with department.

All written communications with the department pertaining to the administration or enforcement of chapter 42.17/42.56 RCW and these rules shall be addressed as follows: Department of Licensing, c/o Public Records Officer, (~~Highways-Licenses Building, 1125 Washington Street S.E., Olympia, WA 98504-8001~~) 8005A River Drive S.E., Tumwater, WA 98501.

NEW SECTION

WAC 308-10-080 Contractual access to vehicle/vessel owner information. Definitions: The definitions set forth in RCW 42.56.010 shall apply to this chapter.

"Antifraud activities" means actions with the immediate and direct intent of preventing fraud.

"Business need" means a requirement specific to the purpose for which the business is licensed, registered, certified and/or registered.

"Claim investigation activities" means actions performed in the process of collecting evidence to validate an insurance claim.

"Commercial purpose" means using or intending to use information for the purpose of facilitating a profit expecting business activity. By definition, nonprofit corporations do not engage in commercial purposes.

"Department of licensing (DOL)" is the agency created pursuant to chapter 46.01 RCW. The department of licensing shall hereinafter be referred to as the department. Where appropriate, the term department also refers to the staff and employees of the department of licensing.

"Designee" is a department employee authorized by the public records officer to receive and respond to a public records request.

"Director" means the director of the department of licensing as appointed by the governor.

"Driver Privacy Protection Act" or "DPPA" means a federal law protecting personally identifiable information of drivers and motor vehicle owners. Also referred to as 18 U.S.C. 2721 through 2725.

"Driver safety." Driver is the operator of a motor vehicle, and by extension, the other occupants of the motor vehicle. "Safety" is the state of being "safe," the condition of being protected against physical damage, accidents, harm or any other event. "Driver safety" includes the safety of passengers, drivers and pedestrians, and their motor vehicles or property.

"File transfer protocol (FTP)" means a protocol for exchanging files over the internet, most commonly used to download files placed on a server for that purpose.

"Fraud" means an intentional deception resulting in injury to another person which is made for personal gain.

"Individual" means a natural person.

"Investigation in anticipation of litigation" means an investigation where it appears likely that there will be litigation.

"Licensed security service" means a company licensed by the Washington department of licensing for licensed security services. It is synonymous with "private security company" as defined in RCW 18.170.010. "Private security company" means a person or entity licensed under this chapter and engaged in the business of providing the services of private security guards on a contractual basis.

"Listing" or "list" means an item-by-item series of names, figures, words or numbers written or printed one after the other.

"Marketing" means the act or process of promoting and selling, leasing, or licensing products or services. It includes any of the tasks necessary to identify the type and amount of goods and services desired by society, and the pricing, distribution, and promotion of those goods and services.

"Motor vehicle safety" means every vehicle as defined in RCW 46.04.320 that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. "Safety" is as defined above under "driver safety." "Motor vehicle safety" includes the safety of passengers, drivers and pedestrians and their motor vehicles or property.

"Motor vehicle theft" means the taking and/or removing of another's vehicle with the intent of depriving the true owner of the vehicle. "Motor vehicle" is as defined in RCW 46.04.320. "Theft" is as defined in RCW 9A.56.020, and means:

(a) To wrongfully obtain or exert unauthorized control over the property or services of another or the value thereof, with intent to deprive him or her of such property or services; or

(b) By color or aid of deception to obtain control over the property or services of another or the value thereof, with intent to deprive him or her of such property or services; or

(c) To appropriate lost or misdelivered property or services of another, or the value thereof, with intent to deprive him or her of such property or services.

"Normal course of business" means a business practice specific to the purpose of the business by a legitimate, licensed business or its agent, employees, or contractors, but only:

(a) To verify the accuracy of personal information submitted by the individual to the business or its agencies, employees, or contractors; and

(b) If such information is not correct or is no longer correct, to obtain correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual. If acting as agent of lien holder, requestor must submit proof of contract with lien holder.

"Personal information" as used in the Driver Privacy Protection Act (18 U.S.C. 2725), means information that identifies an individual, including an individual's photograph, Social Security number, driver identification number, name, address (but not the five-digit zip code), telephone number, and medical or disability information, but does not include

information on vehicular accidents, driving violations, and driver's status.

"Private investigative agency" means a "private investigator (or investigative) agency" a person or entity licensed under RCW 18.165.010, and engaged in the business of detecting, discovering, or revealing one or more of the following:

- (a) Crime, criminals, or related information;
- (b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person or thing;
- (c) The location, disposition, or recovery of lost or stolen property;
- (d) The cause or responsibility for fires, libels, losses, accidents, or damage or injury to persons or to property;
- (e) Evidence to be used before a court, board, officer, or investigative committee;
- (f) Detecting the presence of electronic eavesdropping devices; or
- (g) The truth or falsity of a statement or representation.

"Pro se (representation)" a latin term meaning "on one's own behalf"; in courts, it refers to persons who present their own cases without lawyers.

"Profession" when applied to department records, or the release of department record information, means any state regulated business, profession or occupation administered by the assistant director, business and professions division.

"RCW" means the Revised Code of Washington.

"Representative" or "agent" means a person who acts, or has the power to act for another.

"Research activities" are actions taken in the course of systematic investigation to establish new facts.

NEW SECTION

WAC 308-10-090 About electronic vehicle/vessel information. (1) What is the purpose of the internet vehicle/vessels information processing system (IVIPS)? IVIPS was created to provide rapid electronic access to Washington state motor vehicle registration name and address information to parties qualified under public disclosure rules and statutes.

(2) What is the purpose of providing file transfers through secure file transfer protocols (SFTP) under contract? Two types of SFTP files are provided under contract.

The secured automated file extract (SAFE) is a mutually agreed upon file layout containing fields of information from DOL vehicle and vessel records. This information is provided on a regular basis (usually weekly or monthly) to parties approved as having permissible use(s) as described in federal and state laws.

The sharing of data through SAFE requires a contract between the customer (i.e., business, local/state agency) and DOL; the customer is then a contractor with DOL. The data shared and frequency of data will vary based on individual contracts. Contractors receiving SAFE data may utilize that data for compiling vehicle and vessel statistics, providing

vehicle/vessel information for safety recalls/advisories, and vehicle demographics.

The vehicle owner information distribution system (VOIDS) provides rapid, high volume electronic access to motor vehicle registration name and mailing address information, as well as many other information fields available on vehicles information systems, to entities qualified through public disclosure requirements.

The sharing of data through the VOIDS system requires a contract between a customer (business, local/state government) and DOL; the customer is then a contractor with DOL. Contractors receiving VOIDS include city, counties, and law enforcement agencies. Generally, this process is for processing of traffic and parking violations, tolls, verification of vehicle owner, and/or monitoring/enforcing parking lots/areas.

(3) What is DOL's authority to provide personal information via IVIPS or SFTP to business entities and government? The authority to provide personal information through a secure internet connection electronically comes from the Washington state legislature and is applied through the following provisions of state law and regulations and federal law: 18 U.S.C. Section 2721 through 2725 Driver Privacy Protection Act (DPPA), RCW 46.12.370, 46.12.380, 46.12.390, chapter 42.56 RCW, RCW 42.56.070; chapter 308-10 WAC, WAC 308-10-045, 308-93-087, 308-93-088, 308-93-089.

(4) What personal information can be accessed through IVIPS? The only personal information available through IVIPS is the name and mailing address of the registered owner of a vehicle or vessel.

(5) For what purpose may the department disclose the names and addresses of vehicle or vessel owners through IVIPS or SFTP?

(a) In accordance with the federal Driver Privacy Protection Act (DPPA), 18 U.S.C. Section 2721, motor vehicle information can be released only for the following purposes:

(i) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, state, or local agency in carrying out its functions;

(ii) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from the original owner records of motor vehicle manufacturers;

(iii) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

- To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

- If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(iv) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court;

(v) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals;

(vi) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting;

(vii) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection;

(viii) For use in connection with the operation of private toll transportation facilities.

(b) If your business purpose is allowed under 18 U.S.C. Section 2721, your request must also qualify under Washington state law. Under the provisions of chapters 42.56 and 46.12 RCW, the department may disclose the names and addresses of vehicle owners when:

(i) The requesting party is a business entity that requires the information for use in their normal course of business;

(ii) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party or their business, and specifies the lawful purpose for which the information will be used;

(iii) The requesting party enters into a disclosure agreement with the department by which the party:

- Agrees they will use the information only for the purpose stated in the request for the information; and
- Will not use or facilitate the use of the information for the purpose of making any unnecessary inquiries or unsolicited business contact with a person named in the disclosed information.

Vessel information is disclosed to qualifying entities for "use in the normal course of business," or for product recalls.

NEW SECTION

WAC 308-10-100 Obtaining access to electronic vehicle—Vessel information. (1) How do I apply for IVIPS or a file transfer contract? (See WAC 308-56A-090(4) vehicles and 308-93-087(3) vessels.)

(a) You must complete in full the vehicle/vessel disclosure agreement application form available from the department of licensing's web site at www.dol.wa.gov/forms.html.

(b) Except as provided for in 18 U.S.C. Section 2721 (DPPA), RCW 46.12.370, 46.12.380 and WAC 308-93-087, you must also agree:

- (i) To protect all personally identifiable information.
- (ii) To protect lists of individuals from use for any commercial purpose, by you or by any other individual or organization you represent.
- (iii) To refrain from using or facilitating the use of the information for the purpose of making any unsolicited busi-

ness contact with a person named in the disclosed information.

(iv) That the information obtained will not be divulged to any third-party except as may be permitted by contract for any purpose other than stated on your application.

(c) DOL will review the information provided on your application to determine whether you are eligible for an IVIPS or file transfer account. If you are found eligible, you will be offered a contract for the account. The contract must be signed and returned to DOL with the required deposit before an account can be established.

(2) How does the department determine eligibility for an IVIPS account? Each application is reviewed on its own merits. Your application materials will be evaluated to determine whether or not access to the IVIPS system is allowable as a permissible use under federal and state law.

(3) What is your assessment based on and how do you determine access eligibility?

(a) The hours that you need to access the information.

(b) Your agreement to the limitations we set on your access to use of the information.

(c) If renewing an existing account, your "look up" activity or record access volume of IVIPS inquiries over the past year.

(d) If you are found ineligible for an IVIPS account, you will be notified of the reasons for the denial. Determination of ineligibility can be appealed to the program's contract review committee comprised of agency management. Decisions of the committee are final. The committee can be contacted by writing:

ATTN: Public Records Officer
Contract Review Committee
Department of Licensing
P.O. Box 2957
Olympia, WA 98507-2957
360-902-3760

(4) Do I need to enter into a contractual agreement with the department for IVIPS or file transfers? Yes. A contract must be entered into with the department stating the terms and conditions under which you may receive public record information. The contract helps both parties to be better stewards of personal information.

(5) What information is required in order to enter into a contract? See subsection (1) of this section.

(6) How long is my contract valid? Contracts with private businesses are valid until the earlier of:

- (a) Cancellation by either party;
- (b) One year; or
- (c) Thirty days following the expiration of your current business license.

Contracts with government agencies are valid for two years.

(7) How does an applicant demonstrate a business need for an IVIPS or file transfer account? Through a completed application to the department with stated approved reasons and proper documentation.

(8) Do we need to demonstrate a special business need to access IVIPS outside normal business hours? Yes. This need may be demonstrated by hours of business, type of business

and specific needs. Final decisions will be made by the department.

(9) What is acceptable business verification? For purposes of this section acceptable business verification includes:

If requestor is:	Then requestor must provide:
A licensed Washington business	A legible copy of current unexpired master business license.
A business not required to be licensed in this state	Its federal employer identification number or federal tax number (FEIN) or Uniform Business Identifier (UBI) on official letterhead with a notarized signature of the owner or an authorized representative; or Letter showing exemption from business licensing and applicable law.
An attorney	A legible copy of the bar card; and A copy of current business license for working as an attorney; and Official letterhead with a notarized signature of the owner or an authorized representative of the law firm the requestor is employed by.
A private investigator	A legible copy of the current private investigator's license; and Business license for working as a private investigator; and Official letterhead with a notarized signature of the owner or an authorized representative of the private investigator firm the requestor is employed by.
An out-of-state business not licensed in Washington	(a) If the business is required to be licensed, a (legible) copy of its current business license issued by the governmental authority with jurisdiction over the license; or

If requestor is:	Then requestor must provide:
	(b) If the business is not required to be licensed, its federal employer identification number or federal tax number (FEIN) on its official letterhead with a notarized signature of the owner or an authorized representative; or A letter showing exemption from business licensing and applicable law.

(10) What frequency or level of usage is required to hold an IVIPS account?

(a) IVIPS is only available for volume users making more than fifty requests for information per year, and at least five requests per quarter. New applicants for IVIPS accounts should estimate their projected usage. DOL will confirm the usage of renewing applicants. Parties denied IVIPS access solely on the basis of frequency of use may obtain the same information through individual public disclosure requests.

(b) IVIPS represents an important means of information access for businesses requiring information at night or on weekends and holidays. IVIPS applications will be evaluated based on the applicant's need for "24/7" information.

(11) How much does access to electronic vehicle and vessel information cost? A security deposit of not less than twenty-five dollars must be placed with DOL before an IVIPS account can be opened. The minimum deposit may be increased by DOL for entities making more than six hundred twenty-five requests per month. The deposit is fully refundable on closure of the account so long as the account is not in arrears. An additional charge is assessed for each electronic IVIPS request for information.

File transfer accounts are subject to programming charges as listed below.

One Time Request Public Disclosure		
Position	Unit	Hours
CM	Contract management	15
ITS-5	Programming	40

One Time Request Vehicle and Vessel FTP		
Position	Unit	Hours
CM	Contract management	15
ITS-5	Programming/test/implementation	40
ITS-4	Documentation	5
ITS-2	Production control	1
ITS-4	User system support	2

Initial Setup Cost Vehicle and Vessel FTP		
Position	Unit	Hours
CM	Contract management	15
ITS-5	Programming/test/ implementation	40
ITS-4	Documentation	10
	Production control	1
	User system support	2

Monthly Upkeep and Maintenance Vehicle and Vessel FTP		
Position	Unit	Hours
CM	Contract management	15
ITS-5	Programming/test/ implementation	2
ITS-4	Production control	2
ITS-2	User system support	2

Initial Setup Cost Vehicle and Vessel VOIDS		
Position	Unit	Hours
CM	Contract management	15
ITS-5	Programming/test/ implementation	20
ITS-4	Documentation	5
ITS-2	Production control	1
ITS-4	User system support	2

Monthly Upkeep and Maintenance Vehicle and Vessel VOIDS		
Position	Unit	Hours
CM	Contract management	15
ITS-5	Programming/test/ implementation	1
ITS-2	Production control	1
ITS-4	User system support	1

Initial Setup Cost Vehicle Parking Tickets		
Position	Unit	Hours
CM	Contract management	15
ITS-5	Programming/test/ implementation	30
ITS-4	Documentation	5
ITS-2	Production control	1
ITS-4	User system support	5

Monthly Upkeep and Maintenance Vehicle Parking Tickets		
Position	Unit	Hours
CM	Contract management	15
ITS-5	Programming/test/ implementation	1
ITS-2	Production control	1
ITS-4	User system support	1

(12) What records do I need to keep? All requests for information through the IVIPS must be tracked, logged, and kept for the period of time specified in the contract and be available for inspection by authorized department personal.

All personally identifiable information must be destroyed securely.

(13) If I am an attorney, private investigator, or process server acting on behalf of an attorney, will notification of my inquiry be given to the registered owner (to include "whoever" accesses the information as a "representative" or "agent" of the private investigator or attorney, such as a process server)? Yes, the notice will contain the name, address, and contact telephone number of the requesting party if he or she is an attorney or private investigator. The notice must have instructions for who to contact if there are any questions. Additionally, if a contract holder, other than a private investigator or attorney, releases owner information to a private investigator or attorney, they must notify the registered owner and the department that a request has been granted. This notification must include the name, address, and phone number of the requesting party. (RCW 46.12.380(4).)

(14) When can I search by name, instead of by plate and/or VIN only? You must demonstrate a business need for name (also known as "alphabetic") search capability. These searches are available only to insurance companies, private investigators, attorneys, process servers, courts and other government agencies.

NEW SECTION

WAC 308-10-110 Access to nonelectronic vehicle/vessel information. If I do not have access to IVIPS or file transfers is there any other way to obtain vehicle/vessel owner name and address information? Yes, if you qualify for public disclosure information you may file a public record request with the public disclosure unit of the department of licensing. You may also qualify under certain circumstances to receive information from vehicle licensing offices located throughout the state. In all cases a public disclosure form provided by the department must be filed. Vehicle/Vessel Disclosure Request forms may be found on the internet at www.dol.wa.gov/forms.html.

WSR 08-20-132
PROPOSED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed October 1, 2008, 9:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-23-112.

Title of Rule and Other Identifying Information: New section WAC 181-77-005 Types of career and technical education certificates.

Hearing Location(s): Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, on November 19, 2008, at 8:30 a.m.

Date of Intended Adoption: November 19, 2008.

Submit Written Comments to: Jennifer Wallace, P.O. Box 47236, Olympia, 98504, e-mail jennifer.wallace@k12.wa.us, fax (360) 586-4548, by November 10, 2008.

Assistance for Persons with Disabilities: Contact Nasue Nishida by March [November] 10, 2008, TTY (360) 664-3631 or (360) 725-6275.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed changes clarify the qualifying criteria to add a math or science applied category to their career and technical education certificate. Individuals will need to hold a continuing CTE certificate. The language broadens to include other areas of science - biology, chemistry, physics, and earth and space science.

Statutory Authority for Adoption: RCW 28A.410.210 and 48A.410.010.

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: Jennifer Wallace, P.O. Box 42736, Olympia, WA 98504, (360) 725-6275.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Nasue Nishida, P.O. Box 47236, phone (360) 725-6275, fax (360) 586-4548, e-mail jennifer.wallace@k12.wa.us.

September 29, 2008

Nasue Nishida
Legislative and
Policy Coordinator

AMENDATORY SECTION (Amending WSR 08-16-004, filed 7/23/08, effective 8/23/08)

WAC 181-77-005 Types of career and technical education certificates. The following types of certificates shall be issued:

(I) Teacher. The teacher certificate authorizes service as a teacher in the school district(s) or skills center(s) and shall be issued in one of the following categories and/or in a specific subcategory of the major category as approved by the professional educator standards board and/or its designee:

- (a) Agriculture education;
- (b) Business and marketing education;
- (c) Family and consumer sciences education;
- (d) Technology education;
- (e) Trade and industrial;
- (f) Health occupations;
- (g) Career choices;
- (h) Coordinator for worksite learning; or
- (i) New and emerging fields;
- (j) Categories which may be added to a continuing career and technical education certificate are:

(i) Mathematics applied. To add this category, the candidate shall:

(A) ~~((Have completed a state approved career and technical education preparation program based on business and industry under chapter 181-77A WAC;))~~ Hold a continuing career and technical education certificate based on WAC 181-77-041;

(B) Hold ~~((an approved))~~ a baccalaureate degree from a regionally accredited college or university pursuant to WAC 181-79A-030(5);

(C) Hold a continuing career and technical education certificate with a technology education or trade and industrial category under this section: Provided, That trade and industrial candidates hold a math-related degree in mathematics or engineering;

(D) Be fully contracted as a teacher or long-term substitute teacher by a Washington public school;

(E) Pass the mathematics subject knowledge test approved by the professional educator standards board; and

(F) Document a minimum of one year teaching experience in technology education or trade and industrial courses.

(ii) Science, biology, chemistry, physics or earth and space science applied. To add this category, the candidate shall:

(A) ~~((Have completed a state approved career and technical education teacher preparation program based on business and industry under chapter 181-77A WAC;))~~ Hold a continuing career and technical education certificate based on WAC 181-79A-030(5);

(B) Hold ~~((an approved))~~ a baccalaureate degree from a regionally accredited college or university pursuant to WAC 181-79A-030(5);

(C) Hold a continuing career and technical education certificate with an agriculture education, health occupations, or trade and industrial category under this section: Provided, That trade and industrial candidates hold a science-related degree in science, engineering, or a medical practice field;

(D) Be fully contracted as a teacher or long-term substitute by a Washington public school;

(E) Pass ~~((the))~~ a science, biology, chemistry, physics or earth and space science subject knowledge test approved by the professional educator standards board; and

(F) Document a minimum of one year teaching experience in agriculture education, health occupations, or trade and industrial courses.

(iii) CTE teachers who have earned a mathematics applied or science applied category are eligible for teaching assignments in general education mathematics or science courses, dependent upon the category on the continuing career and technical education certificate, under WAC 181-77-025.

(2) Director. The director certificate authorizes service as a career and technical education director, as an assistant director, or as a career and technical education supervisor in the school district(s) or skills center(s);

(3) Counselor. The career and technical education counselor certificate authorizes service in the role of career and technical education guidance and counseling;

(4) Occupational information specialist. The occupational information specialist certificate authorizes service in the role as an occupational information specialist.

WSR 08-20-134

PROPOSED RULES

WASHINGTON STATE UNIVERSITY

[Filed October 1, 2008, 10:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-16-100.

Title of Rule and Other Identifying Information: Create new chapter 504-43 WAC, Course materials. New rules to address cost savings for course materials.

Hearing Location(s): Washington State University, Lighty Room 405, Pullman, Washington, on November 5, 2008, at 4:00 p.m. to 5:00 p.m.

Date of Intended Adoption: November 21, 2008.

Submit Written Comments to: Ralph T. Jenks, Director, Procedures, Records, and Forms and University Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, e-mail jenks@wsu.edu, fax (509) 335-3969, by November 5, 2008.

Assistance for Persons with Disabilities: Contact Deborah Bartlett by October 30, 2008, (509) 335-2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: State law requires that the state universities adopt rules that encourage cost savings for student course materials.

Statutory Authority for Adoption: RCW 28B.30.150.

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

Name of Proponent: Washington State University, public.

Name of Agency Personnel Responsible for Drafting: Antoinette Ursich, Assistant Attorney General's Office, WSU, (509) 335-2636; Implementation and Enforcement: Warwick Bayly, Provost's Office, (509) 335-5581.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule has no impact on small business.

A cost-benefit analysis is not required under RCW 34.05.328. The university does not consider this rule to be a significant legislative rule.

October 1, 2008

Ralph T. Jenks, Director

Procedures, Records, and Forms
and University Rules Coordinator

Chapter 504-43 WAC

COURSE MATERIALS

NEW SECTION

WAC 504-43-010 Purpose. The purpose of this chapter is to give students more choices for purchasing educational materials and to encourage faculty and staff to work closely with bookstores and publishers to implement the least costly option without sacrificing educational content.

NEW SECTION

WAC 504-43-020 Definitions. For the purposes of this chapter, the following words and phrases mean:

"Course materials." Any supplies or texts required or recommended by faculty or staff for a given course. Course materials may include, but are not limited to, texts, workbooks, study guides, CD-ROMs, art supplies, and other ancillary materials.

"Bundle." A group of course materials joined together by packaging or required to be purchased as an indivisible unit.

NEW SECTION

WAC 504-43-030 Providing cost savings to students for course materials. (1) The affiliated bookstores for Washington State University (WSU) are incorporated as the students book corporation. The students book corporation is responsible for the following:

(a) Providing students the option of purchasing course materials that are unbundled whenever possible;

(b) Disclosing to faculty and students the retail costs of textbooks on a per book and per course basis and making such information publicly available;

(c) Disclosing publicly, when such information is available, how new editions vary from previous editions; and

(d) Actively promoting and publicizing book buy-back programs.

(2) To provide cost savings to students for course materials, WSU faculty and staff members are encouraged to:

(a) Consider adopting the least expensive edition of course materials available when educational content is comparable;

(b) Work closely with publishers and the students book corporation to create bundles and packages if they provide a cost savings to students.

WSR 08-20-136
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed October 1, 2008, 11:02 a.m.]

Supplemental Notice to WSR 08-20-059.

Preproposal statement of inquiry was filed as WSR 08-09-072 and 06-10-084.

Title of Rule and Other Identifying Information: In this supplemental notice, the commission has updated the original proposed changes to chapter 352-32 WAC, Public use of state park areas with specific changes to WAC 352-32-253 Foster parent program.

Hearing Location(s): C-Tran, Rose Besserman Community Room, 3510 S.E. 164th Avenue, Vancouver, WA 98583, on November 13, at 9:00 a.m.

Date of Intended Adoption: November 13, 2008.

Submit Written Comments to: Pamela McConkey, P.O. Box 42650, Tumwater, WA 90850-2650 [98504-2650], e-mail Pamela.McConkey@parks.wa.gov, phone (360) 902-8595, fax (360) 664-2106, by November 3, 2008.

Assistance for Persons with Disabilities: Contact Pauli Larson by November 3, 2008, TTY (360) 664-3133 or (360) 902-8505.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Explanation of changes: In order to comply with RCW 79A.05.065 and the department of social and health services (DSHS) rules and terminology, the commission has approved staff request that the specific language regarding proof of foster parent program participation be consistent with both agencies (DSHS and state parks). Washington state parks and recreation commission will make its administrative rules conform with the terminology used by DSHS. Staff also want to make clear the law requiring state parks to negotiate with specified nonoperated, nonstate-owned parks for free access and campsite use by Washington state foster parent program homes.

Statutory Authority for Adoption: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065.

Statute Being Implemented: RCW 79A.05.065(4).

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

Name of Proponent: Washington state parks and recreation commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Pamela McConkey, State Park Headquarters, P.O. Box 42650, Tumwater, WA 98504-2650, (360) 902-8595; and Enforcement: Phil Shave, State Park Headquarters, P.O. Box 42650, Tumwater, WA 98504-2650, (360) 902-8606.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This chapter of administrative rule does not regulate or have economic impact through regulations on small business. There are no compliance costs to small business as a result of the modifications to these rules.

A cost-benefit analysis is not required under RCW 34.05.328. Significant legislative rule-making requirements are not imposed on the state parks and recreation commis-

sion, nor has the commission voluntarily applied those requirements.

October 1, 2008

J. M. French

Chief of Policy Research
and Program Development

NEW SECTION

WAC 352-32-253 Foster parent program. (1) Any Washington state resident who provides out-of-home care to a child as either a current licensed foster family home or a person related to the child is entitled to free camping. To use a campsite, the qualified resident shall:

(a) If the park is subject to the state parks reservation system, foster parents will make reservations through the reservation services call center, pay the reservation fee, and show their foster home license or foster parent ID card along with their Washington state drivers license or photo ID upon arrival at the park(s).

(b) For nonreservation parks, the foster parents upon arrival at the park will show their foster home license or foster parent ID card along with their Washington state drivers license or photo ID.

(c) The commission shall negotiate payment and costs, to allow holders of a foster home pass free access and usage of park campsites, with the following nonoperated, nonstate-owned parks: Central Ferry, Chief Timothy, Crow Butte and Lyons Ferry.

(2) The foster parent or relative to the child and the child must be present for the duration of the stay.

(3) Violations or abuse of these privileges, including but not limited to the list below, may be subject to revocation, suspension of their privileges and/or assessed other fees.

(a) Duplicate or multiple reservations for the same night - thirty-day suspension.

(b) Use of privileges by unauthorized person - sixty-day suspension and/or a fee equal to two times the campsite fee.

(c) Two or more no-shows (failure to use or cancel reservation) for reservations between May 1 and November 1 - ninety-day suspension.

(d) Repeated park rule violations - minimum ninety day suspension.

(4) Foster parents may appeal a suspension or revocation of privileges by providing written justification/explanation to the state parks director or designee at P.O. Box 42650, Olympia, WA 98504.

WSR 08-20-138
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 1, 2008, 11:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-16-136.

Title of Rule and Other Identifying Information: WAC 220-16-880 Saltwater State Park Marine Conservation Area, 220-20-100 General provisions—Marine protected areas, 220-56-100 Definitions—Personal-use fishing, 220-56-105 River mouth definitions, 220-56-122 Statewide bait rules, 220-56-350 Clams other than razor clams, mussels—Areas and seasons, 220-56-380 Oysters—Areas and seasons, 220-56-500 Game fish seasons, 232-12-168 Fishing contests, and 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on November 7-8, 2008, at 8:30 a.m.

Date of Intended Adoption: December 12-13, 2008.

Submit Written Comments to: Lori Preuss, Rules Coordinator, 600 Capitol Way, Olympia, WA 98501-1091, e-mail loreva.preuss@dfw.wa.gov, fax (360) 902-2155, by October 27, 2008.

Assistance for Persons with Disabilities: Contact Susan Yeager by October 19, 2008, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 220-16-880, adds a new section to describe the Saltwater State Park Marine Protected Area (MPA). This MPA encompasses the area around a new submerged reef recently developed by the Washington department of parks and recreation.

WAC 220-20-100, classifies an area inside Saltwater State Park as an MPA and closes the area to all recreational harvest.

WAC 220-56-100

(2) Introduces and defines the term "Anti-snagging rule." Is defined as restricting terminal gear to one single-pointed hook, and anglers may only retain fish hooked inside the mouth. The department is applying this rule in place of the nonbuoyant lure rule in areas where anglers are attempting to snag fish.

(19) Deletes the term "nonbuoyant lure restriction" and replaces it with the new anti-snagging rule described above. The nonbuoyant lure rule is very complex; the new rule will be easier for anglers to understand and for officers to enforce.

WAC 220-56-105, defines the mouth of the Willapa River as the City of South Bend boat launch. This will allow anglers to more easily identify the mouth.

WAC 220-56-350, adjusts the sport clam seasons on a yearly basis based on abundance and usage surveys and agreements with comanagers and other state agencies.

WAC 220-56-350, adjusts the sport oyster seasons on a yearly basis based on abundance and usage surveys and agreements with comanagers and other state agencies.

WAC 220-56-500, adjusts the statewide season for freshwater rivers, streams and beaver ponds to open the first Saturday in June rather than June 1. This allows the season to begin on a weekend and will, in most years, offer additional protection to outmigrating anadromous fish.

WAC 232-12-168, changes the deadline when fishing-contest applications are due to WDFW from November to July each year. This allows decisions to be made earlier and allows clubs more time to advertise their tournaments.

Changes the consecutive-day limit for contests from 3 to 4 to allow more opportunity for contest anglers.

WAC 232-28-619, modifies exceptions to statewide rules. Change seasonal dates, and modifies closed areas, daily limits, size limits and gear restrictions. Replaces "non-buoyant lure restriction" with the new anti-snagging rule. The June 1 stream openers for game fish are changed to the 1st Saturday in June. Specific changes are as follows:

Lake Roosevelt tributaries between Grand Coulee Dam and the State Highway 25 bridge at Northport (except those specifically listed in the special rules): Saturday before Memorial Day to October 31 season. Earlier opener allows angler opportunity during 3-day weekend.

Blue Lake (Grant Co): Trout daily limit 8. Allows additional harvest opportunity in a fry-planted lake.

Cascade River (Skagit Co): From mouth to Rockport-Cascade Road Bridge – season for game fish opens with salmon season June 1 – July 15 and reopens with salmon September 16. This allows anglers to retain game fish hooked during the salmon fishery.

Columbia River: From the Buoy 10 line to the Highway 395 Bridge at Pasco – combined daily limit for steelhead and adult salmon of 2 fish (2 adult salmon, 2 steelhead, or one of each). Trout other than steelhead may not be retained; except from the Rocky Point/Tongue Point line to the I-5 Bridge, up to 2 hatchery cutthroat (minimum size 12") may be retained.

Colville River (Stevens Co): Game fish season opens Saturday of Memorial Day instead of June 1. Earlier opener allows angling opportunity during the three-day weekend.

Fisher Slough (Snohomish Co): Standard stream season for entire stream. Side channel near mouth no longer exists, so mouth is clearly discernable.

Grays River (Wahkiakum Co): Game fish season opens 1st Saturday in June instead of September 1 in the mainstem up to the mouth of the South Fork. In the **West Fork Grays River** downstream of the hatchery intake footbridge, season extended to end October 15 instead of August 31. All species, release all fish; except up to 2 hatchery steelhead may be retained. Additional season opens December 1 instead of December 15. Standardizes steelhead and salmon fisheries at June 1 – October 15, and provides additional opportunity to harvest hatchery steelhead.

Lacamas Creek (Lewis Co): Season changed to statewide standard. Steelhead are not planted here – no need for extended season.

Kettle River (Stevens Co): Game fish season Saturday before Memorial Day through October 31. Earlier opener allows anglers access during the three-day weekend.

Little Pend Oreille River (Stevens Co): Game fish season Saturday before Memorial Day through October 31. Earlier opener allows anglers access during three-day weekend.

Medical Lake, West (Spokane Co): Trout daily limit 8 fish. Allows additional harvest opportunity in a fry-planted lake.

Mercer Creek within Ellensburg City limits (Kittitas Co): Return to statewide daily limit for trout – no longer planted with trout.

Munn Lake (Thurston Co): Specifies that the additional season ends the Friday before the last Saturday in April to match up with normal season opener.

Ohop Creek (Pierce Co): July 1 – October 31 season, selective gear rules, and release all fish except hatchery steelhead. Steelhead smolt protection.

Park Lake (Grant Co): Trout daily limit 8 fish. Allows additional harvest opportunity in a fry-planted lake.

Roosevelt Lake Kettle arm: Closed waters ends the Friday before Memorial Day to match with earlier opening date of Kettle River.

Scootney Reservoir (Franklin Co): Walleye minimum size 12 inches. Allows harvest of smaller walleye before they leave the reservoir.

Skagit River (Skagit/Whatcom Co): Anglers may retain up to 2 hatchery steelhead during the March 1-April 30 catch-and-release season from the Dalles Bridge at Concrete to the mouth of the Cascade River. Allows the opportunity to remove hatchery fish from the system.

Skamokawa Creek (Wahkiakum Co): First Saturday in June through October 31 season. Release all trout; except up to two hatchery steelhead may be retained. Standardizes stream season – hatchery steelhead are not released here, so no need for extended season.

Sprague Lake (Adams/Lincoln Co): Trout daily limit 8 fish. Allows additional harvest opportunity in a fry-planted lake.

Tieton River, North Fork (Yakima Co): Clarifies closed waters area and opens the Saturday before Labor Day to allow angler access during the three-day weekend.

Williams Lake (Spokane Co): Trout daily limit 8 fish. Allows additional harvest opportunity in a fry-planted lake.

Wilson Creek, two branches within Ellensburg city limits (Kittitas Co): Return to statewide season and statewide daily limit for trout – no longer planted with trout.

Yakima River (Yakima Co) from the Highway 223 Bridge at Granger to 3500 feet below Roza Dam: Season changed to statewide standard. Selective gear rules added from Sunnyside Dam to 3500 feet below Roza Dam. Whitefish-only season added December 1 – March 31 from the Highway 223 Bridge to 400 feet below Roza Dam. Season change and selective gear rules protect ESA-listed steelhead. Whitefish-only seasons allow harvest of whitefish with specialized gear that minimizes impacts on other species.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 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: Patricia Michael, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2628; Implementation: Jo Wadsworth, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2325; and Enforcement: Bruce Bjork, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect recre-

ational fishers. There is no direct regulation of small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

October 1, 2008
 Loreva M. Preuss
 Rules Coordinator

NEW SECTION

WAC 220-16-880 Saltwater State Park Marine Preserve. "Saltwater State Park Marine Preserve" is defined as those waters, bedlands, and tidelands of Saltwater State Park within a line projected from the northernmost marker at the DNR high tide line through 122°19'39.02"W, 47°22'25.14"N; then to 122°19'44.14"W, 47°22'26.11"N; then to 122°19'45.91"W, 47°22'21.54"N; then to 122°19'40.86"W, 47°22'20.60"N; then to the southernmost marker on the shoreline and back along the high tide line to the northernmost marker.

AMENDATORY SECTION (Amending WSR 07-16-056, filed 7/26/07, effective 8/26/07)

WAC 220-20-100 General provisions—Marine protected areas. (1) It is unlawful to fish for or possess fish, shellfish, or wildlife taken from any conservation area defined in chapter 220-16 WAC.

(2) The following marine preserves are closed to the taking of fish, shellfish, and wildlife as indicated:

(a) The Admiralty Head Marine Preserve is closed to the taking of fish and wildlife, and closed to the taking of shellfish except sea cucumbers and sea urchins.

(b) The Colvos Passage Marine Preserve is closed to the taking of shellfish and wildlife, closed to all commercial harvest of fish, and closed to recreational harvest of fish except it is lawful to take salmon for personal use by trolling, defined as fishing from a vessel under power and in gear making forward progress.

(c) The San Juan Island Marine Preserve is closed to the taking of shellfish except it is lawful to take crab from Parks Bay, and closed to the taking of food fish other than salmon except it is lawful to take herring and Yellow and Low Island Preserve is closed to the taking of food fish.

(d) The Titlow Beach Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish except that it is lawful to take salmon if taken with artificial lures from shore or from a nonmotorized vessel.

(e) The Z's Reef Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish except that it is lawful to take salmon with fly fishing gear as defined in WAC 220-56-210.

(f) The Seattle city park Marine Preserves (Golden Gardens, Carkeek, Lincoln, Discovery, Emma Schmitz, and Richey Viewpoint) are closed to removal of organisms from the intertidal areas, except that finfish may be harvested using hook and line gear, provided it is lawful under other WDFW fishing regulations. Any organism except finfish taken by

hook and line in the intertidal area must be placed unharmed in the location it was found. Removal of organisms of unclassified marine invertebrates in numbers less than the daily limits is an infraction. All other penalties for larger numbers removed apply.

(g) The Saltwater State Park Marine Preserve is closed to all recreational harvest.

AMENDATORY SECTION (Amending WSR 08-07-003, filed 3/5/08, effective 4/5/08)

WAC 220-56-100 Definitions—Personal-use fishing.

The following definitions apply to personal use fishing in Titles 220 and 232 WAC:

(1) "Anadromous game fish" means steelhead, sea-run cutthroat trout, and sea-run Dolly Varden/bull trout.

(2) "Anti-snagging rule" means terminal fishing gear is limited to single hooks, and all fish retained must be hooked inside the mouth.

(3) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.

~~((3))~~ (4) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

~~((4))~~ (5) "Bass" means largemouth and smallmouth bass.

~~((5))~~ (6) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

~~((6))~~ (7) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

~~((7))~~ (8) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

~~((8))~~ (9) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given species or aggregate of species which a person may retain in a single day.

~~((9))~~ (10) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

~~((10))~~ (11) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

~~((11))~~ (12) "Frozen" means fish or shellfish that are hard frozen throughout.

~~((12))~~ (13) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

~~((13))~~ (14) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish having a clipped adipose fin or a clipped ventral fin with a healed scar at the location of the

clipped fin. A hatchery salmon is a salmon having a clipped adipose fin and a healed scar at the location of the clipped fin, regardless of whether the fish is missing a ventral fin.

~~((14))~~ (15) "Hook" means one single point, double or treble hook. A "single point hook" means a hook having only one point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank.

~~((15))~~ (16) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" shall be identical in meaning.

~~((16))~~ (17) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

~~((17))~~ (18) "Juvenile" means a person under fifteen years of age.

~~((18))~~ (19) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

~~((19))~~ (20) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

~~((20))~~ "Nonbuoyant lure restriction" means nonbuoyant lures, defined as lures with hooks and attachments (eyes, swivels, etc.), that do not have enough buoyancy to float in freshwater, may have only one single hook measuring not more than 3/4 inch point to shank. No weights may be attached below or less than twelve inches above a buoyant lure defined as a lure with hooks and attachments that has enough buoyancy to float in freshwater, and all hooks must be attached to or no more than three inches below a buoyant lure or within three inches of bait or a nonbuoyant lure. No hook may be attached to the line above a buoyant lure.)

(21) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(22) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.

(23) "Steelhead license year limit" means the maximum number of steelhead trout any one angler may retain from April 1st through the following March 31st.

(24) "Selective gear rules" means terminal fishing gear is limited to artificial flies with barbless single hooks or lures with barbless single hooks, bait is prohibited, and fishing from a floating device equipped with an internal combustion motor is prohibited unless otherwise provided. Up to three hooks may be used. Only knotless nets may be used to land

fish. In waters under selective gear rules, fish may be released until the daily limit is retained.

(25) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

(26) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(27) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

(28) "Stationary gear restriction" means the line and weight and lure or bait must be moving while in the water. The line and weight and lure or bait may not be stationary.

(29) "Steelhead" means sea-run rainbow trout over twenty inches in length.

(30) "Unmarked salmon" means a salmon with intact adipose and ventral fins.

(31) "Trout" means brown trout, bull trout, cutthroat trout, Dolly Varden, Eastern brook trout, golden trout, grayling, Kokanee (silver trout), lake trout, rainbow trout, tiger trout, and, in WAC 232-28-619, salmon from waters designated as "landlocked salmon rules apply."

(32) "Whitefish gear rules" means terminal fishing gear is restricted to one single hook, maximum hook size three-sixteenths inch point to shank (hook size 14), and bait is allowed. All species: Release all fish except whitefish.

(33) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact.

(34) "Wild" when used to describe a salmon (Chinook, coho, chum, pink or sockeye), means a salmon with an unclipped adipose fin, regardless of whether the fish is ventral fin-clipped. A salmon with a clipped adipose fin and a healed scar at the site of the clipped fin is not a wild salmon.

(35) "Wild cutthroat release" means it is unlawful to retain any cutthroat trout that does not have a clipped adipose fin and a healed scar at the location of the clipped fin.

(36) "Wild steelhead release" means it is unlawful to retain any steelhead that does not have a clipped adipose or ventral fin and a healed scar at the location of the clipped fin.

AMENDATORY SECTION (Amending Order 08-165, filed 7/3/08, effective 8/3/08)

WAC 220-56-105 River mouth definitions. When pertaining to angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

Abernathy Creek - Highway 4 Bridge.

Bear River - Highway 101 Bridge.

Bone River - Highway 101 Bridge.

Chambers Creek - Burlington Northern Railroad Bridge.

Chehalis River - Highway 101 Bridge in Aberdeen.

Chelan River - Railroad Bridge.

Cispus River - Posted markers at the Lewis County P.U.D. kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus rivers.

Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.

Deschutes River - A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.

Drano Lake - Highway 14 Bridge.

Duwamish River - First Avenue South Bridge.

Elk River - Highway 105 Bridge.

Entiat River - Highway 97 Bridge.

Hawk Creek (Lincoln County) - Falls at the Hawk Creek campground.

Hoquiam River - Highway 101 Bridge.

Humptulips River - Mouth of Jessie Slough.

Johns River - Highway 105 Bridge.

Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.

Kettle River - Barstow Bridge.

Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.

Lewis River - A straight line running from a fishing boundary marker or from the outermost upland at the north shore of the Lewis River mouth, southerly across the Lewis River to a fishing boundary marker near the south shore.

McLane Creek - A line 100 feet upstream of and parallel to the southernmost Highway 101 Bridge.

Methow River - Highway 97 Bridge.

Naselle River - Highway 101 Bridge.

North Nemah River - Highway 101 Bridge.

Niawiakum River - Highway 101 Bridge.

Nisqually River - At the upstream end of Alder Lake, the mouth of the Nisqually River is the Highway 7 Bridge at Elbe.

North River - Highway 105 Bridge.

Palix River - Highway 101 Bridge.

Puyallup River - 11th Street Bridge.

Samish River - The Samish Island Bridge (Bayview-Edison Road).

Sammamish River - 68th Avenue NE Bridge.

Skagit River - A line projected from the terminus of the jetty with McGlinn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.

Skamokawa Creek - Highway 4 Bridge.

Skookum Creek - A line 400 yards below the old railroad bridge.

Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.

South Nemah River - Lynn Point 117 degrees true to the opposite shore.

Spokane River - State Route 25 Bridge.

Wallace River - The furthest downstream railroad bridge.

Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.

Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.

White Salmon River - Between markers on the east and west shores downstream of the Burlington Northern Railroad Bridge except when buoys are in place southerly from the shore to the buoys and east and west between the buoys.

Little White Salmon River - At boundary markers on river bank downstream from the Little White Salmon National Fish Hatchery.

Willapa River - City of South Bend boat launch.

Wind River - Boundary line markers at mouth.

Yakima River - Highway 240 Bridge.

AMENDATORY SECTION (Amending WSR 07-16-056, filed 7/26/07, effective 8/26/07)

WAC 220-56-122 Statewide bait rules. (1) It is unlawful to fish for sturgeon except with bait.

(2) It is unlawful to use lamprey as fishing bait, regardless of the source or species of lamprey.

(3) It is ~~((lawful))~~ acceptable to use bait in saltwater.

(4) It is unlawful to chum, broadcast, feed, or distribute into freshwater any bait or other substance capable of attracting fish unless specifically authorized in exceptions to statewide rules.

(5) When fishing for trout with bait, all trout that are lawful to possess and are equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, and it is unlawful to continue to fish once the daily limit has been achieved, except that steelhead trout may be caught and released until the daily limit is taken.

(6) It is unlawful to possess or use live ((fish)) aquatic animals, except sand shrimp, as bait ~~((to fish for game fish))~~ in fresh water.

(7) Use of bait in violation of this section is an infraction, punishable under RCW 77.15.160.

(8) It is unlawful to possess fish taken with bait in violation of the provisions of this section. Possession of fish while using bait in violation of the provisions of this section is a rebuttable presumption that the fish were taken with such bait. Violation of this subsection 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 08-07-003, filed 3/5/08, effective 4/5/08)

WAC 220-56-350 Clams other than razor clams, mussels—Areas and seasons. A person can take, dig for and possess clams and mussels taken for personal use on Puget Sound the entire year:

Except that public tidelands at the following beaches are closed unless otherwise provided:

- (1) Ala Spit: Open May ((+)) 2 through May 31.
- (2) Alki Park: Closed the entire year.
- (3) Alki Point: Closed the entire year.
- (4) Bay View State Park: Closed the entire year.
- (5) Brown's Point Lighthouse: Closed the entire year.
- (6) Cama Beach State Park: Closed the entire year.
- (7) Camano Island State Park: Closed the entire year.
- (8) Chuckanut Bay: Closed the entire year.
- (9) Coupeville: Closed the entire year.
- (10) Dash Point State Park: Closed the entire year.
- (11) Dave Mackie County Park: Closed the entire year.
- (12) Des Moines City Park: Closed the entire year.
- (13) Discovery Park: Closed the entire year.
- (14) DNR-79: Closed the entire year.
- (15) DNR-85: Closed the entire year.
- (16) DNR-142: Closed the entire year.
- (17) DNR-144 (Sleeper): Closed the entire year.
- (18) Dockton County Park: Closed the entire year.
- (19) Dosewallips State Park: Open April 1 through September 30 only in area defined by boundary markers and signs posted on the beach.
- (20) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands - Open May 15 through September 30.
- (21) Eagle Creek: Open July 1 through July 31.
- (22) East San De FCA: Closed the entire year.
- (23) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open April 1 through June 15.
- (24) Fort Ward State Park: Closed the entire year.
- (25) Freeland County Park: Closed the entire year.
- (26) Frye Cove County Park - Open January 1 through May 15.
- (27) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.

- (28) Gertrude Island - All tidelands at Gertrude Island closed the entire year.
- (29) Golden Gardens: Closed the entire year.
- (30) Graveyard Spit: Closed the entire year.
- (31) Harrington Beach: Closed the entire year.
- (32) Hoodsport: Tidelands at Hoodsport Salmon Hatchery are closed the entire year.
- (33) Hope Island State Park (South Puget Sound): Open April 1 through May 31.
- (34) Howarth Park: Closed the entire year.
- (35) Illahee State Park: Open April 1 through July 31.
- (36) Kayak Point County Park: Closed the entire year.
- (37) Kitsap Memorial State Park: Open May 15 through July 15.
- (38) Kopachuck State Park: Open June 1 through July 31.
- (39) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.
- (40) Lincoln Park: Closed the entire year.
- (41) Lions Park (Bremerton): Closed the entire year.
- (42) Little Clam Bay: Closed the entire year.
- (43) Lower Roto Vista Park: Closed the entire year.
- (44) Manchester State Park: Closed the entire year.
- (45) McNeil Island - All tidelands on McNeil Island are closed the entire year.
- (46) Meadowdale County Park: Closed the entire year.
- (47) Mee-Kwa-Mooks Park: Closed the entire year.
- (48) Monroe Landing: Closed the entire year.
- (49) Mukilteo State Park - Closed the entire year.
- (50) Mystery Bay State Park: Open October 1 through April 30.
- (51) Nisqually National Wildlife Refuge: Closed the entire year.
- (52) North Beach County Park: Closed the entire year.
- (53) North Fort Lewis: Closed the entire year.
- (54) North Point Hudson: Closed the entire year.
- (55) Northeast Cultus Bay: Closed the entire year.
- (56) Oak Bay County Park: Open July 1 through August 31.
- (57) Oak Harbor City Park: Closed the entire year.
- (58) Old Man House State Park: Closed the entire year.
- (59) Olympia Shoal: Closed the entire year.
- (60) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except as follows:
- (a) North Bay: State-owned oyster reserves open the entire year.
- (b) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers open the entire year.
- (c) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.
- (61) Penrose Point State Park: Open March 1 through May 31.
- (62) Picnic Point County Park: Closed the entire year.
- (63) Pitship Point: Closed the entire year.
- (64) Pitt Island - All tidelands on Pitt Island are closed the entire year.
- (65) Pleasant Harbor State Park: Closed the entire year.
- (66) Point Whitney (excluding Point Whitney Lagoon): Open March 1 through June 30.
- (67) Point Whitney Lagoon: Open July 1 through July 31.
- (68) Port Angeles Coast Guard: Closed the entire year.
- (69) Port Angeles Harbor: Closed the entire year.
- (70) Port Gardner: Closed the entire year.
- (71) Port Townsend Ship Canal/Portage Canal: Open January 1 through May 31.
- (72) Post Point: Closed the entire year.
- (73) Potlatch DNR tidelands: Open April 1 through August 31.
- (74) Potlatch East: Open April 1 through August 31.
- (75) Potlatch State Park: Open April 1 through August 31.
- (76) Priest Point County Park: Closed the entire year.
- (77) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.
- (78) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset only.
- (79) Reid Harbor - South Beach: Closed the entire year.
- (80) Retsil: Closed the entire year.
- (81) Rendsland Creek: Open January 1 through June 30.
- (82) Richmond Beach Saltwater Park: Closed the entire year.
- (83) Saltwater State Park: Closed the entire year.
- (84) Samish Beach: Closed the entire year.
- (85) Scenic Beach State Park: Open April 15 through May 15.
- (86) Seahurst County Park: Closed the entire year.
- (87) Semiahmoo: Closed the entire year.
- (88) Semiahmoo County Park: Closed the entire year.
- (89) Sequim Bay State Park - Open May 1 through July 15.
- (90) Shine Tidelands State Park: Open January 1 through May 15.
- (91) Silverdale County Park: Closed the entire year.
- (92) Sinclair Inlet: Closed the entire year.
- (93) Skagit Wildlife Area: Closed the entire year.
- (94) South Carkeek Park: Closed the entire year.
- (95) South Dougall Point: Closed the entire year.
- (96) South Gordon Point: Closed the entire year.
- (97) South Indian Island County Park: Open April 1 through June 30.
- (98) South Mukilteo Park: Closed the entire year.
- (99) South Oro Bay: Closed the entire year.
- (100) South Point Wilson (Port Townsend): Closed the entire year.
- (101) Southworth Ferry Dock: Closed the entire year.
- (102) Spencer Spit State Park: Open March 1 through July 31.

(103) Suquamish (Old Man House): Closed the entire year.

(104) Taylor Bay: Closed the entire year.

(105) Triton Cove Tidelands: Open May 1 through September 30.

(106) Twanoh State Park: Open August 1 through September 30.

(107) Walker County Park: Closed the entire year.

(108) West Dewatto: DNR Beach 44A open August 1 through September 30.

(109) West Pass Access: Closed the entire year.

(110) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.

(111) Wolfe Property State Park: Open January 1 through May 15.

(112) Woodard Bay: Closed the entire year.

It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending WSR 08-07-003, filed 3/5/08, effective 4/5/08)

WAC 220-56-380 Oysters—Areas and seasons. (~~It is lawful to~~) A person can take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

- (1) Alki Park (~~= Closed the entire year~~).
- (2) Alki Point: Closed the entire year.
- (3) Bangor: Closed the entire year.
- (4) Bay View State Park: Closed the entire year.
- (5) Brown Point (DNR 57-B): Closed the entire year.
- (6) Brown's Point Lighthouse: Closed the entire year.
- (7) Chuckanut: Closed the entire year.
- (8) Coupeville: Closed the entire year.
- (9) Cushman (Saltwater) Park: Open year-round.
- (10) Dash Point State Park: Closed the entire year.
- (11) Dave Mackie County Park: Closed the entire year.
- (12) Des Moines City Park: Closed the entire year.
- (13) Discovery Park: Closed the entire year.
- (14) DNR-79: Closed the entire year.
- (15) DNR-85: Closed the entire year.
- (16) DNR-142: Closed the entire year.
- (17) DNR 144 (Sleeper): Closed the entire year.
- (18) Dockton County Park: Closed the entire year.
- (19) East San De Fuca: Closed the entire year.
- (20) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open April 1 through June 15.
- (21) Fort Ward State Park: Closed the entire year.
- (22) Freeland County Park: Closed the entire year.

(23) Frye Cove County Park: Open January 1 through May 15.

(24) Golden Gardens: Closed the entire year.

(25) Graveyard Spit: Closed the entire year.

(26) Harrington Beach: Closed the entire year.

(27) Hoodsport: Tidelands at the Hoodsport Salmon Hatchery are closed the entire year.

(28) Hope Island State Park (South Puget Sound): Open April 1 through May 31.

(29) Howarth Park: Closed the entire year.

(30) Illahee State Park: Open April 1 through July 31.

(31) Kitsap Memorial State Park: Open May 15 through August 15.

(32) Kopachuck State Park: Open March 1 through July 31.

(33) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.

(34) Lincoln Park: Closed the entire year.

(35) Lions Park (Bremerton): Closed the entire year.

(36) Little Clam Bay: Closed the entire year.

(37) Lower Roto Vista Park: Closed the entire year.

(38) Manchester State Park: Closed the entire year.

(39) Meadowdale County Park: Closed the entire year.

(40) Mee-Kwa-Mooks Park: Closed the entire year.

(41) Monroe Landing: Closed the entire year.

(42) Mukilteo State Park: Closed the entire year.

(43) Mystery Bay State Park: Open October 1 through April 30.

(44) Nisqually National Wildlife Refuge: Closed the entire year.

(45) North Beach County Park: Closed the entire year.

(46) North Fort Lewis: Closed the entire year.

(47) North Point Hudson: Closed the entire year.

(48) Northeast Cultus Bay: Closed the entire year.

(49) Oak Bay County Park: Open July 1 through August 31.

(50) Oak Harbor Beach Park: Closed the entire year.

(51) Oak Harbor City Park: Closed the entire year.

(52) Old Man House State Park: Closed the entire year.

(53) Olympia Shoal: Closed the entire year.

(54) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:

(a) Oakland Bay - Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers - open the entire year.

(b) North Bay - State-owned reserves open the entire year.

(c) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(55) Penrose Point State Park: Open March 1 through May 31.

(56) Picnic Point: Closed the entire year.

(57) Pleasant Harbor State Park: Closed the entire year.

(58) Port Angeles Coast Guard: Closed the entire year.

(59) Port Angeles Harbor: Closed the entire year.

- (60) Port Gardner: Closed the entire year.
- (61) Port Townsend Ship Canal/Portage Canal: Open January 1 through May 31.
- (62) Post Point: Closed the entire year.
- (63) Potlatch DNR Tidelands: Open April 1 through August 31.
- (64) Potlatch East: Open April 1 through August 31.
- (65) Potlatch State Park: Open April 1 through August 31.
- (66) Priest Point County Park: Closed the entire year.
- (67) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset, only.
- (68) Reid Harbor - South Beach: Closed the entire year.
- (69) Retsil: Closed the entire year.
- (70) Richmond Beach Saltwater Park: Closed the entire year.
- (71) Saltwater State Park: Closed the entire year.
- (72) Samish Beach: Closed the entire year.
- (73) Seahurst County Park: Closed the entire year.
- (74) Scenic Beach State Park: Open April 15 through May 15.
- (75) Semiahmoo: Closed the entire year.
- (76) Semiahmoo County Park: Closed the entire year.
- (77) Shine Tidelands State Park: Open January 1 through May 15.
- (78) Silverdale County Park: Closed the entire year.
- (79) Sinclair Inlet: Closed the entire year.
- (80) Skagit Wildlife Area: Closed the entire year.
- (81) South Carkeek Park: Closed the entire year.
- (82) South Dougall Point: Closed the entire year.
- (83) South Gordon Point: Closed the entire year.
- (84) South Indian Island County Park: Open April 1 through June 30.
- (85) South Mukilteo Park: Closed the entire year.
- (86) South Oro Bay: Closed the entire year.
- (87) South Point Wilson (Port Townsend): Closed the entire year.
- (88) Southworth Ferry Dock: Closed the entire year.
- (89) Suquamish (Old Man House): Closed the entire year.
- (90) Taylor Bay: Closed the entire year.
- (91) Walker County Park: Closed the entire year.
- (92) West Pass Access: Closed the entire year.
- (93) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.
- (94) Woodard Bay: Closed the entire year.
- (95) Wolfe Property State Park: Open January 1 through May 15.

AMENDATORY SECTION (Amending Order 08-165, filed 7/3/08, effective 8/3/08)

WAC 220-56-500 Game fish seasons. It is unlawful to fish for game fish except during open seasons or open time periods.

(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: 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 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; except 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. 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.

AMENDATORY SECTION (Amending WSR 08-07-003, filed 3/5/08, effective 4/5/08)

WAC 232-12-168 Fishing contests. (1) Contest defined: By definition, a fishing contest exists when 6 or more licensed persons fish competitively and determine winners, regardless of prize value.

(2) Application:

(a) Fishing contest permit applications should be submitted to the department by ((November)) July 1 of each year for contests that are to take place the following calendar year. After ((November)) July 1, applications must be submitted not less than 30 days prior to the date for which the contest is proposed.

(b) Applications must include the permit fee required by RCW 77.65.480. The fee will be returned if the permit is denied. No more than seven permits will be issued to any one permittee during a calendar year. The fee is \$24 per permit.

(c) For purposes of application for a fishing contest permit, "permittee" means a "person" as defined in RCW 77.08.-010. All applications from a permittee must be in a single name.

(3) Approval:

(a) Fishing contests which adversely affect fish or wild-life resources or other recreational opportunity may be denied.

(b) Contests will not be allowed on sea-run cutthroat trout, wild steelhead, Dolly Varden or bull trout.

(c) During fishing contests, where anglers target tiger muskies, no retention of caught fish is allowed. Tiger muskies may be caught, measured for length, photographed and all fish must be immediately released alive.

(4) Prize value: Total prize value per contest will not exceed \$5,000 when trout, steelhead, char, whitefish, grayling, tiger muskie, or kokanee are included as target species; provided that contests wherein other species not listed above are targeted, or where bass or walleye are the targeted species and at least 90 percent of bass or walleye are released alive and in good condition after the contest, may qualify for no limitation on amount of prize.

(5) Legal requirements, all contests:

(a) Fishing contest permits must be in the possession of the contest sponsor or official at the contest site.

(b) Contests are restricted to the species and waters approved on the permit. Only those species listed as a target of the contest may be retained by contest participants during bass or walleye contests where all contestants fish at the same time and place.

(c) Sponsors must report contest information requested by the department within 30 days after the contest has ended. Subsequent contest permits will not be issued for one year after the date of the contest for which the report was not returned if this requirement is not fulfilled.

(d) Contest participants may not restrict public access at boat launches.

(e) Contests for bass and walleye where participants expect to fish at the same time from boats on lakes or reservoirs will not last longer than (~~three~~) four consecutive days and have the following limits per water:

ACRES	BOATS PER CONTEST	
	CONTESTS PER DAY	CONTEST DAY
Less than 300	1	15
301 - 3,000	1	35
3,001 - 6,000	2	75
6,001 - 10,000	2	120
More than 10,000	3	250

* No more than four weekend days per month nor more than two weekends per month may be scheduled on any water when contestants fish at the same time, and are allowed to fish from boats.

(f) It is unlawful for the fishing contest permittee or any of the contest participants to fail to comply with the conditions of the fishing contest permit, or of general fishing rules not specifically exempted by this permit. Failure of the permittee or any of the contestants to comply with all provisions of the contest permit or of other fishing regulations during a contest may lead to revocation of the permit and result in

denial of fishing contest permits to the permittee and related organizations or individuals sponsoring contests for two years.

(6) Special regulations, bass and walleye contests:

(a) In any contest targeting either bass or walleye, all live bass or walleye must be released alive into the water from which they were caught after being weighed and/or measured. At the end of each day's competition, if the mortality of target fish caught that day exceeds 10%, the contest will be suspended. Suspended contests may be continued (within assigned permit dates) only if the cause of the high mortality can be positively identified, and the cause of the mortality (high waves, equipment deficiency, etc.) ceases or is corrected by contest officials.

(b) During bass and walleye contests only, participants may continue to fish while holding up to five fish in possession, as long as one fish is released immediately upon catching a fish which would make the angler in excess of five fish if kept. The fish released may come either from the one just caught, or from the livewell, but at no time may the angler have more than five fish in the livewell.

(c) During bass contests, contestants may not use live bait.

(d) During bass and walleye contests participants may retain up to five bass and walleye of any size to be weighed in. A tournament angler may not be in possession of more than five bass or walleye from the water being fished, except as authorized under (6)(e) below.

(e) The contest director or director designee may exceed possession limits for bass or walleye for the purpose of transporting fish from a weigh-in site to an open-water area. During transportation, the transport boat must not leave the water the fish were caught from and a copy of the contest permit must be on board during actual fish transport.

(f) Boat identification: All boats used for fishing in bass and walleye contests must be clearly identified according to criteria established by the department.

(7) Aquatic invasive species decontamination. Prior to launching into any Washington state body of water:

(a) All contest participants are required to sign an aquatic invasive species decontamination statement that their boats and/or boat trailers have or have not been in physical contact with any waters outside of Washington state for thirty days immediately preceding the contest and, if the boat and/or trailer has been in contact with such waters, the participant must complete an aquatic invasive species decontamination report indicating that the following actions have been taken:

(i) A physical inspection has been made of the hull, motor, trailer, livewell and bilge by the contest director or designee, according to criteria established by the department; and

(ii) Any aquatic invasive species, if found, have been disposed of in a garbage container; and

(iii) The hull, motor, trailer, livewell, and bilge have been decontaminated according to criteria established by the department.

(b) The aquatic invasive species decontamination statement and decontamination report shall be submitted to the department as part of the fishing contest report.

AMENDATORY SECTION (Amending Order 08-165, filed 7/3/08, effective 8/3/08)

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.

(2) Freshwater terminal gear restrictions: In all waters with freshwater terminal gear restrictions, including, but not limited to, selective gear rules, whitefish gear rules, single point barbless hooks required, fly-fishing only, and (~~non-buoyant lure restrictions~~) **anti-snagging rules**, violation of the gear rules is an infraction, punishable under RCW 77.15.160. It is unlawful to possess fish taken with gear in violation of the freshwater terminal gear restrictions. Possession of fish while using gear in violation of the freshwater terminal gear restrictions is a rebuttable presumption that the fish were taken with such gear. Possession of such fish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.-370 Unlawful recreational fishing in the first degree.

(3) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Saturday before Memorial Day through October 31 season. Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(4) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season. Trout: No more than two over 15 inches in length may be retained per day.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: (~~June 1~~) The first Saturday in June through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an internal combustion motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Additional season October 1 through November 30 and March 1 through Friday before last Saturday in April. Selective gear rules. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Closed waters: From Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8 July 16 through September 15. Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and trout: Release trout.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: September 1 through October 31 season. (~~(Nonbuoyant lure restriction)~~) 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. Salmon: Open only June 14 through July 31 except closed 12:01 a.m. June 30 through 2:00 p.m. July 2 and 12:01 a.m. July 9 through 2:00 p.m. July 11. (~~(Nonbuoyant lure restriction)~~) Anti-snagging rule and night closure. Daily limit 2 sockeye salmon.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters except for salmon. Salmon: Open only June 14 through July 31 from Highway 20 Bridge upstream 250 feet. Daily limit 2 sockeye salmon. (~~(Nonbuoyant lure restriction)~~) Anti-snagging rule and night closure.

Banks Lake (Grant County): Chumming allowed. Perch: Daily limit twenty-five. Crappie: Daily limit 10, minimum size 9 inches in length.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): (~~(June 1)~~) The first Saturday in June through March 31 season. (~~(Nonbuoyant lure restriction)~~) Anti-snagging rule and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. All species: Release all fish except salmon and except up to two hatchery steelhead may be retained each day. From the Lime Quarry Road to the Longview Fiber Bridge: Selective gear rules (~~(June 1)~~) the first Saturday in June through March 31. All species: Release all fish except

up to two hatchery steelhead may be retained each day. Salmon: Open only September 1 through November 30 from mouth to Lime Quarry Road. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release adult Chinook. Upstream of Longview Fiber Bridge: Closed waters.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules. Trout: Maximum size 12 inches in length.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): (~~(June 1)~~) The first Saturday in June through August 31 season. Juveniles only.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): (~~(June 1)~~) 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. All species: Release all fish.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches. Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground: (~~(June 1)~~) The first Saturday in June through October 31 season and all game fish: Release all fish. From mouth

to Rodgers Street selective gear rules (~~(June 1)~~) the first Saturday in June through August 15 and closed waters August 16 through October 31. Rodgers Street to the Highway 101 Bridge: Selective gear rules (~~(June 1)~~) the first Saturday in June through August 15, one single point barbless hook August 16 through October 31, and night closure August 16 through October 31. From electric weir to upper boundary of Falls View Campground: Selective gear rules. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Daily limit 4 coho salmon. Only coho salmon hooked inside the mouth may be retained.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Big River (Clallam County): (~~(June 1)~~) The first Saturday in June through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Big Tiffany Lake (Okanogan County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Release all cutthroat.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black Lake (Thurston County): Crappie: Daily limit ten, minimum length nine inches.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. (~~(Nonbuoyant lure restriction)~~) Anti-snagging rule and night closure. Only anglers who permanently use a wheelchair may fish from posted signs above rearing pond to posted signs approximately 40 feet downstream at fence including the rearing pond outlet. Trout: Daily limit five. Minimum size 12 inches no more than two fish over 20 inches. Release wild cutthroat, wild steelhead and hatchery steelhead with clipped right ventral fin.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout:

No more than 2 trout over 13 inches in length may be retained.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season. Trout: Daily limit 8.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: (~~(June 1)~~) The first Saturday in June through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit three steelhead downstream from Highway 101 Bridge. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult Chinook. September 1 through October 31 the daily limit may contain no more than 2 adult Chinook, release wild adult coho, and selective gear rules. November 1 through November 30 the daily limit may contain no more than 2 adult Chinook or 2 adult wild coho or a combination of adult Chinook and adult wild coho.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boulder Creek and tributaries (Okanogan County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten, no minimum size. Release all cutthroat.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to waterfall approximately 2 miles upstream (including the portion flowing through the dry lakebed): Closed waters. From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply. May 15 through the last day of Free Fishing Weekend (as defined in WAC 220-55-160): Juveniles only.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules (~~(June 1)~~) the first Saturday in June through October 31. Whitefish: Additional December 1 through March 31 season. Whitefish gear rules apply.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): (~~(June 1)~~) The first Saturday in June through October 31 season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: (~~(June 1)~~) The first Saturday in June through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches.

November 1 through last day in February, daily limit three steelhead from mouth to Highway 101 Bridge. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult Chinook. September 1 through October 31 the daily limit may contain no more than 2 adult Chinook, release wild adult coho, and selective gear rules. November 1 through November 30 the daily limit may contain no more than 2 adult Chinook or 2 adult wild coho or a combination of adult Chinook and adult wild coho.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: (~~(June 1)~~) The first Saturday in June through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calispell Creek and tributaries: Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Camas Slough: Waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island. Season: Open when the adjacent mainstem Columbia or Washougal rivers are open to fishing for salmon. Daily limit same as most liberal regulation of either area.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Campbell Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: ~~((June 1))~~ The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

Canyon Creek (Whatcom County): Closed waters: Mouth to Canyon Creek Road Bridge.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. ~~((June 1))~~ The first Saturday in June through March 31 season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 1 through November 30. Trout: ~~((June 1))~~ The first Saturday in June through July 31 daily limit five, minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July 1 through October 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: September 1 through last day in February season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule, night closure and single point barbless hooks September 1 through November 30. Trout: Minimum length fourteen inches. Voight Creek to Highway 162 Bridge: July 1 through August 15 and December 1 through last day in February season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be adult hatchery Chinook. Release chum and wild adult Chinook salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: ~~((October 1))~~ June 1 through July 15 and September 16 through last day in February season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure June 1 through July 15 and September 16 through November 30. Trout: Trout except Dolly Varden/Bull Trout, minimum

length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open June 1 through July 15. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure. Daily limit 4 hatchery Chinook, of which no more than 2 may be adult hatchery Chinook. Open September 16 through November 30. Daily limit 4 coho salmon.

From the Rockport-Cascade Road Bridge upstream: ~~((June 1))~~ The first Saturday in June through last day in February season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cassidy Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to 100 feet upstream of the falls: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. ~~((June 1))~~ The first Saturday in June through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cedar Creek (Jefferson County): ~~((June 1))~~ The first Saturday in June through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Landsburg Road: ~~((June 1))~~ The first Saturday in June through August 31 season. Selective gear rules and night closure. Trout: Release all trout. Landsburg Road to Cedar Falls: Closed waters.

Cedar River (Pacific County): Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Chain Lake (Pend Oreille County): Last Saturday in April through October 31 season. Release kokanee.

Chambers Creek (Pierce County): July 1 through November 15 season. All species: Selective gear rules. Night closure

and ~~((nonbuoyant lure restriction))~~ anti-snagging rule. Trout: Release all trout.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Night closure and ~~((nonbuoyant lure restriction))~~ 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.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): ~~((June 1))~~ The first Saturday in June through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open September 16 through September 30 from mouth to Lakeside Industries Tower in Aberdeen, approximately 1.25 miles upstream of mouth. Daily limit 6 fish, of which no more than 2 may be adult salmon, and of which only 1 may be a wild adult coho. Release chum and adult Chinook. Bait prohibited and fishing from any floating device prohibited. Open October 1 through October 15 from mouth to high bridge. Daily limit 6 fish, of which no more than 2 may be adult salmon, and of which only 1 may be a wild adult coho. Release chum and adult Chinook. Open October 16 through January 31 from mouth to high bridge. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook. Sturgeon: Open year-round, and no night closure from mouth to high bridge on Weyerhaeuser 1000 line.

From the High Bridge on Weyerhaeuser 1000 line, upstream, including all forks and tributaries: ~~((June 1))~~ The first Saturday in June through April 15 season. Selective gear rules. All species: Release all fish, except up to two hatchery steelhead may be retained per day.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort School: ~~((June 1))~~ The first Saturday in June through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Ste-

hekin 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 species: Release all fish. Salmon: Open only May 1 through May 31 south of a line from Purple Point to Painted Rocks: 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. Trout: Release wild cutthroat.

Chelan River (Chelan County): From the railroad bridge to the Chelan P.U.D. safety barrier below the power house: May 15 through August 31 season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule. Trout: Release all trout.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: ~~((June 1))~~ The first Saturday in June through August 15 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters ~~((June 1))~~ The first Saturday in June through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Whitefish gear rules apply.

Chikamin Creek (Chelan County): Selective gear rules.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: ~~((June 1))~~ The first Saturday in June through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Release all cutthroat. Additional season November 1 through May 31. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Salmon: Open year around. Salmon minimum size 8 inches. January 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild coho and wild Chinook. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release wild coho.

Cispus River, North Fork (Lewis County): Selective gear rules. Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): ~~((June 1))~~ The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Creek (Chelan County): Closed waters.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: ~~((June 1))~~ The first Saturday in June through April 15 season. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Clearwater River (Pierce County): July 1 through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Year-round season. Selective gear rules, except December 1 through March 31 bait and one single point barbed hook three-sixteenths or smaller point to shank may be used. Trout: Release all trout. Above Cle Elum Lake to outlet of Hyas Lake except Tucquala Lake: Selective gear rules.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: ~~((June 1))~~ The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: ~~((June 1))~~ 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): ~~((June 1))~~ The first Saturday in June through August 31 season. Juveniles only.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through September 30 season. Selective gear rules except internal combustion motors allowed. Trout: Daily limit one, minimum length eighteen inches. Crappie: Daily limit ten, minimum length nine inches.

Coldwater Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Collins Lake (Mason County): Last Saturday in April through October 31 season.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only. Trout: Daily limit three fish. Mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only.

Columbia Park Pond (Benton County): Juveniles and holders of reduced fee disability licenses only. All species: Daily limit of five fish combined.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Below McNary Dam: Daily limit five fish, bass 12 to 17 inches in length may be retained. Up to but not more than three of the daily limit may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Whitefish: Daily limit 15 fish. All other game fish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington except Camas Slough, where the license of either state is valid when fishing from a floating device.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10, upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank: Trout: Release ~~((wild cutthroat release))~~ all trout ~~((April 1 through July 31))~~ except hatchery steelhead. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon season

openings. Salmon and steelhead: Open only August 1 through March 31. August 1 through September 1, daily limit 2 salmon or 2 hatchery steelhead or one of each; of the adult salmon, ((of which)) only 1 may be a Chinook. Release chum, sockeye, wild coho, Chinook less than 24 inches in length, and coho less than 16 inches in length. September 2 through September 30, daily limit 2 hatchery coho ~~((only))~~ or 2 hatchery steelhead or one of each. Release coho less than 16 inches in length. October 1 through December 31, daily limit 6 ~~((hatchery coho))~~ fish, of which no more than 2 may be adult hatchery coho or hatchery steelhead or one of each. Release all salmon except hatchery coho. January 1 through March 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each. Release chum, sockeye, wild coho and wild Chinook. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings, with barbed hooks allowed; and the daily limit is the more liberal if both areas are open. Sturgeon: Release sturgeon May 1 through May 9 and June 25 through December 31. Minimum size when open to retain sturgeon is 42 inches January 1 through April 30, and 45 inches May 10 through June 24. Bottomfish: Daily limits, seasons, size restrictions and gear restrictions are the same as those in the adjacent portion of Marine Area 1.

From a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank, upstream to the I-5 Bridge: Trout: Release ~~((wild))~~ all trout except hatchery steelhead and hatchery cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon and steelhead: Open only May 16 through March 31. May 16 through June 15 daily limit 6 fish, of which no more than 2 may be hatchery steelhead. Release all salmon except hatchery jack Chinook. June 16 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon or adult steelhead or one of each. Release sockeye, chum, wild coho, and adult Chinook, except adult Chinook may be retained June 21 through June 28. August 1 through August 31, daily limit 6 ~~((hatchery coho))~~ fish, of which no more than 2 may be adult hatchery coho or hatchery steelhead or one of each. Release all salmon except hatchery coho. September 1 through September 16, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each; and of the adult ~~((fish))~~ salmon, only 1 may be an adult Chinook. Release sockeye, chum, wild coho, and Chinook downstream of a line from the boundary marker on lower end of Bachelor Island to the Warrior Rock Lighthouse, and upstream of a line from Light Number 62 on Deer Island to Light Number 63 on the lower end of Martin Island. September 17 through December 31, daily limit 6 ~~((hatchery coho))~~ fish, of which no more than 2 may be adult hatchery coho or hatchery steelhead or one of each. January 1 through March 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each. Release sockeye, chum, wild coho, and wild Chinook. (1) Release sturgeon May 1 through May 9 and June 25 through December 31 downstream from the Wauna powerlines. Minimum size when open to retain sturgeon is 42 inches January 1

through April 30, and 45 inches May 10 through June 24; (2) I-5 Bridge downstream to Wauna powerlines, lawful to retain sturgeon only on Thursdays, Fridays, Saturdays, and Sundays from January 1 through July 31, and October 1 through December 31. Release sturgeon on other days and during other time periods.

From the I-5 Bridge to the Highway 395 Bridge at Pasco: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder, and closed to fishing from a floating device or fishing by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. August 1 through October 15: ~~((Non-buoyant lure restriction and night closure))~~ Salmon and steelhead: Anti-snagging rule from Bonneville Dam to ((The Dalles)) McNary Dam. All species: Night closure from Bonneville Dam to The Dalles Dam. Trout: ~~((Release wild cutthroat from I-5 Bridge to Bonneville Dam.))~~ Release all trout ((April 1 through June 15)) except hatchery steelhead. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Snake River Confluence Protection Area: From the first powerline crossing the Columbia upstream of Sacajawea State Park to the railroad bridge between Burbank and Kennewick: All species: Daily limits, seasons, size restrictions and gear restrictions are the same as those in the adjacent portion of the Snake River. Sturgeon: (1) Sturgeon fishing is closed from Bonneville Dam to a line from a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island (the Cascade Island - Bradford Island line). (2) It is unlawful to fish for sturgeon from May 1 through July 31 from Cascade Island - Bradford Island line downstream to a line from navigation marker 85 on the Washington shore at a right angle to the thread of the river to the Oregon shore, from 400 feet below McNary Dam to the Highway 82 Bridge and from John Day Dam downstream to a line crossing the Columbia at a right angle to the thread of the river from the west end of the grain silo at Rufus, Oregon. (3) Cascade Island - Bradford Island line downstream to I-5 Bridge, lawful to retain sturgeon only on Thursdays, Fridays, Saturdays, and Sundays from January 1 through July 31 and October 1 through December 31, except for May 1 - July 31 closure to the navigation marker 85 line and the closure to the Highway 82 Bridge. Release sturgeon on other days and during other time periods. (4) Release sturgeon August 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. (5)

From the Hamilton Island boat launch (USACE boat restricted zone boundary) to Bonneville Dam, anglers must stop fishing for sturgeon once a daily limit has been retained. Salmon and steelhead: From I-5 Bridge to Bonneville Dam: Open only June 16 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. June 16 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each. Release sockeye, chum, wild coho, and adult Chinook, except adult Chinook may be retained June 21 through June 28. August 1 through August 31, daily limit 6 hatchery ~~((coho))~~ fish, of which no more than 2 may be adult hatchery coho or hatchery steelhead or one of each. Release all salmon except hatchery coho. September 1 through September 16, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each; and of the adult ~~((fish))~~ salmon, only 1 may be an adult Chinook. Release sockeye, chum, and wild coho. September 17 through December 31, daily limit 6 ~~((hatchery coho))~~ fish, of which no more than 2 may be adult hatchery coho or hatchery steelhead or one of each. From Bonneville Dam to McNary Dam: Open only June 16 through December 31. Daily limit 6 fish, of which only 2 may be adult salmon or hatchery steelhead or one of each. Release sockeye. Steelhead: Additional season January 1 through March 31. Daily limit 2. August 1 through December 31, release chum. August 1 through December 31, release wild coho from Bonneville Dam to Hood River Bridge. From McNary Dam to the Highway 395 Bridge at Pasco: Open only June 16 through December 31; daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each. Release sockeye. Steelhead: Additional season January 1 through March 31. Daily limit 2.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold Area Bank Fishery waters: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout, except up to two hatchery steelhead having both adipose and ventral fin clips may be retained per day, October 1 through October 31. Release all trout, except up to two hatchery steelhead may be retained per day, November 1 through March 31. Salmon: Open only June 16 through October 22. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release sockeye. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Ringold Area Bank Fishery waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet, to WDFW markers 1/2 mile upstream from Spring Creek): Open only April 1 through April 15, except closed for salmon fishing. Fishing allowed only from the bank and only on the hatchery side of the river. Trout: Release all fish, except hatchery steelhead. Salmon: Open only May 1 through May 31. Fishing allowed only from the bank and only on the hatchery side of the river. Daily limit two hatchery Chinook. Night closure and ~~((nonbuoyant lure restriction))~~ anti-snagging rule.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): February 1 through October 22 season. Trout:

Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only June 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon. Release sockeye.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only June 16 through October 22. Daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device between the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. All species: ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure from Rocky Reach Dam to the most upriver edge of Turtle Rock. Salmon: Daily limit 6 fish, of which no more than 2 may be adult salmon. Release coho and sockeye. From Priest Rapids Dam to Wells Dam, open only July 1 through October 15. From Wells Dam to Chief Joseph Dam, open only July 1 through July 15 and September 1 through October 15 from Highway 173 Bridge at Brewster to Highway 17 Bridge at Bridgeport, and July 16 through August 31 from Wells Dam to Highway 17 Bridge at Bridgeport. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: Daily limit 8 fish. No minimum size. Not more than one walleye greater than 22 inches may be retained. Sturgeon: Unlawful to fish for or retain sturgeon.

From bridge at Valley upstream and tributaries: Saturday before Memorial Day through October 31 season. Selective gear rules.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

Copalis River (Grays Harbor County): (~~June 1~~) The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and adult Chinook.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cottonwood Creek (Walla Walla County): Closed waters.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): (~~June 1~~) The first Saturday in June through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: (~~June 1~~) The first Saturday in June through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. From Mulholland Creek upstream: (~~June 1~~) The first Saturday in June through August 31 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): (~~June 1~~) The first Saturday in June through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Release rain-

bow trout except rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: Open only June 1 through last day in February. January 1 through last day in February and June 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild coho and wild Chinook. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release wild coho.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Closed waters: (1) From 400 feet or posted markers below Cowlitz salmon hatchery barrier dam to boundary markers near the Cowlitz salmon hatchery water intake approximately 1,700 feet upstream of the Cowlitz salmon hatchery barrier dam. (2) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam. (3) Within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure except anglers who permanently use a wheelchair may fish within posted markers when adjacent waters are open. Year-round season except closed to fishing from south bank May 1 through June 15 from Mill Creek to the Cowlitz salmon hatchery barrier dam. Lawful to fish up to four hundred feet or the posted deadline at the Cowlitz salmon hatchery barrier dam. Lawful to fish up to Tacoma Power safety signs at Onion Rock below Mossyrock Dam. Lawful to fish up to Lewis County P.U.D. safety signs below Cowlitz Falls Dam. From the Cowlitz salmon hatchery barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. (~~Nonbuoyant lure restriction~~) Anti-snagging rule and night closure April 1 through October 31 from mouth of Mill Creek to the Cowlitz salmon hatchery barrier dam. All game fish: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Release all steelhead missing right ventral fin. Salmon: Open year-round. January 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release all salmon except hatchery Chinook and hatchery coho. August 1 through December 31, daily limit 6 fish. Release all salmon except hatchery coho and hatchery jack Chinook. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

From posted PUD sign on Peters Road to mouth of Ohanepecosh River and mouth of Muddy Fork: Trout: Release cutthroat. Additional November 1 through May 31 season. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Salmon: Open year-round from upstream boundary of Lake Scanewa. Salmon minimum size 12 inches. January 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild coho and wild Chinook. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release wild coho.

Cowlitz River, Clear and Muddy Forks (Lewis County): Selective gear rules. Trout: Release cutthroat.

Coyote Creek and Ponds (Adams County): April 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: April 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln/Grant counties) and tributaries: Year-round season. In those waters from Grant County Road 7 to the fountain buoy and shoreline markers or 150 feet downstream of the Alder Street fill March 1 through May 31 terminal gear restricted to one single hook measuring 3/4 inch or less point to shank. Year-round: Daily limits and size limits same as Moses Lake. From Moses Lake downstream to the confluence of the outlet streams March 1 through May 31 terminal gear restricted to one single-point hook measuring 3/4 inch or less point to shank. Year-round: Daily limits and size limits same as Potholes Reservoir.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Curley Creek (Kitsap County): (~~June 4~~) The first Saturday in June through October 31 season. Trout: Minimum length fourteen inches.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Dalton Lake (Franklin County): Trout: No more than two over 13 inches in length may be retained.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules. All species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only. Trout: No more than 2 trout over 13 inches in length may be retained.

Deadman Lake (Adams County): April 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Land-locked salmon rules apply.

Deep Creek (Clallam County): December 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead may be retained per day.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

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 4 may be adult salmon, and of the adult salmon, 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): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): March 1 through October 31 season. Trout: No more than two over thirty inches in length may be retained.

De Roux Creek (Kittitas County): Mouth to the USFS Trail #1392 (De Roux Cr. Trail) stream crossing (approximately one river mile): Closed waters. Upstream of USFS Trail #1392 stream crossing: Selective gear rules.

Deschutes River (Thurston County): Closed waters: From 400 feet below lowest Tumwater Falls fish ladder to Old Highway 99 Bridge. From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park: ~~((June 1))~~ The first Saturday in June through March 31 season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through October 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. All game fish: Release all fish except hatchery steelhead. Salmon: Open only July 1 through October 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Selective gear rules. Game fish: Release all fish. Salmon: Open only September 16 through October 31 mouth to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (Clallam County): ~~((June 1))~~ The first Saturday in June through April 30 season in mainstem Dickey outside Olympic National Park and East Fork Dickey upstream to D5200 road and ~~((June 1))~~ the first Saturday in June through March 15 in East Fork Dickey upstream from D5200 road and West Fork Dickey. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult Chinook. September 1 through October 31 the daily limit may contain no more than 2 adult Chinook, release wild adult coho, and selective gear rules. November 1 through November 30 the daily limit may contain no more than 2 adult Chinook or 2 adult wild coho or a combination of adult Chinook and adult wild coho.

Dillacort Creek (Klickitat County): Trout: Release all trout.

Dog Lake (Yakima County): Trout: Daily limit may contain not more than 1 fish over 14 inches in length.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: ~~((June 1))~~ 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 ~~((June 1))~~ 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.

Downs Lake (Lincoln/Spokane counties): March 1 through September 30 season. Crappie: Daily limit ten, minimum length nine inches.

Dry Creek (Walla Walla County): Upstream from the middle Waitsburg Road: Closed waters.

Dry Falls Lake (Grant County): April 1 through November 30 season. Selective gear rules. 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: ~~((June 1))~~ 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 ~~((June 1))~~ 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.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness rivers: October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 4 coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one fish.

Early Winters Creek (Okanogan County): Closed waters.

East Little Walla Walla River (Walla Walla County): Closed waters.

East Twin River (Clallam County): Trout: Minimum length fourteen inches.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: ~~((June 1))~~ The first Saturday in June through last day in February season. Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from Highway 105 Bridge to the confluence of the East and Middle Branches. October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon; and of the adult fish, only 1 may be an adult wild coho. Release adult Chinook, and chum. October 16 through November 30, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season. All species: Catch and release except up to five rainbow trout may be retained.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: ~~((June 1))~~ The first Saturday in June through March 15 season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure September 1 through October 31. Stationary gear restriction September 1 through October 31. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only September 1 through December 31. September 1 through October 15, daily limit 6 fish, of which no more than 4 may be adult coho. Release chum, wild coho, wild Chinook, and hatchery adult Chinook. October 16 through December 31, daily limit 6 fish, of which no more than 2 may be adult coho. Release chum, wild coho, wild Chinook, and hatchery adult Chinook.

Eloika Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Dam downstream two hundred feet.

From mouth to two hundred feet below the south spillway on the Aldwell Dam: October 1 through last day in Feb-

ruary season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to Olympic National Park boundary, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Whitefish gear rules apply. Above Entiat Falls: Selective gear rules. Trout: Daily limit 5 trout, not more than one of which may be greater than 12 inches in length. Eastern brook trout not included in trout daily limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Ephrata Lake (Grant County): Closed waters.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season. Trout: No more than two over 15 inches in length may be retained per day.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

~~((From mouth to Highway 530 Bridge: Year-round season. Trout: Minimum length fourteen inches.~~

~~Upstream from Highway 530 Bridge:))~~ 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: ~~((June 1))~~ The first Saturday in June through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

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.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): ~~((June 1))~~ 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. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Pond, North (Snohomish County): Juveniles only.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): ~~((June 1))~~ The first Saturday in June through March 31 season. Selective gear rules. All species: Release all fish.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Golf Course Pond (Asotin County): Trout: No more than 2 trout over 13 inches in length may be retained.

Goodman Creek (Jefferson County) outside Olympic National Park: ~~((June 1))~~ The first Saturday in June through last day in February season. Trout, minimum length fourteen inches.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Daily limit ten, minimum length nine inches. Bluegill: Not more than five over six inches in length.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches. Channel catfish: No daily limit mouth to Oregon state line.

From County Road Bridge upstream to Oregon state line and all tributaries: ~~((June 1))~~ The first Saturday in June through October 31 season. Selective gear rules, ~~((June 1))~~ the first Saturday in June through August 31 and barbless hooks required September 1 through October 31. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: ~~((September 1))~~ First Saturday in June through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: ~~((September 1))~~ First Saturday in June through October 15 and

December ~~((15))~~ 1 through March 15 season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule, night closure and stationary gear restriction September 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 fish, of which no more than four may be adult salmon, and of the 4 adults, only 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. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: ~~((June 1))~~ The first Saturday in June - ~~((August 31))~~ October 15 season. All species: Release all fish except up to two hatchery steelhead may be retained. Trout: Additional December ~~((15))~~ 1 through March 15 season downstream from hatchery intake footbridge. Release all fish other than hatchery steelhead. Salmon: Additional September 1 through October 15 season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule, night closure and stationary gear restriction. Daily limit 6 fish of which not more than 4 may be adult salmon, and of the 4 adults, only 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 all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: ~~((June 1))~~ The first Saturday in June through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet or posted signs above and below the salmon hatchery rack when the rack is installed in the river. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All species: When ~~((nonbuoyant lure restriction))~~ anti-snagging rule in effect, only fish hooked inside the mouth may be retained. Trout: Release all trout except hatchery steelhead. Salmon: Open August 1 through November 30. Daily limit 6 fish, of which not more than four may be adult coho. Release chum, wild coho, wild Chinook, and hatchery adult Chinook.

From 2800 Bridge to source: Closed waters.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to Tukwila International Boulevard/Old Highway 99: ~~((June 1))~~ The first Saturday in June through July 31 and September 16 through February 15 season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure September 16 through November

30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and September 16 through November 30, one wild steelhead per day may be retained. Salmon: Open only September 16 through December 31. Daily limit 6 fish, of which no more than 3 may be adult salmon. Release Chinook.

From Tukwila International Boulevard/Old Highway 99 to the Interstate 405 Bridge: ~~((June 1))~~ The first Saturday in June through July 31 and September 1 through February 15 season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure September 1 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and September 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only September 1 through December 31. Daily limit 6 fish, of which no more than 3 may be adult salmon, and only 1 may be a Chinook.

From the Interstate 405 Bridge to South 277th Street Bridge in Auburn: Open only ~~((June 1))~~ The first Saturday in June through July 31 and October 1 through February 15. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure October 1 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and October 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only October 1 through December 31. Daily limit 6 fish of which not more than 3 may be adult salmon. Release Chinook.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: Open only ~~((June 1))~~ The first Saturday in June through August 15 and October 16 through last day in February. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through last day in February. Trout, minimum length fourteen inches. July 1 through August 15 and October 16 through November 30, one wild steelhead per day may be retained. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than 3 may be adult salmon. Release Chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: ~~((June 1))~~ The first Saturday in June through last day in February season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. July 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only November 1 through December 31. Daily limit 2 chum.

Greenwater River (King County), from mouth to Greenwater Lakes: July 1 through October 31 season. Selective gear rules. Trout: Minimum length 14 inches.

Grimes Lake (Douglas County): ~~((June 1))~~ The first Saturday in June through August 31 season. Selective gear rules. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Halfmoon Lake (Adams County): April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hamilton Creek (Skamania County): Trout: Release all fish except up to two hatchery steelhead may be retained per day. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: (~~June 1~~) The first Saturday in June through August 31 season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): Last Saturday in April through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

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.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season. All species: Catch and release except up to five rainbow trout may be retained.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): April 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

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

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Creek (Spokane County): Hog Canyon Dam to Scroggie Road: Year-round season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), outside of Olympic National Park: May 16 through April 15 season. May 16 through May 31, open Wednesday through Sunday downstream from Willoughby Creek only. Willoughby Creek upstream to park boundary closed through May 31. Selective gear rules, except a person can fish from a floating device equipped with an internal combustion motor July 1 through August 31 from Olympic National Park upstream to DNR Oxbow Campground Boat Launch. Selective gear rules July 1 through October 15 from DNR Oxbow Campground Boat Launch to Willoughby Creek, (~~June 1~~) the first Saturday in June through October 15 from Willoughby Creek to Morgan's Crossing Boat Launch, (~~June 1~~) the first Saturday in June through November 30 from Morgan's Crossing Boat Launch to the mouth of South Fork, and December 1 through April 15 from DNR Oxbow Campground Boat Launch to mouth of South Fork. Trout: Minimum length fourteen inches. Catch and release during May, except up to two hatchery steelhead may be retained on open days. November 1 through February 15, daily limit three steelhead downstream from the Oxbow Campground Boat Launch. December 1 through April 15, downstream of DNR Oxbow Campground Boat Launch, one wild steelhead per day may be retained. Salmon: Open only May 16 through November 30 downstream of Willoughby Creek and October 16 through November 30 Willoughby Creek to Morgan's Crossing Boat Launch. Daily limit 6 fish of which no more than 2 may be adult salmon except May 16 through August 31 downstream of Willoughby Creek open Wednesday through Sunday only of each week, daily limit may contain no more than one adult salmon, and release wild Chinook. September 1 through October 15 from Willoughby Creek to DNR Oxbow Campground Boat Launch, release wild Chinook.

Hoh River South Fork (Jefferson County), outside Olympic National Park: (~~June 1~~) The first Saturday in June through April 15 season. Selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. December 1 through March 15, one wild steelhead per day may be retained.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): (~~June 1~~) The first Saturday in June through March 31 season. Fly fishing only. All species: Release all fish except that up to two hatchery steelhead per day may be retained.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): ~~((June 1))~~ The first Saturday in June through last day of February season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except release chum, wild coho, and adult Chinook.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humtulsips River (Grays Harbor County), from mouth to Highway 101 Bridge: ~~((June 1))~~ The first Saturday in June through March 31 season, except closed September 1 through September 30. Night closure and single-point barbless hooks required August 16 through November 30. Bait prohibited October 1 through October 15. Trout: Minimum length fourteen inches. Salmon: Open October 1 through January 31. October 1 through October 15, daily limit of 6 salmon, no more than two of which may be adult salmon. Release chum, wild coho, and adult Chinook. October 16 through January 31, daily limit of 6 salmon, not more than two of which may be adult salmon. Release chum, wild coho, and adult Chinook. From Highway 101 Bridge to forks: ~~((June 1))~~ The first Saturday in June through last day in February season. Night closure and single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Additional season March 1 through March 31. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained.

Humtulsips River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humtulsips Guard Station and Grisdale: ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Humtulsips River, West Fork (Grays Harbor County), from mouth to Donkey Creek: ~~((June 1))~~ The first Saturday in June through last day in February season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Additional season March 1 through March 31. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained.

Hutchinson Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion motors prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Indian Creek (Yakima County): From mouth to waterfall approximately six miles upstream (including the portion of the creek that flows through the dry lakebed): Closed waters. Upstream of waterfall: Eastern brook trout do not count as part of trout daily limit. Eastern brook trout: No minimum size and no daily limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Issaquah Creek (King County): ~~((June 1))~~ The first Saturday in June through August 31 season. Juveniles only.

Jackson Lake (Pierce County): Last Saturday in April through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only. Trout: No more than 2 trout over 13 inches in length may be retained.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): ~~((June 1))~~ The first Saturday in June through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: ~~((June 1))~~ The first Saturday in June through November 30 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult Chinook, and chum.

Johns Creek (Mason County): Closed waters.

Johns River (Grays Harbor County): Mouth to Ballon Creek: ~~((June 1))~~ The first Saturday in June through last day in February season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30. October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the adult salmon, only 1 may be an adult wild coho. Release chum and adult Chinook. October 16 through November 30, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.

Ballon Creek upstream, including North and South Forks: ~~((June 1))~~ The first Saturday in June through September 30 and December 1 through last day in February season. Trout: Minimum length 14 inches.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to waterfall approximately one-half mile above Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: Closed waters: Those waters within the section posted as the Olympic National Park water supply ~~((June 1))~~ the first Saturday in June through last day in February sea-

son. Selective gear rules. Trout: Minimum length fourteen inches.

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year-round season except during the period the temporary fish rack is installed. Waters from Modrow Bridge downstream to one thousand five hundred feet below the rack are closed waters when the rack is installed. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure April 1 through October 31 from the mouth to the intake at the lower salmon hatchery. Stationary gear restriction September 1 through October 31 from mouth to the natural gas pipeline at Mahaffey's Campground. All species: When ~~((nonbuoyant lure restriction))~~ anti-snagging rule in effect only fish hooked inside the mouth may be retained. Fishing from a floating device equipped with a motor prohibited upstream of Modrow Bridge. September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. All game fish: Release all fish year-round except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31, daily limit 6 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 4 may be adult salmon, and of the adult salmon only 2 may be adult Chinook. Release chum, wild jack Chinook, and wild coho. October 1 through December 31, release adult Chinook upstream of natural gas pipeline crossing.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year-round season. Fishing from a floating device equipped with a motor prohibited. Selective gear rules. All species: Release all fish.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: ~~((June 1))~~ The first Saturday in June through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. All species: Release all fish.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

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): ~~((June 1))~~ The first Saturday in June through August 31 season. Juveniles only.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: ~~((June 1))~~ The first Saturday in June through last day in February season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30

from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

~~((June 1))~~ The Saturday before Memorial Day through October 31 season. All species: Selective gear rules. Trout: Minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. White-fish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kiwanis Pond (Kittitas County): Juveniles and holders of disability licenses only.

Klaus Lake (King County): Last Saturday in April through October 31 season. Closed waters: The inlet and outlet to first Weyerhaeuser spur.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: April 1 through January 31 season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure May 1 through May 31. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule August 1 through January 31. Game fish: Closed December 1 through January 31. Release game fish other than steelhead April 1 through May 31. Trout: Minimum length twelve inches. Steelhead and salmon: Open April 1 through May 31 on Mondays, Wednesdays and Saturdays only; daily limit 1 hatchery steelhead or 1 salmon. Release wild Chinook. Salmon: June 1 through January 31 daily limit 6 fish of which no more than 2 may be adult salmon. Release wild Chinook June 1 through July 31.

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to the Yakama Indian Reservation boundary: ~~((June 1))~~ The first Saturday in June 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. 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 November 30: Daily limit 6 fish of which no more than 2 may be adult salmon. Release Chinook November 1 through November

30. Additional December 1 through March 31 season. White-fish gear rules apply.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater may be retained. Salmon: Landlocked salmon rules apply.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): ~~((June 1))~~ The first Saturday in June through ~~((last day in February))~~ October 31 season. Trout: Release all ~~((fish))~~ trout except up to two hatchery steelhead may be retained per day.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Closed waters.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Le Clerc Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than one over 14 inches in length.

Lemna Lake (Grant County): April 1 through September 30 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. 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. All species: Release all fish. Additional season ((~~June 1~~) the first Saturday in June through November 30: Selective gear rules. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31, daily limit six fish of which not more than 2 may be adult salmon. Release sockeye, wild Chinook, and wild coho. August 1 through December 31, daily limit 6 hatchery coho, of which no more than 4 may be adult hatchery coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream including all tributaries above Horseshoe Falls.

Mouth to 400 feet below Horseshoe Falls: ((~~June 1~~) The first Saturday in June through March 15 season. Trout: Release all trout except up to two hatchery steelhead per day may be retained. Mouth to top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Selective gear rules. Release all fish except up to two hatchery steelhead may be retained per day.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year-round season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. ((~~Nonbuoyant lure restriction~~) Anti-snagging rule and night closure April 1 through November 30 from Johnson Creek to Colvin Creek. When ((~~nonbuoyant lure restriction~~) anti-snagging rule is in effect, only fish hooked inside the mouth may be retained. August 1 through December 15, fishing from any floating device prohibited from Johnson Creek to Colvin Creek. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31, daily limit six fish of which not more than 2 may be adult salmon. Release sockeye, wild Chinook and wild coho. August 1 through December 31, daily limit 6 hatchery coho, of which no more than 4 may be adult hatchery coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in waters of mainstem Columbia River adjacent to mouth of Lewis River.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: May 1 through September 30 and December 16 through April 30 season. August 1 through September 30, fishing from any floating device prohibited. ((~~Nonbuoyant lure restriction~~) Anti-snagging rule and night closure April 1 through September 30. When ((~~nonbuoyant lure restriction~~) anti-snagging rule is in effect, only fish hooked inside the

mouth may be retained. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only January 1 through September 30 and December 16 through December 31. January 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye, wild Chinook and wild coho. August 1 through September 30 and December 16 through December 31, daily limit 6 hatchery coho, of which no more than 4 may be adult hatchery coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in waters of mainstem Columbia River adjacent to mouth of Lewis River.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal: From the fishing pier to the access road at Swift Dam: Last Saturday in April through October 31 season. Fishing from a floating device prohibited. Trout: No minimum size, daily limit 5.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. 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: ((~~June 1~~) The first Saturday in June through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only.

Lions Park Pond (Walla Walla County): Juveniles only. Trout: No more than 2 trout over 13 inches in length may be retained.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): ((~~June 1~~) The first Saturday in June through August 31 season. Juveniles only.

Little Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Pend Oreille River (Stevens County) from the Little Pend Oreille wildlife refuge boundary about 1 mile down-

stream from the refuge headquarters office to Crystal Falls: Saturday before Memorial Day through October 31 season. Selective gear rules, and all species: Release all fish except up to five Eastern brook trout may be retained.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road: All species: Selective gear rules and release all fish. Closed waters: Mouth to Highway 101 Bridge September 1 through October 31.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year-round season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Additional December 1 through March 31 season. Whitefish gear rules apply.

Upstream from bridge at Frideger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery): May 1 through March 31 season, except for hatchery steelhead and Chinook season in April, and except closed Wednesdays beginning the second Wednesday in April through May 31 and from 6 p.m. Tuesday through 6 p.m. Wednesday, October 1 through October 31. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure May 1 through June 30. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule August 1 through December 31. March 16 through June 30 daily limit of two fish, of which one or both may be hatchery steelhead or one or both may be Chinook salmon. Release wild Chinook. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and Chinook salmon. Trout: July 1 through March 15 release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon. Release wild coho and wild jack Chinook.

Lone Lake (Island County): Selective gear rules. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Kittitas County): Trout: Not more than 1 fish over 14 inches in length.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucky Duck Pond (Stevens County): Juveniles only.

Ludlow Lake (Jefferson County): Last Saturday in April through October 31 season.

Lyle Lake (Adams County): April 1 through September 30 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: ~~((June 1))~~ The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mashel River (Pierce County): July 1 through October 31 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): ~~((June 1))~~ The first Saturday in June through August 31 season. Juveniles only.

Mayfield Lake (Reservoir) (Lewis County): Mayfield Dam to 400 feet below Mossyrock Dam: Closed waters: Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Release rainbow trout except rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

McAllister Creek (Thurston County): ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Olympia - Steilacoom Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season.

McLane Creek (Thurston County): ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 1 through October 31. Trout: Minimum length fourteen inches.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): March 1 through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season. Trout: Daily limit 8.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. ~~((Trout: Daily limit five, no minimum length.))~~

Mercer Slough (tributary of Lake Washington) (King County): ~~((June 1))~~ The first Saturday in June through August 31 season. Juveniles only.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to County Road 1535 (Burma Road) Bridge: Closed waters ~~((June 1))~~ the first Saturday in June through October 31. County Road 1535 (Burma Road) Bridge to Foghorn Dam: ~~((June 1))~~ The first Saturday in June through September 30 season: Selective gear rules. All species: Release all fish. Foghorn Dam to Weeman Bridge: ~~((June 1))~~ The first Saturday in June through August 15 season. Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters ~~((June 1))~~ the first Saturday in June through October 31. Additional season Gold Creek to falls above Brush Creek: December 1 through March 31. Whitefish gear rules apply.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): ~~((June 1))~~ The first Saturday in June through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): ~~((June 1))~~ The first Saturday in June through August 31 and November 1 through March 15 seasons. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): Trout: Minimum length fourteen inches.

Mill Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Mill Creek (Walla Walla County):

From mouth to Gose St. Bridge: (~~June 1~~) The first Saturday in June through March 31 season. All species: Barbless hooks required and release all fish except hatchery steelhead September 1 through March 31. Trout: Daily limit three hatchery steelhead.

From Gose St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge upstream, including all tributaries: All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only except open to all ages during Free Fishing Weekend (as defined in WAC 220-56-160).

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth (~~June 1~~) the first Saturday in June through October 31. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Daily limit 4 chum.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to the Quinault Indian Reservation: (~~June 1~~) The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

Molson Lake (Okanogan County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Mooses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: December 1 through last day in February season. Trout: Minimum length fourteen inches.

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: (~~June 1~~) The first Saturday in June through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Mountain Lake (San Juan County): Trout: Daily limit may not contain more than one trout over 18 inches in length.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season. Additional season March 1 through the (~~last~~) Friday before the last Saturday in April. All species: Selective gear rules and release all fish.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Murray Creek (Pierce County): Closed waters.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Release trout (~~June 1~~) 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.

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N,

R8W (Wahkiakum County) to falls. Waters from the North Valley Road Bridge (Big Hill Bridge) to Highway 4 closed August 16 through October 15.

Mainstem: ~~((June 1))~~ The first Saturday in June through April 15 season, except sturgeon. Single point barbless hooks required August 16 through November 30 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 16 through November 30 downstream from North Fork. Stationary gear restrictions above mouth of South Fork August 16 through November 30. Selective gear rules March 1 through April 15 above mouth of South Fork. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit 6 fish, of which no more than 3 may be adult salmon and of these 3 adult fish, no more than 2 may be adult Chinook. Release wild coho.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

From mouth of North Fork to source: Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork, from mouth to Bean Creek: ~~((June 1))~~ The first Saturday in June through last day in February season, except sturgeon. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 16 through November 30. Game fish: Release game fish except up to two hatchery steelhead per day may be retained. Sturgeon: Open year-round.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to the fish barrier dam at Fishtrap Lake.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: ~~((June 1))~~ The first Saturday in June through March 31 season, except closed August 1 through September 30 on North Nemah from Highway 101 Bridge upstream to Nemah Hatchery. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road October 1 through November 30, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road August 16 through November 30, and on South Nemah upstream to confluence with Middle Nemah August 16 through November 30. Selective gear rules on Middle Nemah above DNR Bridge and South Nemah above confluence with Middle Nemah. Night closure August 16 through November 30 on South Nemah to the confluence with Middle Nemah and Middle Nemah and October 1 through November 30 on North Nemah. ~~((Nonbuoyant lure restriction))~~ Anti-

snagging rule on North Nemah upstream from bridge on dead end lower Nemah Road and the Middle Nemah from the DNR Bridge on A-line Road upstream August 16 through November 30. On the North Nemah from the mouth to the lower bridge on dead end lower Nemah Road, stationary gear restriction during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah, and open October 1 through January 31 on North Nemah from mouth to the lower bridge on dead end Lower Nemah Road. Middle and South Nemah: Daily limit 6 fish of which no more than 2 may be adult salmon and of the two adult fish no more than one may be a wild adult coho. North Nemah: Daily limit 6 salmon of which not more than 3 may be adult salmon and of the adult fish no more than one may be a wild adult coho and no more than two may be adult Chinook.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (Lewis County): ~~((June 1))~~ The first Saturday in June through March 31 season. Night closure and single point barbless hooks required August 16 through November 30 from mouth to Leonard Road. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through last day in February from mouth to Leonard Road. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): ~~((June 1))~~ The first Saturday in June to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: ~~((June 1))~~ The first Saturday in June through March 31 season. Trout: Minimum length fourteen inches.

From 400 feet below Chehalis city water intake upstream: Closed waters.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure and single point barbless hooks required August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from Highway 101 Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult Chinook.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to Military Tank Crossing Bridge: July 1 through January 31 season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches. All species: Release all species

except salmon December 1 through January 31. Salmon: Open only July 1 through January 31 from mouth to Military Tank Crossing Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook.

From Military Tank Crossing Bridge to four hundred feet below LaGrande Falls: July 1 through October 31 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day. Selective gear rules.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: ~~((June 1))~~ The first Saturday in June through last day in February season except closed ~~((June 1))~~ the first Saturday in June through September 30 in mainstem from yellow marker at the FFA High School barn at Deming to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through last day in February. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure ~~((June 1))~~ the first Saturday in June through November 30 on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 in mainstem from Lummi Indian Reservation boundary to yellow marker at the FFA High School barn in Deming. Open only October 16 through December 31 in mainstem from the FFA barn to the confluence of the North and South Forks, and October 1 through October 31 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, except release wild coho, release wild Chinook from mouth to FFA barn, and release Chinook from FFA barn to forks and in North Fork.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: ~~((June 1))~~ The first Saturday in June through last day in February season except closed July 1 through October 15 from Saxon Road Bridge to mouth of Skookum Creek. Selective gear rules. Night closure ~~((June 1))~~ the first Saturday in June through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31. Daily limit 2 salmon, except release Chinook and wild coho.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (Okanogan County): From mouth to falls at river mile 0.8: Closed waters.

North Creek (tributary of Sammamish River) (Snohomish/King counties): ~~((June 1))~~ The first Saturday in June through August 31 season. Juveniles only.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing

from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: ~~((June 1))~~ The first Saturday in June through last day in February season, except sturgeon. Night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure from Salmon Creek to Falls River August 16 through November 30. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult Chinook. Sturgeon: Open year-round from Highway 105 Bridge to Salmon Creek.

Upstream from Falls River: Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Creek (Pierce County): July 1 through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year-round season. Trout: Release all trout. Upstream from the highway bridge at Malott: ~~((June 1))~~ The first Saturday in June through August 31 season. Trout: Release all trout. Salmon: Open only July 1 through October 15 from mouth to Highway 97 Bridge immediately upstream of mouth. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye. All species: ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure July 1 through October 15.

Closed waters: From Zosel Dam downstream to first Highway 97 Bridge.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Old Mill Stream (Chelan County): Closed waters.

Olequa Creek (Lewis County): (~~(June 1)~~) The first Saturday in June through (~~(last day in February)~~) October 31 season. Trout: Release all (~~(fish)~~) trout except up to two hatchery steelhead may be retained per day.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): (~~(June 1)~~) The first Saturday in June through March 31 season, except sturgeon. Single point barbless hooks and night closure August 16 through November 30 upstream to the confluence of the South and Middle Forks. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Above the confluence of the South and Middle Forks: Selective gear rules. (~~(Nonbuoyant lure restriction)~~) Anti-snagging rule and night closure August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from the Highway 101 Bridge to the confluence of the South and Middle Forks. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be a wild adult coho. Release adult Chinook. Sturgeon: Open year-round from the Highway 101 Bridge to the confluence of the South and Middle Forks.

Palouse River and tributaries, except Rock Creek (Whitman County): Year-round season. Mainstem from mouth to base of Palouse Falls. Trout: Daily limit 6 fish, minimum length 10 inches, no more than 3 trout over 20 inches may be retained, except release all trout April 1 through June 15 and release steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Walleye: Daily limit 10 fish, no minimum size. No more than 5 walleye over 18 inches in length may be retained, and no more than 1 walleye over 24 inches in length may be retained. Channel catfish: No daily limit.

Palouse River mainstem above Palouse Falls and tributaries except Rock Creek: Year-round season.

Pampa Pond (Whitman County): March 1 through September 30 season. Fishing from any floating device prohibited. Trout: No more than two over 13 inches in length may be retained.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): April 1 through September 30 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season. Trout: Daily limit 8.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Juveniles only.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year-round season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Phelps Creek (Chelan County): From mouth to falls at river mile 1: Selective gear rules.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: ~~((June 1))~~ The first Saturday in June through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

From 500 feet below diversion dam upstream: Closed waters.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Ping Pond (Grant County): Third Saturday in April through Labor Day season. Juveniles and holders of reduced fee disability licenses only. Game fish: Daily limit of five fish in the aggregate. No minimum or maximum size for any species.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pit Lake (Douglas County): Juveniles only.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): April 1 through September 30 season.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie: Minimum length nine inches. Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish. Walleye: Minimum size 12 inches in length. Daily limit 8 walleye, not more than 1 of which may be greater than 22 inches in length.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): ~~((June 1))~~ The first Saturday in June through October 31 season.

Purdy Creek (Mason County): ~~((June 1))~~ The first Saturday in June through July 31 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: July 1 through last day in February season. Single point barbless hooks, ~~((nonbuoyant lure restriction))~~ anti-snagging rule and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only August 16 through December 31 from mouth to Carbon River. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild adult Chinook.

From Electron power plant outlet upstream: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Pysht River (Clallam County): ~~((June 1))~~ The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches. December 1 through last day in February, one wild steelhead per day may be retained.

Pysht River South Fork (Clallam County): 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): June 1 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.

Quillayute River (Clallam County): Open year-round outside of Olympic National Park only. May 1 through May 31 release all game fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit three steelhead. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only February 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon February 1 through August 31 and 3 may be adult salmon September 1 through November 30. September 1 through October 31 the daily limit may contain no more than 2 adult Chinook, release wild adult coho, and selective gear rules. November 1 through November 30 the 3 adult salmon may contain no more than 2 adult Chinook or 2 adult wild coho or 1 adult Chinook and 1 adult wild coho. February 1 through August 31 release wild adult coho and wild adult Chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: ~~((June 1))~~ The first Saturday in June through April 15 season. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained.

Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: ~~((June 1))~~ The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

~~((Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.))~~

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules. All species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): Mossyrock Dam to 400 feet below Cowlitz Falls Dam. Closed waters: Lewis County PUD safety signs approximately 800 feet below Cowlitz Falls Dam to Dam. Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Chelan County): Selective gear rules.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Klickitat County): Mouth to the Army Corps of Engineers Park: Year-round season. Daily limits, size restrictions and gear restrictions are the same as those in the adjacent portion of the Columbia River.

Rock Creek (Skamania County): Mouth to falls: ~~((June 1))~~ The first Saturday in June through ~~((March 15))~~ October 31 season. Trout: Release all ~~((fish))~~ trout except up to two hatchery steelhead may be retained per day. Above falls, additional November 1 through March 15 season.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roesiger Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed waters: (1) March 1 through the Friday immediately preceding Memorial Day weekend from the Little Dalles power line crossing upstream approximately one mile to marked rock point, and from Northport power line crossing upstream to most upstream point of Steamboat Rock; (2) January 1 through May 31 in San Poil arm upstream from outlet of French Johns Lake; and (3) April 1 through ~~((May 31))~~ Friday before Memorial Day in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. Kokanee daily limit two. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 22 inches. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon from Roosevelt Lake and tributaries. Carp: Unlawful to fish for carp with bow and arrow.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with an internal combustion motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above

closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Ruby Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Rufus Woods Lake (Douglas County): Chumming allowed. Trout: Daily limit two. Kokanee not included in daily trout limit. Kokanee daily limit 2. Sturgeon: Unlawful to fish for or retain sturgeon from Rufus Woods Lake and tributaries.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): April 1 through September 30 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: ~~((June 1))~~ The first Saturday in June through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): ~~((June 1))~~ The first Saturday in June through last day in February season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Salmon River (Jefferson County) outside of Olympic National Park and Quinalt Indian Reservation: ~~((June 1))~~ The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches. Hatchery steelhead in this river are steelhead with a dorsal fin height of less than 2-1/8 inches or with an adipose or ventral fin clip. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult Chinook salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the Hickson Bridge: ~~((June 1))~~ The first Saturday in June through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Stationary gear restriction from mouth to Interstate 5 Bridge August 1 through December 31. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 1 through December 31.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas Road Bridge and October 1 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length. Salmon: Closed to salmon fishing within 100 yards of the mouth of Issaquah Creek. Open only August 16 through November 30. Daily limit four salmon, of which only two may be Chinook. Release sockeye.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: January 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

San Poil River (Ferry County): Unlawful to fish for or retain sturgeon.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River (Grays Harbor County): Trout: Minimum length 14 inches in mainstem and all forks. Mainstem and East Fork, single point barbless hooks and night closure August 16 through November 30 except only August 16 through October 31 on East Fork upstream from bridge at Schafer State Park. Middle and West forks downstream from Cougar Smith Road ~~((nonbuoyant lure restriction))~~ anti-snagging rule and night closure August 16 through November 30. Middle and West Forks upstream from Cougar Smith Road ~~((nonbuoyant lure restriction))~~ anti-snagging rule and night closure August 16 through October 31.

From mouth to bridge at Schafer Park: ~~((June 1))~~ The first Saturday in June through March 31 season. Salmon: Open only October 1 through January 31. October 1 through October 15, daily limit 6 fish, of which no more than 2 may

be adult salmon; and of the adult salmon, only 1 may be an adult wild coho. Release chum and adult Chinook. October 16 through January 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.

Middle Fork (Turnow Branch), from mouth to Cougar Smith Road: ~~((June 1))~~ The first Saturday in June through last day in February season.

West Fork, from mouth to Cougar Smith Road: ~~((June 1))~~ The first Saturday in June through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: ~~((June 1))~~ The first Saturday in June through last day in February season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot Creek: Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

South Fork upstream from Elliot Creek: ~~((June 1))~~ The first Saturday in June through August 31 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

Sawyer, Lake (King County): Chumming permitted. Crappie: Daily limit ten, minimum length nine inches.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Scootney Reservoir (Franklin County): Walleye: Minimum size 12 inches.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): ~~((June 1))~~ The first Saturday in June through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Silvas Creek (Klickitat County): Trout: Release all trout.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Cowlitz County): Crappie: Daily limit ten crappie. Minimum size nine inches in length.

Silver Lake (Pierce County): Last Saturday in April through October 31 season.

Silver Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Silver Lake, North (Spokane County): March 1 through September 30 and November 1 through December 31 season. Selective gear rules. March 1 through September 30: Trout: Daily limit 2 fish, minimum length 14 inches, except release fish with clipped adipose fin. November 1 through December 31: All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Silver Nail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Whitefish gear rules apply.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season. Whitefish gear rules apply.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: ~~((June 1))~~ The first Saturday in June through August 31 season. Selective gear rules. Additional

December 1 through March 31 season. Whitefish gear rules apply.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year-round season. Selective gear rules March 1 through May 31 except lawful to fish from a floating device equipped with an internal combustion motor. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. Daily limit 2 salmon except release Chinook.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: ~~((June 1))~~ The first Saturday in June through March 15 season. Night closure and ~~((nonbuoyant lure restriction))~~ anti-snagging rule July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. Daily limit 2 salmon except release Chinook.

From Gilligan Creek to the Dalles Bridge at Concrete: ~~((June 1))~~ The first Saturday in June through March 15 season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit; minimum length twenty inches. Salmon: Open only September 16 through December 31. Daily limit 2 salmon, except release Chinook.

From the Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport: ~~((June 1))~~ The first Saturday in June through March 15 season, except closed ~~((June 1))~~ the first Saturday in June through June 13, and August 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. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure June 14 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit; minimum length twenty inches. Salmon open June 14 through July 31, except closed 12:01 a.m. June 30 until 2:00 p.m. July 2, and 12:01 a.m. July 9 until 2:00 p.m. July 11, and, except closed from 200 feet above the mouth of the Baker River to the Highway 530 Bridge at Rockport. Daily limit two sockeye salmon. Release all salmon except sockeye salmon. Salmon open September 16 through December 31. Daily limit 2 salmon, except release Chinook. Additional season: March 16 through April 30. Selective gear rules except lawful to fish from a floating device equipped with an internal combustion motor. Unlawful to fish from a floating device while under power. All species: Release all fish except up to two hatchery steelhead may be retained.

From the Highway 530 Bridge at Rockport to the Cascade River: ~~((June 1))~~ The first Saturday in June through

March 15 season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure ~~((June 1))~~ the first Saturday in June through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit; minimum length twenty inches. Salmon open ~~((June 1))~~ the first Saturday in June through July 15. Daily limit four hatchery Chinook salmon, of which only two may be adult hatchery Chinook. Salmon open September 16 through December 31. Daily limit 2 salmon. Release Chinook. Additional season: March 16 through April 30. Selective gear rules, except a person can fish from a floating device equipped with an internal combustion motor. Unlawful to fish from a floating device while under power. All species: Release all fish except up to two hatchery steelhead may be retained.

From Cascade River to Gorge Powerhouse: ~~((June 1))~~ The first Saturday in June through March 15 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: ~~((November 1 through March 15))~~ The first Saturday in June through October 31 season. ~~((All species))~~ Trout: Release all ((fish other than steelhead. Trout: Minimum length twenty inches)) trout except up to two hatchery steelhead may be retained.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat. Release rainbow trout except rainbow trout having a clipped adipose fin and a healed scar at the site of the clipped fin.

Skokomish River (Mason County), mouth to forks: Night closure, ~~((nonbuoyant lure restriction))~~ anti-snagging rule and single point barbless hooks required August 1 through November 30 mouth to Highway 101. ~~((June 1))~~ The first Saturday in June through July 31 and October 31 through December 15 season from mouth to Highway 101 Bridge. ~~((June 1))~~ The first Saturday in June through October 31 season from Highway 101 Bridge to forks. All game fish: Release all fish. Selective gear rules from Highway 101 Bridge to forks. Salmon: Open only August 1 through September 5, and October 1 through December 15, mouth to Highway 101 Bridge. Terminal gear restricted to no closer than 25 feet of a tribal gill net. Daily limit 1 salmon August 1 through September 30. Release chum salmon. Daily limit 6 salmon October 1 through December 15, except daily limit may contain no more than 4 adult fish and release Chinook. October 1 through October 15 release chum salmon.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: ~~((June 1))~~ The first Saturday in June through October 31 season. All species: Release all fish. Selective gear rules.

Above Lake Cushman, mouth to Olympic National Park boundary: ~~((June 1))~~ The first Saturday in June through August 31 season. Selective gear rules. Trout: Release all fish.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: ~~((June 1))~~ The first Saturday in June through October 31 season. All species: Release all fish. Selective gear rules.

From mouth of Church Creek to mouth of Rule Creek: Closed waters.

From mouth of Rule Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skookum Creek (Mason County): Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Creek (Klickitat County): Trout: Release all trout.

Skookumchuck Reservoir (Thurston County): ~~((June 1))~~ The first Saturday in June through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: ~~((June 1))~~ The first Saturday in June through April 30 season. Single point barbless hooks and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through last day in February. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Wallace River: ~~((June 1))~~ The first Saturday in June through last day in February season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 1 through November 30 mouth to Lewis Street Bridge in Monroe and ~~((June 1))~~ the first Saturday in June through November 30 from Lewis Street Bridge in Monroe to Wallace River. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open June 1 through July 31 Lewis Street Bridge in Monroe to Wallace River. Daily limit 2 hatchery Chinook. In years ending in even numbers, open September 1 through December 31 mouth to Wallace River. Daily limit 2 salmon. Release Chinook and pink. In years ending in odd numbers, open August 16 through December 31 mouth to Lewis Street Bridge in Monroe and open September 1 through December 31 Lewis Street Bridge to Wallace River. Daily limit 2 salmon plus 2 additional pink. Release Chinook.

From the mouth of the Wallace River to the forks: ~~((June 1))~~ The first Saturday in June through last day in February season, except closed ~~((June 1))~~ the first Saturday in June to 8:00 a.m. August 1 in those waters one thousand five hundred

feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 1 through November 30. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds August 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. In years ending in even numbers, daily limit 2 salmon. Release Chinook and pink. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: ~~((June 1))~~ The first Saturday in June through last day in February season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: ~~((June 1))~~ The first Saturday in June through last day in February season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: ~~((June 1))~~ The first Saturday in June through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Slate Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Smith Creek (near North River) (Pacific County): ~~((June 1))~~ The first Saturday in June through last day in February season, except sturgeon. Single point barbless hooks, and night closure August 16 through November 30 upstream to the Highway 101 Bridge. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be an adult wild coho. Release adult Chinook. Sturgeon: Open year-round from mouth to Highway 101 Bridge.

Snake River: Year-round season. Closed to the taking of all trout April 1 through June 15. All species: April 24 through June 15 from Texas Rapids boat launch upstream to the

Corps of Engineers boat launch approximately 1 mile upstream of Little Goose Dam: Night closure, barbless hooks only, and hooks must measure 5/8 inch or less from point to shank. Trout: Daily limit six, minimum length ten inches, no more than three over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Sturgeon: Unlawful to retain sturgeon in mainstem and tributaries upstream from Lower Granite Dam. Walleye: Daily limit 10 fish. No minimum size. No more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Channel catfish: No daily limit. Salmon: Open only April 24 through June 15 from Texas Rapids boat launch upstream to the Corps of Engineers boat launch approximately 1 mile upstream of Little Goose Dam. Daily limit 1 hatchery Chinook.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): April 1 through September 30 season.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: ~~((June 1))~~ The first Saturday in June through last day in February season, except sturgeon. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: In years ending in even numbers, open only September 1 through December 31. Daily limit 2 salmon. Release Chinook and pink. In years ending in odd numbers: Open only August 16 through December 31. Daily limit 2 salmon plus 2 additional pink. Release Chinook. Sturgeon: Open year-round from mouth to Highway 2 Bridge.

Snoqualmie River (King County):

From mouth to the falls: ~~((June 1))~~ The first Saturday in June through last day in February season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. ~~((June 1))~~ The first Saturday in June through November 30 selective gear rules, except fishing from a floating device equipped with an internal combustion motor allowed. Fishing from any floating device prohibited November 1 through last day in February from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Night closure September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 fish. Release Chinook and pink.

From Snoqualmie Falls upstream, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: Year-round season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Snyder Creek (Klickitat County): Trout: Release all trout.

Sol Duc River (Clallam County): Open year-round. May 1 through May 31 release all game fish except up to two hatchery steelhead per day may be retained. Selective gear rules from the concrete pump station at the Sol Duc Hatchery to the Highway 101 Bridge downstream of Snider Creek November 1 through April 30, and from the Highway 101 Bridge downstream of Snider Creek to Olympic National Park ~~((June 1))~~ the first Saturday in June through October 31. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit three steelhead from mouth to concrete pump station at Sol Duc Hatchery. December 1 through April 30, from mouth to the concrete pump station at the Sol Duc Hatchery, one wild steelhead per day may be retained. Salmon: Open only February 1 through November 30 from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon February 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. February 1 through August 31 release wild adult coho and wild adult Chinook. September 1 through October 31 the daily limit may contain no more than 2 adult Chinook, release wild adult coho, and selective gear rules. November 1 through November 30 the daily limit may contain no more than 2 adult Chinook or 2 adult wild coho or 1 adult Chinook and 1 adult wild coho.

Sooes River (Suez River) (Clallam County): ~~((June 1))~~ The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: ~~((June 1))~~ The first Saturday in June through August 31 season except salmon. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through November 30 to fishing by juveniles only. Night closure October 16 through November 30. Terminal gear restricted to one single point hook. Daily limit two coho salmon.

Bridge near hatchery residence to Salmon hatchery rack: ~~((June 1))~~ The first Saturday in June through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules. 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.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): April 1 through September 30 season.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the upstream boundary at Plese Flats Day Use Area (Riverside State Park), except Long Lake, formed by Long Lake Dam (see also Long Lake): Year-round season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit eight, no minimum length, no more than one over twenty-two inches in length. April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From the upstream boundary at Plese Flats Day Use Area (Riverside State Park) upstream to the Monroe Street Dam: ~~((June 1))~~ The first Saturday in June through March 15 season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: ~~((June 1))~~ The first Saturday in June through March 15 season. Selective gear rules, except fishing from a floating device equipped with an internal combustion motor permitted. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties):

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season. Trout: Daily limit 8. 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 (Klickitat County): Trout: Daily limit five.

Spring Hill Reservoir (Black Lake, Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and 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 Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Release cut-throat. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: ~~((June 1))~~ The first Saturday in June through September 30 and December 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Marine Drive, including all sloughs: Year-round season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31. In years ending in even numbers, daily limit 2 salmon. Release Chinook and pink salmon. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook.

From Marine Drive to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: ~~((June 1))~~ The first Saturday in June through last day in February season. Night closure August 1 through November 30. Selective gear rules ~~((June 1))~~ the first Saturday in June through November 30 except fishing from a floating device equipped with an internal combustion motor allowed. Game fish: ~~((June 1))~~ The first Saturday in June through November 30 release all fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches December 1 through last day in February. Salmon: Open only November 1 through December 31. In years ending in even numbers, daily limit 2 salmon. Release Chinook and pink salmon. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: ~~((June 1))~~ The first Saturday in June through last day in February season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. ~~((June 1))~~ The first Saturday in June through November 30: All species: Release all fish

except hatchery steelhead. (~~(June 1)~~) The first Saturday in June through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: (~~(June 1)~~) The first Saturday in June through last day in February season. (~~(Nonbuoyant lure restriction)~~) Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: (~~(June 1)~~) The first Saturday in June through November 30 season. (~~(Nonbuoyant lure restriction)~~) Anti-snagging rule and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream and tributaries: Selective gear rules. Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Sullivan Lake (Pend Oreille County): Trout: Daily limit 2 trout, except kokanee not counted in daily trout limit. Kokanee daily limit ten.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: (~~(June 1)~~) The first Saturday in June through last day in February 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.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swale Creek (Klickitat County): Trout: Release all trout.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): (~~(June 1)~~) The first Saturday in June through August 31 season. Juveniles only.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules except fishing from a floating device equipped with an internal combustion motor allowed. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Sylvia Lake (Grays Harbor County): Trout: No more than two over 15 inches in length may be retained per day.

Tacoma Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Tahuya River (Mason County): Selective gear rules and release all fish except salmon. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. Daily limit 2 coho salmon.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season. 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 Lake (Jefferson County): Last Saturday in April through November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Fishing from a floating device equipped with an internal combustion engine prohibited. Selective gear rules. Trout daily limit one fish.

Teanaway River (Kittitas County): Selective gear rules. Trout: Release all trout.

Teanaway River, North Fork (Kittitas County): Mouth to Beverly Creek including all tributaries: Selective gear rules. Trout: Release all trout. Beverly Creek to impassable waterfall at the end of USFS Road 9737 (about 8 river miles): Closed waters.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

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 Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): ~~((June 1))~~ The first Saturday in June through August 31 season. Juveniles only.

Thread Lake (Adams County): April 1 through September 30 season.

Tibbetts Creek (tributary to Lake Sammamish) (King County): ~~((June 1))~~ The first Saturday in June through August 31 season. Juveniles only.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Selective gear rules ~~((June 1))~~ the first Saturday in June through October 31. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County): Closed waters: Clear Lake spillway channel and the river within 400' of Clear Lake Dam. ((From Rimrock Lake to Clear Lake Dam)) Entire river, including that portion of the river that flows through the dry lakebed((-June 1)) of Rimrock Reservoir: The first Saturday in June through August 15 season.

Tieton River, South Fork (Yakima County): From the bridge on USFS Road 1200 to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: ~~((June 1))~~ The first Saturday in June through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat. Release rainbow trout except rainbow trout having a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: Open only ~~((June 1))~~ the first Saturday in June through December 31. Minimum length eight inches. ~~((June 1))~~ The first Saturday in

June through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild coho. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the Fish Hatchery Road Bridge: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule. Trout: Minimum length fourteen inches.

From Fish Hatchery Road Bridge to posted cable boundary marker located approximately four hundred feet downstream of the hatchery intake: January 15 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule. Trout: Minimum length 14 inches.

From the posted cable boundary marker located approximately four hundred feet downstream of the hatchery intake to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: ~~((June 1))~~ The first Saturday in June through last day in February season. ~~((June 1))~~ The first Saturday in June through November 30, selective gear rules. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Trout: Release all steelhead. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek ~~((June 1))~~ the first Saturday in June through August 31 season.

South Fork: Upstream from Griffin Creek ~~((June 1))~~ the first Saturday in June through August 31 season.

Wolf Fork: Upstream from Coates Creek ~~((June 1))~~ the first Saturday in June through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through March 31. Barbless hooks required. All species: Release all fish except hatchery steelhead and brown trout. Trout: Daily limit three fish.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: ~~((June 1))~~ The first Saturday in June through November 30 season. ~~((Nonbuoyant lure restriction))~~ 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 4 may be adult coho. Release chum, wild coho, wild Chinook, and hatchery adult 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), mouth to source: Closed waters: All tributaries. ((~~June 1~~)) The first Saturday in June through November 30 season. All species: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except hatchery steelhead.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): ((~~June 1~~)) The first Saturday in June through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional November 1 through March 31 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Turner Road Bridge upstream to the Tucannon Hatchery Bridge: Selective gear rules ((~~June 1~~)) the first Saturday in June through October 31. Additional season November 1 through March 31. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Tucannon Hatchery Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tucquala Lake (Kittitas County): ((~~June 1~~)) The first Saturday in June through October 31 season.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: ((~~June 1~~)) The first Saturday in June through August 15 sea-

son. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls ((~~June 1~~)) the first Saturday in June through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

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. All species: Release all fish except sturgeon.

From North Shore Road Bridge to lower bridge on Old Belfair Highway: ((~~June 1~~)) The first Saturday in June through August 15 season. Selective gear rules. All species: Release all fish except sturgeon.

From lower bridge on Old Belfair Highway upstream to watershed boundary: Selective gear rules. All species: Release all fish except sturgeon.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Trout: No more than two over 15 inches in length may be retained per day. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Trout: No more than two over 15 inches in length may be retained per day. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: All species: Anti-snagging rule and night closure August 16 through

November 30. Game fish: Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which not more than 2 may be adult fish. Release chum, adult Chinook and wild adult coho.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Wahkiacus Creek (Klickitat County): Trout: Release all trout.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to 200 feet upstream of the water intake of the salmon hatchery: (~~June 1~~) The first Saturday in June through last day in February season. Closed waters: From 363rd Avenue S.E./Reece Road to a point two hundred feet upstream of the water intake of the salmon hatchery during the period (~~June 1~~) the first Saturday in June through August 31. Fishing from any floating device prohibited November 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From 200 feet upstream of the water intake of the salmon hatchery to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Trout: Release trout April 1 through May 31. Daily limit three hatchery steelhead. Channel catfish: No daily limit.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Channel catfish: No daily limit. Additional season November 1 through March 31. All species: Barbless hooks required and release all fish except hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an internal combustion motor allowed. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion motor permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February, daily limit 5, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit 5, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Salmon: Open only September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit four coho salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County): Night closure year-round.

From mouth to bridge at Salmon Falls: ~~((June 1))~~ The first Saturday in June through March 15 season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and stationary gear restriction July 1 through October 31. When ~~((nonbuoyant lure restriction))~~ anti-snagging rule is in effect, only fish hooked inside the mouth may be retained. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained. Salmon: Open only August 1 through March 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, wild coho, and wild jack Chinook. Upstream of Little Washougal River, release adult Chinook October 1 through November 30.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. Selective gear rules. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: ~~((June 1))~~ 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.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenaha River tributaries within Washington: ~~((June 1))~~ The first Saturday in June through August 31 season. Selective gear rules. Trout: Release all steelhead.

Wenatchee Lake (Chelan County): Selective gear rules except fishing from a floating device equipped with an internal combustion motor allowed. Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River, including Lake Jolanda (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. Whitefish gear rules apply.

Wentworth Lake (Clallam County): Unlawful to fish from a floating device equipped with an internal combustion engine.

West Evans Pond (Asotin County): Trout: No more than 2 trout over 13 inches in length may be retained.

West Twin River (Clallam County): ~~((June 1))~~ The first Saturday in June through October 31 season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: ~~((June 1))~~ The first Saturday in June through last day in February season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon. Anglers fishing lawfully, within 50 yards of the Bellingham Technical College Hatchery Collection Tube, and on the hatchery side of the creek, that hook and land chum salmon, may remove those chum salmon from the water and immediately place them unharmed into the Hatchery Collection Tube.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 1 through October 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

Wheeler Creek (Klickitat County): Trout: Release all trout.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: October 1 through October 31 all species: Fly fishing only and release all fish. November 1 through last day in February. Trout: Minimum length fourteen inches. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure November 1 through November 30.

From R Street Bridge to Highway 410 Bridge at Buckley: October 1 through October 31 season. Closed waters: Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: July 1 through October 31 season. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure October 1 through October 31. Selective gear rules July 1 through October 31. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through January 31 season. Whitefish gear rules apply.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: Open year-round. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule. Trout: Minimum length fourteen inches. Salmon and steelhead: Open April 1 through June 30, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Release wild Chinook. Salmon: Open July 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho and wild jack Chinook. October 1 through December 31, release adult Chinook upstream of posted markers 0.5 miles upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season except salmon and steelhead. Trout: Minimum length fourteen inches. Release trout April 1 through April 30. Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho and wild jack Chinook. November 16 through December 31, release adult Chinook. Salmon and steelhead: Open April 1 through June 15, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Release wild Chinook.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Highway 6 Bridge: ~~((June 1))~~ The first Saturday in June through March 31 season. All game fish: Release all game fish except that up to two hatchery steelhead may be retained per day. All species: August 16 through November 30 night closure and single point barbless hooks required. August 16 through November 30 above the WDFW access at the mouth of Ward/Wilson Creek stationary gear restriction. Highway 6 Bridge to Fork Creek: ~~((June 1))~~ The first Saturday in June through July 15 and October 16 through March 31 season. Night closure, single point barbless hooks, and stationary gear restriction October 16 through November 30.

All game fish: Release all fish except that up to two hatchery steelhead may be retained. Salmon: Open only

August 1 through January 31 from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek and open October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than one may be a wild adult coho and not more than two may be adult Chinook.

Sturgeon: Open year round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. August 16 through October 31, ~~((nonbuoyant lure restriction))~~ anti-snagging rule and night closure. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork: ~~((June 1))~~ The first Saturday in June through last day in February season. Selective gear rules ~~((June 1))~~ the first Saturday in June through October 31. ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure August 16 through November 30. All species: Release all fish except up to two hatchery steelhead may be retained.

Williams Creek (Pacific County): ~~((June 1))~~ The first Saturday in June through last day in February season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Williams Lake (Spokane County): Last Saturday in April through September 30 season. Trout: Daily limit 8.

Williams Lake (Stevens County): December 1 through March 31 season. All species: Catch and release except up to five rainbow trout may be retained.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): ~~((Open year-round))~~ Juveniles only. ~~((Trout: Daily limit five, no minimum length.))~~

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: July 1 through March 15 season, except salmon and steelhead. May 1 through June 30: ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure. August 1 through October 31: ~~((Nonbuoyant lure restriction))~~ Anti-snagging rule and night closure. When ~~((nonbuoyant lure restriction))~~ anti-snagging rule is in effect, only fish hooked in the mouth may be retained. Salmon and steelhead: Open March 16 through June 30 daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Release wild Chinook. Trout: Minimum length fourteen inches. Salmon: Open August 1 through October 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho and wild jack Chinook. Release adult Chinook from Burlington-Northern Railroad Bridge upstream.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: May 1 through June 30 season. Closed waters: From 400 feet below to 100 feet above the Coffey Dam and from a boundary marker approximately 800

yards downstream from Carson National Fish Hatchery upstream, including all tributaries. (~~(Nonbuoyant lure restriction)~~) Anti-snagging rule and night closure. When (~~(nonbuoyant lure restriction)~~) anti-snagging rule is in effect, only fish hooked in the mouth may be retained. Salmon and steelhead: Daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Additional season September 16 through November 30. Selective gear rules. All species: Release all fish.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County), including all forks: Closed waters: From weir at Wishkah Rearing Ponds, downstream 200 feet. Trout: Minimum length fourteen inches. Mouth to mouth of the West Fork: (~~(June 1)~~) The first Saturday in June through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear and all species: Release all fish, except up to two hatchery steelhead may be retained per day, March 1 through March 31. Salmon: Open October 1 through December 31. October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon; and of the adult salmon, only 1 may be an adult wild coho. Release chum and adult Chinook. October 16 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.

From the mouth of the West Fork to two hundred feet below the weir at the Wishkah Rearing Ponds: (~~(June 1)~~) The first Saturday in June through March 31 season. All species: March 1 through March 31, release all fish, except up to two hatchery steelhead may be retained per day, and selective gear rules. Salmon: Open October 1 through December 31. October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the adult salmon, only 1 may be an adult wild coho. Release chum and adult Chinook. October 16 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.

From the weir at the Wishkah Rearing Ponds upstream: Trout: Minimum length fourteen inches.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to 7400 line bridge above mouth of Schafer Creek: (~~(June 1)~~) The first Saturday in June through March 31 season. Single point barbless hooks required August 16 through November 30. Salmon: Open

only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.

7400 line bridge upstream: Additional December 1 through March 31 season. Selective gear rules. Fishing from a floating device prohibited. All species: Release all fish except up to two hatchery steelhead may be retained per day.

Wynoochee Reservoir (Grays Harbor County): (~~(June 1)~~) The first Saturday in June through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries. Channel catfish: No daily limit.

From mouth to 400 feet below Prosser Dam: March 1 through October 22 season. Closed waters: From the WDFW white markers 200 feet downstream of the USBR Chandler Powerhouse/Pumping Station spillway chute to the powerline crossing immediately upstream of the powerhouse September 1 through October 22. Chumming permitted. Trout: Release all trout. Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. All species: (~~(Nonbuoyant lure restriction)~~) Anti-snagging rule and night closure(~~(-)~~)September 1 through October 22.

From Prosser Dam to Highway 223 Bridge: May 1 through October 31 season. Trout: Release all trout.

From mouth to Highway 223 Bridge: Bass: Bass 12 to 17 inches in length may be retained. No daily limit for bass, but not more than 3 bass greater than 15 inches in length may be retained.

From Highway 223 Bridge to 400 feet below Sunnyside Dam: (~~(Year-round season)~~) Trout: Minimum length twelve inches and maximum length twenty inches. (~~(Release all trout April 1 through May 31)~~) Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. All species: (~~(Nonbuoyant lure restriction)~~) Anti-snagging rule and night closure September 1 through October 22. Additional season December 1 through last day in February - Whitefish gear rules apply.

From Sunnyside Dam to thirty-five hundred feet below Roza Dam: (~~(Year-round season)~~) Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. All species: Selective gear rules. Trout: Minimum length twelve inches and maximum length twenty inches. (~~(Release all trout April 1 through May 31)~~) Additional season December 1 through last day in February - Whitefish gear rules apply.

From thirty-five hundred feet below Roza Dam to (~~(Roza Dam: Closed waters: From four hundred feet below)~~) Roza Dam(~~(-upstream)~~) December 1 through last day in February season. Whitefish gear rules apply. (~~(Release all game fish except whitefish)~~)

From Roza Dam to four hundred feet below Easton Dam and from Lake Easton to the base of Keechelus Dam: Year-round season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Selective gear rules except bait and one single point

barbed hook three-sixteenths or smaller point to shank may be used December 1 through last day in February. Trout: From Roza Dam to 400 feet below Easton Dam: Release all trout. Lake Easton to the base of Keechelus Dam. Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowhawk Creek (Walla Walla County): Closed waters.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

WSR 08-20-139
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed October 1, 2008, 11:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-17-173.

Title of Rule and Other Identifying Information: Chapter 246-320 WAC, Hospital licensing rules (operation standards only).

The following sections of the Washington Administrative Code are repealed: WAC 246-320-025 On-site licensing survey, 246-320-045 Application for license—License expiration dates—Notice of decision—Adjudicative proceeding, 246-320-065 Exemptions, alternative methods, and interpretations, 246-320-085 Single license to cover two or more buildings—When permissible, 246-320-105 Criminal history, disclosure, and background inquiries, 246-320-125 Governance, 246-320-145 Leadership, 246-320-165 Management of human resources, 246-320-185 Medical staff, 246-320-205 Management of information, 246-320-225 Improving organizational performance, 246-320-245 Patient rights and organizational ethics, 246-320-265 Infection control program, 246-320-285 Pharmacy services, 246-320-305 Food and nutrition services, 246-320-325 Laboratory, imaging, and other diagnostic, treatment or therapeutic services, 246-320-345 Inpatient care services, 246-320-365 Specialized patient care services, 246-320-370 Emergency contraception, 246-320-385 Outpatient care services, 246-320-405 Management of environment for care, 246-320-615 Pharmacy, and 246-320-990 Fees.

The following sections of the Washington Administrative Code are revised: WAC 246-320-001 Purpose and applicability of chapter and 246-320-010 Definitions.

The following sections of the Washington Administrative Code are added: WAC 246-320-011 Department responsibilities—Licensing—Adjudicative proceeding, 246-320-016 Department responsibilities—On-site survey and

complaint investigation, 246-320-021 Department responsibilities—General, 246-320-026 Department role—Exemptions, interpretations, alternative methods, 246-320-031 Criminal history, disclosure, and background inquiries—Department responsibility, 246-320-036 Department responsibility, refund initial license fee, 246-320-101 Application for license—Annual update of hospital information—License renewal—Right to contest a license decision, 246-320-106 Application for license, specialty hospital—Annual update of hospital information—License renewal—Right to contest a license decision, 246-320-111 Hospital responsibilities, 246-320-116 Specialty hospital responsibilities, 246-320-121 Requests for exemptions, interpretations, alternative methods, 246-320-126 Criminal history, disclosure, and background inquiries—Hospital responsibility, 246-320-131 Governance, 246-320-136 Leadership, 246-320-141 Patient rights and organizational ethics, 246-320-146 Adverse events, 246-320-151 Reportable events, 246-320-156 Management of human resources, 246-320-161 Medical staff, 246-320-166 Management of information, 246-320-171 Improving organizational performance, 246-320-176 Infection control program, 246-320-199 Fees, 246-320-201 Food and nutrition services, 246-320-206 Linen and laundry services, 246-320-211 Pharmaceutical services, 246-320-216 Laboratory, imaging, and other diagnostic, treatment or therapeutic services, 246-320-221 Safe patient handling, 246-320-226 Patient care services, 246-320-231 Patient care unit or area, 246-320-236 Surgical services, 246-320-241 Anesthesia services, 246-320-246 Recovery care, 246-320-251 Obstetrical services, 246-320-256 Neonatal and pediatric services, 246-320-261 Critical or intensive care services, 246-320-266 Alcohol and chemical dependency services, 246-320-271 Psychiatric services, 246-320-276 Long-term care services, 246-320-281 Emergency services, 246-320-286 Emergency contraception, 246-320-291 Dialysis services, and 246-320-296 Management of environment for care.

Hearing Location(s): Department of Health, Point Plaza East, 310 Israel Road S.E., Rooms 152 and 153, Tumwater, WA 98501, on November 17, 2008, at 9:30 a.m.

Date of Intended Adoption: December 10, 2008.

Submit Written Comments to: John Hilger, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2901, by November 17, 2008.

Assistance for Persons with Disabilities: Contact John Hilger by November 10, 2008, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to amend, repeal, and add new sections to chapter 246-320 WAC to promote safe and adequate care of individuals in hospitals. The proposal is in response to 2005 passed legislation (SSB 5492, HB 1533, and SB 5065) which amended chapter 70.41 RCW and directed the department to ensure hospitals provide notification of unanticipated outcomes, report restrictions or termination of health care provider's licenses, and required the department to inspect hospitals at least every eighteen months. In addition, the proposal updates language and terminology to represent current standards and practices, as some sections of chapter 246-320 WAC have not been revised since 1998. The anticipated

effects will be quality improvement and assurance of state-wide hospitals, and thereby increase patient safety and positive health outcomes.

Reasons Supporting Proposal: Reasons supporting the proposal are (1) increased quality improvement/assurance of Washington hospitals by the department; (2) assuring information is provided to the public pursuant to RCW 7.70.065 to inform the public of unanticipated outcomes; (3) ensuring the reporting by hospitals of any adverse actions taken against clinical privileges of health care providers in order to inform and protect the public; (4) updating rule language to reflect current standards and practices; and (5) clarifying and organizing sections of WAC for better readability by hospitals and the general public.

Statutory Authority for Adoption: Chapter 70.41 RCW and RCW 43.70.040.

Statute Being Implemented: Chapter 70.41 RCW.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Byron Plan, Tumwater, Washington, (360) 236-2916; and Enforcement: Steven M. Saxe, Tumwater, Washington, (360) 236-2902.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Per chapter 19.85 RCW no small business economic impact statement is required for rules that do not impose more than minor costs on small businesses within an industry affected by the rule. The proposed rules do not impact small businesses.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting John Hilger, Department of Health, P.O. Box 47852, Olympia, WA 98504, phone (360) 236-2929, fax (360) 236-2901, e-mail john.hilger@doh.wa.gov.

September 30, 2008

Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 99-04-052, filed 1/28/99, effective 3/10/99)

WAC 246-320-001 Purpose and applicability of chapter. ~~((This chapter is adopted by the Washington state department of health to implement the provisions of chapter 70.41 RCW and establish minimum health and safety requirements for the operation, maintenance, and construction of acute care hospitals.~~

~~(1) Compliance with the regulations in this chapter does not constitute release from the requirements of applicable state and local codes and ordinances. Where regulations in this chapter exceed other codes and ordinances, the regulations in this chapter will apply:~~

~~(2) The department will review references to codes and regulations in this chapter, and:~~

~~(a) Update as necessary; and~~

~~(b) Adopt a revised list of referenced standards, if required.)) This chapter is adopted by the Washington state department of health to implement chapter 70.41 RCW and~~

establish minimum health and safety requirements for the licensing, inspection, operation, maintenance, and construction of hospitals.

(1) Compliance with the regulations in this chapter does not constitute release from the requirements of applicable federal, state and local codes and ordinances. Where regulations in this chapter exceed other codes and ordinances, the regulations in this chapter will apply.

(2) The department will update or adopt references to codes and regulations in this chapter as necessary.

AMENDATORY SECTION (Amending WSR 08-14-023, filed 6/20/08, effective 7/21/08)

WAC 246-320-010 Definitions. For the purposes of this chapter and chapter 70.41 RCW, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

~~((1) "Abuse" means injury or sexual abuse of a patient under circumstances indicating the health, welfare, and safety of the patient is harmed. Person "legally responsible" will include a parent, guardian, or an individual to whom parental or guardian responsibility is delegated (e.g., teachers, providers of residential care and treatment, and providers of day care):~~

~~(a) "Physical abuse" means damaging or potentially damaging nonaccidental acts or incidents which may result in bodily injury or death.~~

~~(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.~~

~~(2) "Agent," when used in a reference to a medical order or a procedure for a treatment, means any power, principle, or substance, whether physical, chemical, or biological, capable of producing an effect upon the human body.~~

~~(3) "Alcoholism" means an illness characterized by lack of control as to the consumption of alcoholic beverages, or the consumption of alcoholic beverages to the extent an individual's health is substantially impaired or endangered, or his or her social or economic function is substantially disrupted.~~

~~(4) "Alteration" means any change, addition, or modification to an existing hospital or a portion of an existing hospital.~~

~~"Minor alteration" means renovation that does not require an increase in capacity to structural, mechanical or electrical systems, which does not affect fire and life safety, and which does not add beds or facilities in addition to that for which the hospital is currently licensed.~~

~~(5) "Assessment" means the: (a) Systematic collection and review of patient specific data; (b) process established by a hospital for obtaining appropriate and necessary information about each individual seeking entry into a health care setting or service; and (c) information to match an individual's need with the appropriate setting and intervention.~~

~~(6) "Authentication" means the process used to verify that an entry is complete, accurate, and final.~~

~~(7) "Child" means an individual under the age of eighteen years.~~

(8) "Critical care unit or service" means the specialized medical and nursing care provided to patients facing an immediate life-threatening illness or injury. The care is provided by multidisciplinary teams of highly experienced and skilled physicians, nurses, pharmacists or other allied health professionals who have the ability to interpret complex therapeutic and diagnostic information and access to highly sophisticated equipment.

(9) "Department" means the Washington state department of health.

(10) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American Dietetic Association described in Directory of Dietetic Programs Accredited and Approved, American Dietetic Association, edition 100, 1980.

(11) "Double checking" means verification of patient identity, agent to be administered, route, quantity, rate, time, and interval of administration by two persons legally qualified to administer such agent prior to administration of the agent.

(12) "Drugs" as defined in RCW 18.64.011(3) means:

(a) Articles recognized in the official U.S. pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection but not including devices or component parts or accessories.

(13) "Emergency care to victims of sexual assault" means medical examinations, procedures, and services provided by a hospital emergency room to a victim of sexual assault following an alleged sexual assault.

(14) "Emergency contraception" means any health care treatment approved by the food and drug administration that prevents pregnancy, including, but not limited to, administering two increased doses of certain oral contraceptive pills within seventy-two hours of sexual contact.

(15) "Emergency triage" means the immediate patient assessment by a registered nurse, physician, or physician assistant to determine the nature and urgency of the person's medical need and the time and place care and treatment is to be given.

(16) "Family" means individuals important to and designated by a patient who need not be relatives.

(17) "Governing authority/body" means the person or persons responsible for establishing the purposes and policies of the hospital.

(18) "High risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by a number of factors, prenatal, natal, or postnatal needing special medical or nursing care.

(19) "Hospital" means any institution, place, building, or agency providing accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not

related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include:

(a) Hotels, or similar places furnishing only food and lodging, or simply domiciliary care;

(b) Clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more;

(c) Nursing homes, as defined and which come within the scope of chapter 18.51 RCW;

(d) Birthing centers, which come within the scope of chapter 18.46 RCW;

(e) Psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor

(f) Any other hospital or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions.

(g) Furthermore, nothing in this chapter will be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

(20) "Individualized treatment plan" means a written statement of care planned for a patient based upon assessment of the patient's developmental, biological, psychological, and social strengths and problems, and including:

(a) Treatment goals, with stipulated time frames;

(b) Specific services to be utilized;

(c) Designation of individuals responsible for specific service to be provided;

(d) Discharge criteria with estimated time frames; and

(e) Participation of the patient and the patient's designee as appropriate.

(21) "Infant" means a baby or very young child up to one year of age.

(22) "Invasive procedure" means a procedure involving puncture or incision of the skin or insertion of an instrument or foreign material into the body including, but not limited to, percutaneous aspirations, biopsies, cardiac and vascular catheterizations, endoscopies, angioplasties, and implantations. Excluded are venipuncture and intravenous therapy.

(23) "Licensed practical nurse," abbreviated LPN, means an individual licensed under provisions of chapter 18.78 RCW.

(24) "Maintenance" means the work of keeping something in suitable condition.

(25) "Medical staff" means physicians and may include other practitioners appointed by the governing authority to practice within the parameters of the governing authority and medical staff bylaws.

(26) "Medication" means any substance, other than food or devices, intended for use in diagnosing, curing, mitigating, treating, or preventing disease.

(27) "Multidisciplinary treatment team" means a group of individuals from the various disciplines and clinical ser-

VICES who assess, plan, implement, and evaluate treatment for patients:

(28) "Neglect" means mistreatment or maltreatment; an act or omission evincing a serious disregard of consequences of a magnitude constituting a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation, such as lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing, or cleanliness.

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations, and disordered development.

(29) "Neonate" or "newborn" means a newly born infant under twenty-eight days of age.

(30) "Neonatologist" means a pediatrician who is board certified in neonatal-perinatal medicine or board eligible in neonatal-perinatal medicine, provided the period of eligibility does not exceed three years, as defined and described in *Directory of Residency Training Programs* by the Accreditation Council for Graduate Medical Education, American Medical Association, 1998 or the *American Osteopathic Association Yearbook and Directory*, 1998.

(31) "New construction" means any of the following:

(a) New facilities to be licensed as a hospital;

(b) Alterations.

(32) "Nonambulatory" means an individual physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another.

(33) "Operating room (OR)" means a room within the surgical department intended for invasive and noninvasive procedures requiring anesthesia.

(34) "Patient" means an individual receiving (or having received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services at the hospital.

(35) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(36) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW as now or hereafter amended.

(37) "Pharmacy" means the central area in a hospital where drugs are stored and are issued to hospital departments or where prescriptions are filled.

(38) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, chapter 18.22 RCW, Podiatric medicine and surgery, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

(39) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

(40) "Procedure" means a particular course of action to relieve pain, diagnose, cure, improve, or treat a patient's condition.

(41) "Protocols" and "standing order" mean written descriptions of actions and interventions for implementation

by designated hospital personnel under defined circumstances and authenticated by a legally authorized person under hospital policy and procedure.

(42) "Psychiatric service" means the treatment of patients pertinent to the psychiatric diagnosis whether or not the hospital maintains a psychiatric unit.

(43) "Recovery unit" means a special physical and functional area for the segregation, concentration, and close or continuous nursing observation and care of patients for a period of less than twenty-four hours immediately following anesthesia, obstetrical delivery, surgery, or other diagnostic or treatment procedures which may produce shock, respiratory obstruction or depression, or other serious states.

(44) "Registered nurse" means an individual licensed under the provisions of chapter 18.79 RCW and practicing in accordance with the rules and regulations promulgated thereunder.

(45) "Restraint" means any method used to prevent or limit free body movement including, but not limited to, involuntary confinement, an apparatus, or a drug given not required to treat a patient's medical symptoms.

(46) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

(47) "Seclusion room" means a small, secure room specifically designed and organized for temporary placement, care, and observation of one patient and for an environment with minimal sensory stimuli, maximum security and protection, and visual observation of the patient by authorized personnel and staff. Doors of seclusion rooms are provided with staff-controlled locks.

(48) "Sexual assault" has the same meaning as in RCW 70.125.030.

(49) "Staff" means paid employees, leased or contracted persons, students, and volunteers.

(50) "Surgical procedure" means any manual or operative procedure performed upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defect, prolonging life or relieving suffering, and involving any of the following:

(a) Incision, excision, or curettage of tissue or an organ;

(b) Suture or other repair of tissue or an organ including a closed as well as an open reduction of a fracture;

(c) Extraction of tissue including the premature extraction of the products of conception from the uterus; or

(d) An endoscopic examination with use of anesthetizing agents.

(51) "Surrogate decision-maker" means an individual appointed to act on behalf of another. Surrogates make decisions only when an individual is without capacity or has given permission to involve others.

(52) "Treatment" means the care and management of a patient to combat, improve, or prevent a disease, disorder, or injury, and may be:

(a) Pharmacologic, surgical, or supportive;

(b) Specific for a disorder; or

(c) Symptomatic to relieve symptoms without effecting a cure.

(53) "Victim of sexual assault" means a person who alleges or is alleged to have been sexually assaulted and who presents as a patient.) (1) "Abuse" means injury or sexual abuse of a patient indicating the health, welfare, and safety of the patient is harmed:

(a) "Physical abuse" means acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral stress or injury.

(2) "Adverse health event" or "adverse event" means the list of *Serious Reportable Events* adopted by the National Quality Forum in 2002 (and updates in 2006), in its consensus report on serious reportable events in health care.

(3) "Agent," when referring to a medical order or procedure, means any power, principle, or substance, whether physical, chemical, or biological, capable of producing an effect upon the human body.

(4) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(5) "Alteration" means any change, addition, or modification to an existing hospital or a portion of an existing hospital.

"Minor alteration" means renovation that does not require an increase in capacity to structural, mechanical or electrical systems, which does not affect fire and life safety, and which does not add beds or facilities in addition to that for which the hospital is currently licensed.

(6) "Assessment" means the:

(a) Systematic collection and review of patient-specific data;

(b) A process for obtaining appropriate and necessary information about individuals seeking entry into a health care setting or service; and

(c) Information used to match an individual with an appropriate setting or intervention. The assessment is based on the patient's diagnosis, care setting, desire for care, response to any previous treatment, consent to treatment, and education needs.

(7) "Authentication" means the process used to verify an entry is complete, accurate, and final.

(8) "Bed, bed space or bassinets" means the physical environment and equipment (both movable and stationary) designed and used for twenty-four hour or more care of a patient. This does not include stretchers, exam tables, operating tables, well baby bassinets, labor bed, and labor-delivery-recovery beds.

(9) "Child" means an individual under the age of eighteen years.

(10) "Clinical evidence" means the same as original clinical evidence used in diagnosing a patient's condition or assessing a clinical course and includes, but is not limited to:

(a) X-ray films;

(b) Digital records;

(c) Laboratory slides;

(d) Tissue specimens; and

(e) Medical photographs.

(11) "Critical care unit or service" means the specialized medical and nursing care provided to patients facing an immediate life-threatening illness or injury. Care is provided by multidisciplinary teams of highly skilled physicians, nurses, pharmacists or other health professionals who interpret complex therapeutic and diagnostic information and have access to sophisticated equipment.

(12) "Department" means the Washington state department of health.

(13) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American Dietetic Association described in *Directory of Dietetic Programs Accredited and Approved*, American Dietetic Association, edition 100, 1980.

(14) "Double-checking" means verifying patient identity, agent to be administered, route, quantity, rate, time, and interval of administration by two persons.

(15) "Drugs" as defined in RCW 18.64.011(3) means:

(a) Articles recognized in the official *U.S. Pharmacopoeia* or the official *Homeopathic Pharmacopoeia of the United States*;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection but not including devices or component parts or accessories.

(16) "Electrical receptacle outlet" means an outlet where one or more electrical receptacles are installed.

(17) "Emergency care to victims of sexual assault" means medical examinations, procedures, and services provided by a hospital emergency room to a victim of sexual assault following an alleged sexual assault.

(18) "Emergency contraception" means any health care treatment approved by the Food and Drug Administration that prevents pregnancy, including, but not limited to, administering two increased doses of certain oral contraceptive pills within seventy-two hours of sexual contact.

(19) "Emergency department" means the area of a hospital where unscheduled medical or surgical care is provided to patients who need care.

(20) "Emergency room" means a space where emergency services are delivered and set apart by floor-to-ceiling partitions on all sides with proper access to an exit access and with all openings provided with doors or windows.

(21) "Emergency medical condition" means a condition manifesting itself by acute symptoms of severity (including severe pain, symptoms of mental disorder, or symptoms of substance abuse) that absent immediate medical attention could result in:

(a) Placing the health of an individual in serious jeopardy;

(b) Serious impairment to bodily functions;

(c) Serious dysfunction of a bodily organ or part; or

(d) With respect to a pregnant woman who is having contractions;

(i) That there is inadequate time to effect a safe transfer to another hospital before delivery; or

(ii) That the transfer may pose a threat to the health or safety of the woman or the unborn child.

(22) "Emergency services" means health care services medically necessary to evaluate and treat a medical condition that manifests itself by the acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, and that the absence of immediate medical attention could reasonably be expected to result in serious impairment to bodily functions or serious dysfunction of an organ or part of the body, or would place the person's health, or in the case of a pregnant woman, the health of the woman or her unborn child, in serious jeopardy.

(23) "Emergency triage" means the immediate patient assessment by a registered nurse, physician, or physician assistant to determine the nature and urgency of the person's medical need for treatment.

(24) "Family" means individuals designated by a patient who need not be relatives.

(25) "General hospital" means a hospital that provides general acute care services, including emergency services.

(26) "Governing authority/body" means the person or persons responsible for establishing the purposes and policies of the hospital.

(27) "High-risk infant" means an infant, regardless of age, whose existence is compromised, prenatal, natal, or postnatal factors needing special medical or nursing care.

(28) "Hospital" means any institution, place, building, or agency providing accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include:

(a) Hospice care centers which come within the scope of chapter 70.127 RCW;

(b) Hotels, or similar places, furnishing only food and lodging, or simply domiciliary care;

(c) Clinics or physicians' offices, where patients are not regularly kept as bed patients for twenty-four hours or more;

(d) Nursing homes, as defined in and which come within the scope of chapter 18.51 RCW;

(e) Birthing centers, which come within the scope of chapter 18.46 RCW;

(f) Psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor

(g) Any other hospital or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions;

(h) Furthermore, nothing in this chapter will be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the

creed or tenets of any well-recognized church or religious denominations.

(29) "Individualized treatment plan" means a written and/or electronically recorded statement of care planned for a patient based upon assessment of the patient's developmental, biological, psychological, and social strengths and problems, and including:

(a) Treatment goals, with stipulated time frames;

(b) Specific services to be utilized;

(c) Designation of individuals responsible for specific service to be provided;

(d) Discharge criteria with estimated time frames; and

(e) Participation of the patient and the patient's designee as appropriate.

(30) "Infant" means an individual not more than twelve months old.

(31) "Invasive procedure" means a procedure involving puncture or incision of the skin or insertion of an instrument or foreign material into the body including, but not limited to, percutaneous aspirations, biopsies, cardiac and vascular catheterizations, endoscopies, angioplasties, and implantations. Excluded are venipuncture and intravenous therapy.

(32) "Licensed practical nurse" means an individual licensed under provisions of chapter 18.79 RCW.

(33) "Maintenance" means the work of keeping something in safe, workable or suitable condition.

(34) "Medical equipment" means equipment used in a patient care environment to support patient treatment and diagnosis.

(35) "Medical staff" means physicians and other practitioners appointed by the governing authority.

(36) "Medication" means any substance, other than food or devices, intended for use in diagnosing, curing, mitigating, treating, or preventing disease.

(37) "Multidisciplinary treatment team" means a group of individuals from various disciplines and clinical services who assess, plan, implement, and evaluate treatment for patients.

(38) "Neglect" means mistreatment or maltreatment; a disregard of consequences or magnitude constituting a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation, such as lack of medical care, lack of supervision, inadequate food, clothing, or cleanliness.

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts which may result in emotional or behavioral problems, physical manifestations, and disorders.

(39) "Neonate" means a newly born infant under twenty-eight days of age.

(40) "Neonatologist" means a pediatrician who is board certified in neonatal-perinatal medicine or board eligible in neonatal-perinatal medicine, provided the period of eligibility does not exceed three years, as defined and described in *Directory of Residency Training Programs* by the Accreditation Council for Graduate Medical Education, American Medical Association, 1998 or the *American Osteopathic Association Yearbook and Directory*, 1998.

(41) "New construction" means any of the following:

- (a) New facilities to be licensed as a hospital;
- (b) Renovation; or
- (c) Alteration.

(42) "Nonambulatory" means an individual physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another.

(43) "Nursing personnel" means registered nurses, licensed practical nurses, and unlicensed assistive nursing personnel providing direct patient care.

(44) "Operating room (OR)" means a room intended for invasive and noninvasive surgical procedures.

(45) "Patient" means an individual receiving (or having received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services.

(a) "Inpatient" means services that require admission to a hospital for twenty-four hours or more.

(b) "Outpatient" means services that do not require admission to a hospital for twenty-four hours or more.

(46) "Patient care areas" means all areas of the hospital where direct patient care is delivered and where patient diagnostic or treatment procedures are performed.

(47) "Patient care unit or area" means a physical space of the hospital including rooms or areas containing beds or bed spaces, with available support ancillary, administrative, and services for patient.

(48) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(49) "Pharmacist" means an individual licensed by the state board of pharmacy chapter 18.64 RCW.

(50) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

(51) "Physician" means an individual licensed under chapter 18.71 RCW, Physicians, chapter 18.22 RCW, Podiatric medicine and surgery, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

(52) "Prescription" means an order for drugs or devices issued by a practitioner authorized by law or rule in the state of Washington for a legitimate medical purpose.

(53) "Procedure" means a particular course of action to relieve pain, diagnose, cure, improve, or treat a patient's condition.

(54) "Protocols" and "standing order" mean written or electronically recorded descriptions of actions and interventions for implementation by designated hospital staff under defined circumstances under hospital policy and procedure.

(55) "Psychiatric service" means the treatment of patients pertinent to a psychiatric diagnosis.

(56) "Recovery unit" means a physical area for the segregation, concentration, and close or continuous nursing observation of patients for less than twenty-four hours immediately following anesthesia, obstetrical delivery, surgery, or other diagnostic or treatment procedures.

(57) "Registered nurse" means an individual licensed under chapter 18.79 RCW.

(58) "Restraint" means any method used to prevent or limit free body movement including, but not limited to, invol-

untary confinement, a physical or mechanical device, or a drug given not required to treat a patient's symptoms.

(59) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

(60) "Seclusion" means the involuntary confinement of a patient in a room or area where the patient is physically prevented from leaving.

(61) "Seclusion room" means a secure room designed and organized for temporary placement, care, and observation of one patient with minimal sensory stimuli, maximum security and protection, and visual and auditory observation by authorized personnel and staff. Doors of seclusion rooms have staff-controlled locks.

(62) "Sexual assault" means one or more of the following:

- (a) Rape or rape of a child;
- (b) Assault with intent to commit rape or rape of a child;
- (c) Incest or indecent liberties;
- (d) Child molestation;
- (e) Sexual misconduct with a minor;
- (f) Custodial sexual misconduct;
- (g) Crimes with a sexual motivation; or
- (h) An attempt to commit any of the items in (a) through (g) of this subsection.

(63) "Severe pain" means a level of pain reported by a patient of 8 or higher based on a 10 point scale with 1 being the least and 10 being the most pain.

(64) "Specialty hospital" means a subclass of hospital that is primarily or exclusively engaged in the care and treatment of one of the following categories:

- (a) Patients with a cardiac condition;
- (b) Patients with an orthopedic condition;
- (c) Patients receiving a surgical procedure; and
- (d) Any other specialized category of services that the secretary of health and human services designates as a specialty hospital.

(65) "Staff" means paid employees, leased or contracted persons, students, and volunteers.

(66) "Surgical procedure" means any manual or operative procedure performed upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defect, prolonging life or relieving suffering, and involving any of the following:

- (a) Incision, excision, or curettage of tissue;
- (b) Suture or repair of tissue including a closed as well as an open reduction of a fracture;
- (c) Extraction of tissue including the premature extraction of the products of conception from the uterus; or
- (d) An endoscopic examination.

(67) "Surrogate decision-maker" means an individual appointed to act on behalf of another when an individual is without capacity or has given permission.

(68) "Transfer agreement" means a written agreement providing an effective process for the transfer of a patient requiring emergency services to a general hospital providing emergency services and for continuity of care for that patient.

(69) "Treatment" means the care and management of a patient to combat, improve, or prevent a disease, disorder, or injury, and may be:

- (a) Pharmacologic, surgical, or supportive;
- (b) Specific for a disorder; or
- (c) Symptomatic to relieve symptoms without effecting a cure.

(70) "Unlicensed assistive personnel (UAP)" means individuals trained to function in an assistive role to nurses in the provision of patient care, as delegated by and under the supervision of the registered nurse. Typical activities performed by unlicensed assistive personnel include, but are not limited to: Taking vital signs; bathing, feeding, or dressing patients; assisting patient with transfer, ambulation, or toileting. Definition includes: nursing assistants; orderlies; patient care technicians/assistants; and graduate nurses (not yet licensed) who have completed unit orientation. Definition excludes: Unit secretaries or clerks; monitor technicians; therapy assistants; student nurses fulfilling educational requirements; and sitters who are not providing typical UAP activities.

(71) "Victim of sexual assault" means a person is alleged to have been sexually assaulted and who presents as a patient.

(72) "Vulnerable adult" means, as defined in chapter 74.34 RCW, a person sixty years of age or older who lacks the functional, physical, or mental ability to care for him or herself; an adult with a developmental disability under RCW 71A.10.020; an adult with a legal guardian under chapter 11.88 RCW; an adult living in a long-term care facility (an adult family home, boarding home or nursing home); an adult living in their own or a family's home receiving services from an agency or contracted individual provider; or an adult self-directing their care under RCW 74.39.050. For the purposes of requesting background checks pursuant to RCW 43.43.-832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves. For the purposes of this chapter, it shall also include hospitalized adults.

(73) "Well-being" means free from actual or potential harm, abuse, neglect, unintended injury, death, serious disability or illness.

NEW SECTION

WAC 246-320-011 Department responsibilities—Licensing—Adjudicative proceeding. This section identifies the actions and responsibilities of the department for licensing hospitals.

(1) Before issuing an initial license, the department will verify compliance with chapter 70.41 RCW and this chapter which includes, but is not limited to:

- (a) Approval of construction documents;
- (b) Receipt of a certificate of need as provided in chapter 70.38 RCW;
- (c) Approval by the local jurisdiction of all local codes and ordinances and the permit to occupy;
- (d) Approval of the initial license application;
- (e) Receipt of the correct license fee;
- (f) Compliance with the on-site survey conducted by the state fire marshal required in RCW 70.41.080; and

(g) Conduct an on-site licensing survey in accordance with WAC 246-320-016.

(2) The department may issue a license to include two or more buildings, if the applicant:

- (a) Meets the requirements listed in subsection (1) of this section;
- (b) Operates the buildings as an integrated system with:
 - (i) Governance by a single authority over all buildings or portions of buildings;
 - (ii) A single medical staff for all hospital facilities; and
 - (iii) Use all policies and procedures for all facilities and departments.

(c) Arranges for safe and appropriate transport of patients between all facilities and buildings.

(3) Before reissuing a license, the department will:

- (a) Verify compliance with the on-site survey conducted by the state fire marshal required in RCW 70.41.080;
- (b) Review and accept the annual hospital update information documentation;

(c) Assure receipt of the correct annual fee; and

(d) Reissue licenses as often as necessary each calendar year so that approximately one-third of the hospital licenses expire on the last day of the calendar year.

(4) The department may issue a provisional license to allow the operation of a hospital, if the department determines that the applicant or licensed hospital failed to comply with chapter 70.41 RCW or this chapter.

(5) The department may deny, suspend, modify, or revoke a license when it finds an applicant or hospital has failed or refused to comply with chapter 70.41 RCW or this chapter. The department's notice of a license denial, suspension, modification, or revocation will be consistent with RCW 43.70.115. The proceeding is governed by the Administrative Procedure Act chapter 34.05 RCW, this chapter, and chapters 246-08 and 246-10 WAC. If this chapter conflicts with chapter 246-08 or 246-10 WAC, this chapter governs.

NEW SECTION

WAC 246-320-016 Department responsibilities—On-site survey and complaint investigation. This section outlines the department's on-site survey and complaint investigation activities and roles.

(1) Surveys. The department will:

(a) Conduct on-site surveys of each hospital on average at least every eighteen months or more often using the health and safety standards in this chapter and chapter 70.41 RCW:

(b) Notify the hospital at least four weeks prior to the scheduled date of the on-site survey;

(c) Coordinate the on-site survey with other agencies, including local fire jurisdictions, state fire marshal, state pharmacy board, and report the survey findings to those agencies;

(d) Notify the hospital in writing of the survey findings following each on-site survey;

(e) Require each hospital to submit a corrective action plan addressing each deficient practice identified in the survey findings; and

(f) Notify the hospital when the hospital submitted plan of correction adequately addresses the survey findings.

(g) Accept on-site surveys conducted by the Joint Commission or American Osteopathic Association as meeting the eighteen-month survey requirement in accordance with RCW 70.41.122.

(2) Complaint investigations. The department will:

(a) Conduct an investigation of every complaint against a hospital that concerns patient well being;

(b) Notify the hospital in writing of state complaint investigation findings following each complaint investigation;

(c) Require each hospital to submit a corrective action plan addressing each deficient practice identified in the complaint investigation findings; and

(d) Notify the hospital when the hospital submitted plan of correction adequately addresses the complaint investigation findings.

(3) The department may:

(a) Direct a hospital on how to implement a corrective action plan based on the findings from an on-site survey or complaint investigation; or

(b) Contact a hospital to discuss the findings of the Joint Commission or American Osteopathic Association on-site accreditation survey.

NEW SECTION

WAC 246-320-021 Department responsibilities—

General. This section outlines the department's responsibility to post information to the agency web site and time frames to respond to interpretations, exemptions and alternative methods.

The department will:

(1) Post to the agency web site a list of the most frequent problems identified during hospital surveys and complaint investigations in accordance with RCW 70.41.045.

(2) Respond within thirty calendar days to a hospital's request for an exemption or use of an alternative as provided for in WAC 246-320-026.

(3) Respond within thirty calendar days to a hospital's request for an interpretation as provided for in WAC 246-320-026.

(4) Maintain hospital provided information confidentially according to the Public Disclosure Act, chapters 42.17 and 42.56 RCW, RCW 70.41.150, 70.41.200, and 70.41.210.

NEW SECTION

WAC 246-320-026 Department role—Exemptions, interpretations, alternative methods. This section outlines the department's responsibilities and actions in response to requests for interpretations, exemptions and alternative methods.

(1) The department may exempt a hospital from complying with portions of this chapter when:

(a) The exemption will not change the purpose and intent of chapter 70.41 RCW or this chapter;

(b) Patient safety, health or well being is not threatened;

(c) Fire and life safety regulations, infection control standards or other codes or regulations would not be reduced; and

(d) Any structural integrity of the building would not occur.

(2) The department will write an interpretation of a rule after receiving complete information relevant to the interpretation.

(3) The department may approve a hospital to use alternative materials, designs, and methods if the documentation and supporting information:

(a) Meets the intent and purpose of these rules; and

(b) Is equivalent to the methods prescribed in this chapter.

(4) The department will keep copies of each exemption, alternative, or interpretation issued.

NEW SECTION

WAC 246-320-031 Criminal history, disclosure, and background inquiries—Department responsibility. This section outlines the department's responsibilities to review and use criminal history, disclosure and background information.

(1) The department will:

(a) Review hospital records required under WAC 246-320-126;

(b) Investigate allegations of noncompliance by hospitals with RCW 43.43.830 through 43.43.842; and

(c) Use information collected under this section only to determine hospital licensure or relicensure eligibility under RCW 43.43.842.

(2) The department may require the hospital to complete additional disclosure statements or background inquiries, if the department believes offenses specified under RCW 43.43.830 have occurred since the previous disclosure statement or background inquiry, for any person having unsupervised access to children, vulnerable adults, and developmentally disabled adults.

NEW SECTION

WAC 246-320-036 Department responsibility, refund initial license fee. This section outlines the department's actions regarding a request for refund of an initial licensing fee.

The department will, upon request of an applicant:

(1) Refund two-thirds of the initial fee, less a fifty dollar processing charge provided the department did not conduct an on-site survey or give technical assistance.

(2) Refund one-third of the initial fee, less a fifty dollar processing charge when the department conducted an on-site survey or gave technical assistance and did not issue a license.

(3) The department will not refund an initial license fee if:

(a) The department conducted more than one on-site visit;

(b) One year has passed since the department received an initial licensure application;

(c) One year has passed since the department received an initial application and the department has not issued the license because the applicant failed to complete requirements for licensure; or

(d) The amount to be refunded is one hundred dollars or less.

LICENSING

NEW SECTION

WAC 246-320-101 Application for license—Annual update of hospital information—License renewal—Right to contest a license decision. This section identifies the applicant or hospital actions and responsibilities for obtaining a license.

(1) Initial license. An applicant must submit an application packet and fee to the department at least sixty days before the intended opening date of the new hospital.

(2) Annual update. Before November 30 of each calendar year, a licensed hospital must submit to the department the hospital update documentation and fee.

(3) License renewal. Before November 30 of the year the license expires, a licensed hospital must submit to the department the hospital update documentation, fee and the results of the most recent on-site survey conducted by the state fire marshal.

(4) An applicant or hospital has the right to contest a license decision by:

(a) Sending a written request for an adjudicative proceeding within twenty-eight days of receipt of the department's licensing decision showing proof of receipt with the office of the Adjudicative Service Unit, Department of Health, P.O. Box 47879, Olympia, WA 98504-7879; and

(b) Including as part of the written request:

(i) A specific statement of the issues and law involved;

(ii) The grounds for contesting the department decision;

and

(iii) A copy of the contested department decision.

(c) The adjudicative proceeding is governed by the Administrative Procedure Act chapter 34.05 RCW, this chapter, and chapters 246-08 and 246-10 WAC. If this chapter conflicts with chapter 246-08 or 246-10 WAC, this chapter governs.

NEW SECTION

WAC 246-320-106 Application for license, specialty hospital—Annual update of hospital information—License renewal—Right to contest a license decision. This section identifies the applicant or specialty hospital actions and responsibilities for obtaining a license.

(1) Initial license. An applicant must submit an application packet and fee to the department at least sixty days before the intended opening date of the specialty hospital.

(2) Annual update. Before November 30 of each calendar year, a licensed specialty hospital must submit to the hospital the specialty hospital update information and fee.

(3) License renewal. Before November 30 of the year the license expires, a licensed specialty hospital must submit to the department the hospital update documentation, fee and the results of the most recent on-site survey conducted by the state fire marshal.

(4) An applicant or specialty hospital has the right to contest a license decision by:

(a) Sending a written request for an adjudicative proceeding within twenty-eight days of receipt of the department's

licensing decision showing proof of receipt with the office of the Adjudicative Service Unit, Department of Health, P.O. Box 47879, Olympia, WA 98504-7879; and

(b) Including as part of the written request:

(i) A specific statement of the issues and law involved;

(ii) The grounds for contesting the department decision; and

(iii) A copy of the contested department decision.

(c) The adjudicative proceeding is governed by the Administrative Procedure Act chapter 34.05 RCW, this chapter, and chapters 246-08 and 246-10 WAC. If this chapter conflicts with chapter 246-08 and 246-10 WAC, this chapter governs.

NEW SECTION

WAC 246-320-111 Hospital responsibilities. This section identifies a hospital obligation, actions and responsibilities to comply with the hospital law and rules.

(1) Hospitals must:

(a) Comply with chapter 70.41 RCW and this chapter;

(b) Only set up inpatient beds within the licensed bed capacity approved by the department or the Medicare provider agreement; and

(c) Receive approval for additional inpatient beds as required in chapter 70.38 RCW before exceeding department approved bed capacity.

(2) A hospital accredited by the Joint Commission or American Osteopathic Association must:

(a) Notify the department of an accreditation survey within two business days following completion of the survey; and

(b) Notify the department in writing of the accreditation decision and any changes in accreditation status within thirty calendar days of receiving the accreditation report.

NEW SECTION

WAC 246-320-116 Specialty hospital responsibilities. This section identifies a specialty hospital obligation, actions and responsibilities to comply with the hospital law and rules.

Specialty hospitals must:

(1) Comply with chapter 70.41 RCW and this chapter;

(2) Only set up inpatient beds within the licensed bed capacity approved by the department or the Medicare provider agreement;

(3) Receive approval for additional inpatient beds as required in chapter 70.38 RCW before exceeding department approved bed capacity;

(4) Provide appropriate discharge planning;

(5) Provide staff proficient in resuscitation and respiration maintenance twenty-four hours per day, seven days per week;

(6) Participate in the Medicare and Medicaid programs and provide at least the same percentage of services to Medicare and Medicaid beneficiaries, as a percent of gross revenues, as the lowest percentage of services provided to Medicare and Medicaid beneficiaries by a general hospital in the same health service area. The lowest percentage of services provided to Medicare and Medicaid beneficiaries shall be determined by the department in consultation with the gen-

eral hospitals in the health service area but shall not be the percentage of Medicare and Medicaid services of a hospital that serves primarily members of a particular health plan or government sponsor;

(7) Provide at least the same percentage of charity care, as a percent of gross revenues, as the lowest percentage of charity care provided by a general hospital in the same health service area. The lowest percentage of charity care shall be determined by the department in consultation with the general hospitals in the health service area but shall not be the percentage of charity care of a hospital that serves primarily members of a particular health plan or government sponsor;

(8) Require any physician owner to:

(a) In accordance with chapter 19.68 RCW, disclose a financial interest in the specialty hospital and provide a list of alternative hospitals before referring a patient to the specialty hospital; and

(b) If the specialty hospital does not have an intensive care unit, notify the patient that if intensive care services are required, the patient must be transferred to another hospital;

(9) Provide emergency services twenty-four hours per day, seven days per week, in a designated area of the hospital, and comply with requirements for emergency facilities that are established by the department;

(10) Establish procedures to stabilize a patient with an emergency medical condition until the patient is transported or transferred to another hospital if emergency services cannot be provided at the specialty hospital to meet the needs of the patient in an emergency;

(11) Maintain a transfer agreement with a general hospital in the same health service area that establishes a process for patient transfers in a situation in which the specialty hospital cannot provide continuing care for a patient because of the specialty hospital's scope of services and for the transfer of patients; and

(12) Accept the transfer of patients from general hospitals when the patients require the category of care or treatment provided by the specialty hospital.

NEW SECTION

WAC 246-320-121 Requests for exemptions, interpretations, alternative methods. This section outlines a process to request an exemption, interpretation, or approval to use an alternative method. This section is not intended to prevent use of systems, materials, alternate design, or methods of construction as alternatives to those prescribed by this chapter.

(1) A hospital requesting exemption from this chapter must:

(a) Send a written request to the department;

(b) Include in the request:

(i) The specific section of this chapter to be exempted;

(ii) Explain the reasons for requesting the exemption; and

(iii) When appropriate, provide documentation to support the request.

(2) A hospital or person requesting an interpretation of a rule in this chapter must:

(a) Send a written request to the department;

(b) Include in the request:

(i) The specific section of this chapter to be interpreted;

(ii) Explain the reason or circumstances for requesting the interpretation; and

(iii) Where or how the rule is being applied.

(c) Provide additional information when required by the department.

(3) A hospital requesting use of alternative materials, design, and methods must:

(a) Send a written request to the department; and

(b) Explain and support with technical documentation the reasons the department should consider the request.

(4) The hospital must keep and make available copies of each exemption, alternative, or interpretation received from the department.

NEW SECTION

WAC 246-320-126 Criminal history, disclosure, and background inquiries—Hospital responsibility. This section outlines the requirements for hospitals to conduct criminal history background inquiries for all medical staff, employees or prospective employees who have or may have unsupervised access to children, vulnerable adults, and developmentally disabled adults.

Hospitals must:

(1) Require a disclosure statement according to RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other person associated with the licensed hospital with unsupervised access to:

(a) Children under sixteen years of age;

(b) Vulnerable adults as defined under RCW 43.43.830; and

(c) Developmentally disabled individuals;

(2) Require a Washington state patrol background inquiry according to RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other person applying for association with the licensed hospital before allowing unsupervised access to:

(a) Children under sixteen years of age;

(b) Vulnerable adults as defined under RCW 43.43.830; and

(c) Developmentally disabled individuals.

NEW SECTION

WAC 246-320-131 Governance. This section provides organizational guidance and oversight responsibilities of hospital resources and staff to support safe patient care.

For the purposes of this section "practitioner" means pharmacists as defined in chapter 18.64 RCW; advanced registered nurse practitioners as defined in chapter 18.79 RCW; dentists as defined in chapter 18.32 RCW; naturopaths as defined in chapter 18.36A RCW; optometrists as defined in chapter 18.53 RCW; osteopathic physicians and surgeons as defined in chapter 18.57 RCW; osteopathic physicians' assistants as defined in chapter 18.57A RCW; physicians as defined in chapter 18.71 RCW; physician assistants as defined in chapter 18.71A RCW; podiatric physicians and surgeons as defined in chapter 18.22 RCW; and psychologists as defined in chapter 18.83 RCW.

The governing authority must:

(1) Establish and review governing authority policies including requirements for:

(a) Reporting practitioners according to RCW 70.41.-210;

(b) Informing patients of any unanticipated outcomes according to RCW 70.41.380;

(c) Establishing and approving a performance improvement plan;

(d) Providing organizational management and planning;

(e) Reporting adverse events and conducting root cause analyses according to RCW 70.56.020;

(f) Providing a patient and family grievance process including a time frame for resolving each grievance;

(g) Defining who can give and receive patient care orders that are consistent with professional licensing laws; and

(h) Providing communication and conflict resolution between the medical staff and the governing authority;

(2) Establish a process for selecting and periodically evaluating a chief executive officer or administrator;

(3) Appoint and approve a medical staff;

(4) Require written or electronic orders, authenticated by a legally authorized practitioner, for all drugs, intravenous solutions, blood, medical treatments, and nutrition; and

(5) Approve and periodically review bylaws, rules, and regulations adopted by the medical staff before they become effective.

NEW SECTION

WAC 246-320-136 Leadership. This section describes leadership's role in assuring care is provided consistently throughout the hospital and according to patient and community needs.

The hospital leaders must:

(1) Appoint or assign a nurse at the executive level to:

(a) Direct the nursing services; and

(b) Approve patient care policies, nursing practices and procedures;

(2) Establish hospital-wide patient care services appropriate for the patients served and available resources which includes:

(a) Approving department specific scope of services;

(b) Integrating and coordinating patient care services;

(c) Standardizing the uniform performance of patient care processes;

(d) Establishing a hospital-approved procedure for double checking certain drugs, biologicals, and agents by appropriately licensed personnel; and

(e) Ensuring immediate access and appropriate dosages for emergency drugs;

(3) Adopt and implement policies and procedures which define standards of care for each specialty service;

(4) Provide practitioner oversight for each specialty service with experience in those specialized services. Specialized services include, but are not limited to:

(a) Surgery;

(b) Anesthesia;

(c) Obstetrics;

(d) Neonatal;

(e) Pediatrics;

(f) Critical or intensive care;

(g) Alcohol or substance abuse;

(h) Psychiatric;

(i) Emergency; and

(j) Dialysis;

(5) Provide all patients access to safe and appropriate care;

(6) Adopt and implement policies and procedures addressing patient care and nursing practices;

(7) Require that individuals conducting business in the hospital comply with hospital policies and procedures;

(8) Establish and implement processes for:

(a) Gathering, assessing and acting on information regarding patient and family satisfaction with the services provided;

(b) Posting the complaint hotline notice according to RCW 70.41.330; and

(c) Providing patients written billing statements according to RCW 70.41.400;

(9) Plan, promote, and conduct organization-wide performance-improvement activities according to WAC 246-320-171;

(10) Adopt and implement policies and procedures concerning abandoned babies and hospitals as a safe haven according to RCW 13.34.360;

(11) Adopt and implement policies and procedures to require that suspected abuse, assault, sexual assault or other possible crime is reported within forty-eight hours to local police or the appropriate law enforcement agency according to RCW 26.44.030.

NEW SECTION

WAC 246-320-141 Patient rights and organizational ethics. The purpose of this section is to improve patient care and outcomes by respecting every patient and maintaining ethical relationships with the public.

Hospitals must:

(1) Adopt and implement policies and procedures that define each patient's right to:

(a) Be treated and cared for with dignity and respect;

(b) Confidentiality, privacy, security, complaint resolution, spiritual care, and communication. If communication restrictions are necessary for patient care and safety, the hospital must document and explain the restrictions to the patient and family;

(c) Be protected from abuse and neglect;

(d) Access protective services;

(e) Complain about their care and treatment without fear of retribution or denial of care;

(f) Timely complaint resolution;

(g) Be involved in all aspects of their care including:

(i) Refusing care and treatment; and

(ii) Resolving problems with care decisions;

(h) Be informed of unanticipated outcomes according to RCW 70.41.380;

(i) Be informed and agree to their care;

(j) Family input in care decisions;

- (k) Have advance directives and for the hospital to respect and follow those directives;
- (l) Request no resuscitation or life-sustaining treatment;
- (m) End of life care;
- (n) Donate organs and other tissues according to RCW 68.50.500 and 68.50.560 including:
 - (i) Medical staff input; and
 - (ii) Direction by family or surrogate decision makers;
- (2) Provide each patient a written statement of patient rights from subsection (1) of this section;
- (3) Adopt and implement policies and procedures to identify patients who are potential organ and tissue donors;
- (4) Adopt and implement policies and procedures to address research, investigation, and clinical trials including:
 - (a) How to authorize research;
 - (b) Require staff to follow informed consent laws; and

1. Surgery performed on the wrong body part;
2. Surgery performed on the wrong patient;
3. Wrong surgical procedure performed on a patient;
4. Unintended retention of a foreign object in a patient after surgery or other procedure;
5. Intraoperative or immediately postoperative death in an ASA Class 1 patient;
6. Patient death or serious disability associated with the use of contaminated drugs, devices, or biologics provided by the health care facility;
7. Patient death or serious disability associated with the use or function of a device in patient care in which the device is used or functions other than as intended;
8. Patient death or serious disability associated with intravascular air embolism that occurs while being cared for in a health care facility;
9. Infant discharged to wrong person;
10. Patient death or serious disability associated with patient elopement (disappearance);
11. Patient suicide, or attempted suicide resulting in serious disability, while being cared for in a health care facility;
12. Patient death or serious disability associated with a medication error (e.g., errors involving the wrong drug, wrong dose, wrong patient, wrong time, wrong rate, wrong preparation or wrong route of administration);
13. Patient death or serious disability associated with a hemolytic reaction due to the administration of ABO/HLA-incompatible blood or blood products;
14. Maternal death or serious disability associated with labor or delivery in a low-risk pregnancy while being cared for in the health care facility;
15. Patient death or serious disability associated with hypoglycemia, the onset of which occurs while the patient is being cared for in a health care facility;
16. Death or serious disability (kernicterus) associated with failure to identify and treat hyperbilirubinemia neonates;
17. Stage 3 or 4 pressure ulcers acquired after admission to a health care facility;
18. Patient death or serious disability due to spinal manipulative therapy;
19. Patient death or serious disability associated with electric shock or electric cardioversion while being cared for in a health care facility;
20. Any incident in which a line designed for oxygen or other gas to be delivered to a patient contains the wrong gas or is contaminated by toxic substances;
21. Patient death or serious disability associated with a burn incurred from any source while being cared for in a health care facility;
22. Patient death or serious disability associated with a fall while being cared for in a health care facility;
23. Patient death or serious disability associated with the use of restraints or bedrails while being cared for in a health care facility;
24. Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed health care provider;

- (c) Not hindering a patient's access to care if a patient refuses to participate.

NEW SECTION

WAC 246-320-146 Adverse health events and incident reporting system. The purpose of this section is to outline each hospital's responsibilities for reporting and addressing adverse events. In this section, "serious disability" means a physical or mental impairment that substantially limits the major life activities of a patient.

Hospitals must:

- (1) Notify the department whenever any of the following adverse events as defined by the National Quality Forum, Serious Reportable Events in Health Care occur:

25. Abduction of a patient of any age;
26. Sexual assault on a patient within or on the grounds of a health care facility;
27. Death or significant injury of a patient or staff member resulting from a physical assault (i.e., battery) that occurs within or on the grounds of a health care facility; and
28. Artificial insemination with the wrong donor sperm or egg;

(2) Notify the department within forty-eight hours of confirmation by the hospital when any adverse event has occurred. Until the internet-based reporting system is developed and available, notify the department using established procedures. The notice must include:

- (a) The hospital's name;
 - (b) The type of event identified in subsection (1) of this section;
 - (c) The date the event was confirmed; and
 - (d) Any additional contextual information the hospital chooses to provide;
- (3) Conduct a root cause analysis of each adverse event following the procedures and methods of:
- (a) The joint commission;
 - (b) The department of Veterans Affairs National Center for Patient Safety; or
 - (c) Another nationally recognized root cause analysis methodology found acceptable by the department;
- (4) As part of the root cause analysis, include the following information in the report submitted to the contract entity referenced in RCW 70.56.040:

- (a) The number of patients, registered nurses, licensed practical nurses, and unlicensed assistive personnel present in the relevant patient care unit at the time the reported adverse event occurred;
- (b) The number of nursing personnel present at the time of the adverse event who have been supplied by temporary staffing agencies, including traveling nurses; and
- (c) The number of nursing personnel, if any, on the patient care unit working beyond their regularly scheduled number of hours or shifts at the time of the event and the number of consecutive hours worked by each such nursing personnel at the time of the adverse event;
- (5) Create and implement a corrective action plan for each adverse event consistent with the findings of the root cause analysis. Each corrective action plan must include:
 - (a) How each finding will be addressed and corrected;
 - (b) When each correction will be completed;
 - (c) Who is responsible to make the corrections;
 - (d) What action will be taken to prevent each finding from reoccurring; and
 - (e) A monitoring schedule for assessing the effectiveness of the corrective action plan including who is responsible for the monitoring schedule;
- (6) If a hospital determines there is no need to create a corrective action plan for a particular adverse event, provide a written explanation of the reasons for not creating a corrective action plan;
- (7) Complete and submit a root cause analysis within forty-five days, after confirming an adverse health event has occurred, to the department until the internet-based reporting system is developed and available.

NEW SECTION

WAC 246-320-151 Reportable events. The purpose of this section is to outline each hospital's responsibility for reporting serious events that affect the operation and maintenance of the facility.

(1) Hospitals must notify the department within forty-eight hours whenever any of the following events have occurred:

- (a) A failure or facility system malfunction such as the heating, ventilation, fire alarm, fire sprinkler, electrical, electronic information management, or water supply affecting patient diagnosis, treatment, or care within the facility; or
- (b) A fire affecting patient diagnosis, treatment, or care within the facility.

(2) Each notice to the department must include:

- (a) The hospital's name;
- (b) The event type from subsection (1) of this section; and
- (c) The date the event occurred.

NEW SECTION

WAC 246-320-156 Management of human resources. This section ensures that hospitals provide competent staff consistent with scope of services.

Hospitals must:

- (1) Establish, review, and update written job descriptions for each job classification;
- (2) Conduct periodic staff performance reviews;
- (3) Assure qualified staff available to operate each department including a process for competency, skill assessment and development;
- (4) Assure supervision of staff;
- (5) Document verification of staff licensure, certification, or registration;
- (6) Complete tuberculosis screening for new and current employees consistent with the *Guidelines for Preventing the Transmission of Mycobacterium Tuberculosis in Healthcare Facilities*, 2005. *Morbidity Mortality Weekly Report (MMWR)* Volume 54, December 30, 2005;
- (7) Orient staff to their assigned work environment;
- (8) Give infection control information to staff upon hire and annually which includes:
 - (a) Education on general infection control according to chapter 296-823 WAC bloodborne pathogens exposure control;
 - (b) Education specific to infection control for multidrug-resistant organisms; and
 - (c) General and specific infection control measures related to the patient care areas where staff work;
- (9) Establish and implement an education plan that verifies or arranges for the training of staff on prevention, transmission, and treatment of human immunodeficiency virus

(HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310.

NEW SECTION

WAC 246-320-161 Medical staff. The purpose of this section is to establish the development of a medical staff structure, consistent with clinical competence, to ensure a safe patient care environment.

The medical staff must:

(1) Adopt bylaws, rules, regulations, and organizational structure that address:

- (a) Qualifications for membership;
 - (b) Verification of application data;
 - (c) Appointment and reappointment process;
 - (d) Length of appointment and reappointment;
 - (e) Granting of delineated clinical privileges;
 - (f) Provision for continuous patient care;
 - (g) Assessment of credentialed practitioner's performance;
 - (h) Due process;
 - (i) Reporting practitioners according to RCW 70.41.210;
- and
- (j) Provide for medical staff communication and conflict resolution with the governing authority;
- (2) Forward medical staff recommendations for membership and clinical privileges to the governing authority for action.

NEW SECTION

WAC 246-320-166 Management of information. The purpose of this section is to improve patient outcomes and hospital performance through obtaining, managing, and using information.

Hospitals must:

- (1) Provide medical staff, employees and other authorized persons with access to patient information systems, resources, and services;
- (2) Maintain confidentiality, security, and integrity of information;
- (3) Initiate and maintain a medical record for every patient assessed or treated including a process to review records for completeness, accuracy, and timeliness;
- (4) Create medical records that:
 - (a) Identify the patient;
 - (b) Have clinical data to support the diagnosis, course and results of treatment for the patient;
 - (c) Have signed consent documents;
 - (d) Promote continuity of care;
 - (e) Have accurately written, signed, dated, and timed entries;
 - (f) Indicate authentication after the record is transcribed;
 - (g) Are promptly filed, accessible, and retained according to RCW 70.41.190 and chapter 5.46 RCW; and
 - (h) Include verbal orders that are accepted and transcribed by qualified personnel;
- (5) Establish a systematic method for identifying each medical record, identification of service area, filing, and retrieval of all patient's records; and

(6) Adopt and implement policies and procedures that address:

- (a) Who has access to and release of confidential medical records according to chapter 70.02 RCW;
- (b) Retention and preservation of medical records according to RCW 70.41.190;
- (c) Transmittal of medical data to ensure continuity of care; and
- (d) Exclusion of clinical evidence from the medical record.

NEW SECTION

WAC 246-320-171 Improving organizational performance. The purpose of this section is to ensure that performance improvement activities of staff, medical staff, and outside contractors result in continuous improvement of patient health outcomes. In this section "near miss" means an event which had the potential to cause serious injury, death, or harm but did not happen due to chance, corrective action or timely intervention.

Hospitals must:

- (1) Have a hospital-wide approach to process design and performance measurement, assessment, and improving patient care services according to RCW 70.41.200 and include, but not be limited to:
 - (a) A written performance improvement plan that is periodically evaluated;
 - (b) Performance improvement activities which are interdisciplinary and include at least one member of the governing authority;
 - (c) Prioritize performance improvement activities;
 - (d) Implement and monitor actions taken to improve performance;
 - (e) Education programs dealing with performance improvement, patient safety, medication errors, injury prevention; and
 - (f) Review serious or unanticipated patient outcomes in a timely manner;
- (2) Systematically collect, measure and assess data on processes and outcomes related to patient care and organization functions;
- (3) Collect, measure and assess data including, but not limited to:
 - (a) Operative, other invasive, and noninvasive procedures that place patients at risk;
 - (b) Infection rates, pathogen distributions and antimicrobial susceptibility profiles;
 - (c) Death;
 - (d) Medication use;
 - (e) Medication management or administration related to wrong medication, wrong dose, wrong time, near misses and any other medication errors and incidents;
 - (f) Injuries, falls; restraint use; negative health outcomes and incidents injurious to patients in the hospital;
 - (g) Adverse events listed in WAC 246-320-146;
 - (h) Discrepancies or patterns between preoperative and postoperative (including pathologic) diagnosis, including pathologic review of specimens removed during surgical or invasive procedures;

- (i) Adverse drug reactions (as defined by the hospital);
- (j) Confirmed transfusion reactions;
- (k) Patient grievances, needs, expectations, and satisfaction; and
- (l) Quality control and risk management activities.

NEW SECTION

WAC 246-320-176 Infection control program. The purpose of this section is to identify and reduce the risk of acquiring and transmitting infections and communicable diseases between patients, employees, medical staff, volunteers, and visitors.

Hospitals must:

- (1) Develop, implement and maintain a written infection control and surveillance program;
- (2) Designate staff to:
 - (a) Manage the activities of the infection control program;
 - (b) Assure the infection control program conforms with patient care and safety policies and procedures; and
 - (c) Provide consultation on the infection control program, policies and procedures throughout the entire facility;
- (3) Ensure staff managing the infection control program have:
 - (a) A minimum of two years experience in a health related field; and
 - (b) Training in the principles and practices of infection control;
- (4) Develop and implement infection control policies and procedures consistent with the guidelines of the Centers for Disease Control and Prevention (CDC) and other nationally recognized professional bodies or organizations;
- (5) Assure the infection control policies and procedures address, but are not limited to the following:
 - (a) Routine surveillance, outbreak investigations and interventions including pathogen distributions and antimicrobial susceptibility profiles consistent with the 2006 CDC Healthcare Infection Control Practices Advisory Committee Guideline, *Management of Multidrug-Resistant Organisms in Healthcare Settings*;
 - (b) Patient care practices in all clinical care areas;
 - (c) Receipt, use, disposal, processing, or reuse of equipment to prevent disease transmission;
 - (d) Preventing cross contamination of soiled and clean items during sorting, processing, transporting, and storage;
 - (e) Environmental management and housekeeping functions;
 - (f) Approving and properly using disinfectants, equipment, and sanitation procedures;
 - (g) Cleaning areas used for surgical procedures before, between, and after use;
 - (h) Hospital-wide daily and periodic cleaning;
 - (i) Occupational health consistent with current practice;
 - (j) Attire;
 - (k) Traffic patterns;
 - (l) Antisepsis;
 - (m) Handwashing;
 - (n) Scrub technique and surgical preparation;

- (o) Biohazardous waste management according to applicable federal, state, and local regulations;
 - (p) Barrier and transmission precautions; and
 - (q) Pharmacy and therapeutics;
- (6) Establish and implement a plan for:
- (a) Reporting communicable diseases according to chapter 246-100 WAC; and
 - (b) Surveying and investigating communicable disease occurrences in the hospital consistent with WAC 246-320-XXX;
- (7) Hospitals may develop and implement infection control policies and procedures specific to a patient care area.

NEW SECTION

WAC 246-320-199 Fees. This section establishes the license and annual use fees for hospitals.

- (1) Applicants must:
 - (a) Send the department an initial license fee of one hundred thirteen dollars for each bed space within the authorized bed capacity for the hospital;
 - (b) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient care;
 - (c) Include level 2 and 3 bassinet spaces;
 - (d) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:
 - (i) Physical plant requirements of this chapter are met without movable equipment; and
 - (ii) The hospital currently possesses the required movable equipment and certifies this fact to the department;
 - (e) Exclude all normal infant bassinets.
- (2) Licensees shall:
 - (a) Send the department by November 30 of each year an annual use fee of one hundred thirteen dollars for each bed space within the authorized bed capacity of the hospital;
 - (b) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;
 - (c) Include level 2 and 3 bassinet spaces;
 - (d) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:
 - (i) Physical plant requirements of this chapter are met without movable equipment; and
 - (ii) The hospital currently possesses the required movable equipment and certifies this fact to the department;
 - (e) Exclude all normal infant bassinets; and
 - (f) Exclude beds banked as authorized by certificate of need under chapter 70.38 RCW.
- (3) A licensee shall send a late fee in the amount of one hundred dollars per day whenever the annual use fee is not paid by November 30. The total late fee will not exceed twelve hundred dollars.
- (4) An applicant may request a refund for initial licensure as follows:
 - (a) Two-thirds of the initial fee paid after the department has received an application and not conducted an on-site survey or provided technical assistance; or

(b) One-third of the initial fee paid after the department has received an application and conducted either an on-site survey or provided technical assistance but not issued a license.

PATIENT CARE

NEW SECTION

WAC 246-320-201 Food and nutrition services. The purpose of this section is to assure patient nutritional needs are met in a planned and organized manner.

Hospitals must:

- (1) Designate an individual qualified by experience, education, or training to be responsible for managing the food and nutrition services;
- (2) Designate a registered dietitian responsible to develop and implement policies and procedures addressing nutritional care for patients;
- (3) Have a registered dietitian available to assess nutritional needs, based on patients' individual nutritional risk screen;
- (4) Develop and regularly update an interdisciplinary plan for nutritional therapy based on current standards for patients at nutritional risk. Monitor and document each patient's response to the nutritional therapy in the medical record;
- (5) Implement, document and monitor a system for providing nutritionally balanced meals that are planned in advance, and respect cultural diversity; and
- (6) Adopt and implement policies and procedures for food service according to chapter 246-215 WAC.

NEW SECTION

WAC 246-320-206 Linen and laundry services. The purpose of this section is to prevent the use of dirty or contaminated laundry or linens.

Hospitals must develop and implement a laundry and linen system that:

- (1) Meets the needs of the hospital and patients;
- (2) Assures linens and laundry are clean and free from contaminants and toxic residues;
- (3) Processes within industry standard pH ranges; and
- (4) Processes and stores according to the *Guidelines for Design and Construction of Health Care Facilities*, 2.1-6.4.

NEW SECTION

WAC 246-320-211 Pharmaceutical services. This section assures patient pharmaceutical needs are met in a planned and organized manner.

Hospitals must:

- (1) Meet the requirements in chapter 246-873 WAC; and
- (2) Establish and use a process for selecting medications based on evaluating their relative therapeutic merits, safety, and cost.

NEW SECTION

WAC 246-320-216 Laboratory, imaging, and other diagnostic, treatment or therapeutic services. The purpose of this section is to assure patients' diagnostic, treatment or therapy services are met in a planned and organized manner.

Hospitals must adopt and implement policies and procedures that:

- (1) Require pathology and clinical laboratory services on a timely basis;
- (2) Assure the laboratory services meet the requirements in chapter 246-338 WAC;
- (3) Assure imaging services are directed by an individual qualified by experience, education, or training and meet the requirements in chapter 246-220 WAC.

NEW SECTION

WAC 246-320-221 Safe patient handling. RCW 70.41.390 mandates hospitals establish and implement a safe patient handling program. The purpose of this section is to guide hospital management in developing and implementing that program.

The hospital must:

- (1) Develop and implement a safe patient handling policy that includes:
 - (a) A patient handling hazard assessment;
 - (b) An annual performance evaluation of the program;
 - (c) Procedures for hospital staff to follow who refuse to perform or be involved in patient handling or movement based upon exposing the staff or patient to an unacceptable risk of injury; and
 - (d) The types of equipment and devices used as part of the program;
- (2) Conduct annual staff training on all safe patient handling policies, procedures, equipment and devices; and
- (3) Not discipline a hospital employee who in good faith follows the procedure for refusing to perform or be involved in the patient handling.

NEW SECTION

WAC 246-320-226 Patient care services. This section guides the development of a plan for patient care. This is accomplished by supervising staff, establishing, monitoring, and enforcing policies and procedures that define and outline the use of materials, resources, and promote the delivery of care.

Hospitals must:

- (1) Provide personnel, space, equipment, reference materials, training, and supplies for the appropriate care and treatment of patients;
- (2) Have a registered nurse available for consultation in the hospital at all times;
- (3) Adopt, implement, review and revise patient care policies and procedures designed to guide staff that address:
 - (a) Criteria for patient admission to general and specialized service areas;
 - (b) Reliable method for personal identification of each patient;

- (c) Conditions that require patient transfer within the facility, to specialized care areas and outside facilities;
- (d) Patient safety measures;
- (e) Staff access to patient care areas;
- (f) Use of physical and chemical restraints or seclusion consistent with CFR 42.482;
- (g) Use of preestablished patient care guidelines or protocols. When used, these must be documented in the medical record and be preapproved or authenticated by an authorized practitioner;
- (h) Care and handling of patients whose condition require special medical or medical-legal consideration;
- (i) Preparation and administration of blood and blood products; and
- (j) Discharge planning;
- (4) Have a system to plan and document care in an interdisciplinary manner, including:
 - (a) Development of an individualized patient plan of care, based on an initial assessment;
 - (b) Periodic review and revision of individualized plan of care based on patient reassessment; and
 - (c) Periodic assessment for risk of falls, skin condition, pressure ulcers, pain, medication use, therapeutic effects and side or adverse effects;
 - (5) Complete and document an initial assessment of each patient's physical condition, emotional, and social needs in the medical record. Initial assessment includes:
 - (a) Patient history and physical assessment including but not limited to falls, mental status and skin condition;
 - (b) Current needs;
 - (c) Need for discharge planning;
 - (d) Immunization status for pediatric patients;
 - (e) Physical examination, if within thirty days prior to admission, and updated as needed if patient status has changed;
 - (f) Ongoing specialized assessments depending on the patient's condition or needs, including:
 - (i) Nutritional status;
 - (ii) Functional status; and
 - (iii) Social, psychological, and physiological status;
 - (g) Reassessments according to plan of care and patient's condition; and
 - (h) Discharge plans when appropriate, coordinated with:
 - (i) Patient, family or caregiver; and
 - (ii) Receiving agency, when necessary.

NEW SECTION

WAC 246-320-231 Patient care unit or area. The purpose of this section is to guide the management of a patient area.

Hospitals must assure:

- (1) Each patient room contains:
 - (a) A bed;
 - (b) Patient privacy; and
 - (c) A means to call for help or assistance;
- (2) Each patient care unit has:
 - (a) A means for staff to clean their hands before giving care to a patient;

- (b) Staff available at all times to provide care to patients; and
- (c) A means for staff to record and maintain individual patient records;
- (3) Staff respond to calls for help or assistance.

NEW SECTION

WAC 246-320-236 Surgical services. The purpose of this section is to guide the development and management of surgical services. Hospitals are not required to provide surgery and interventional care in order to be licensed.

If providing surgical services, hospitals must:

- (1) Adopt and implement policies and procedures that:
 - (a) Identify areas where surgery and invasive procedures may be performed;
 - (b) Define staff access to areas where surgery and invasive procedures are performed;
 - (c) Identify practitioner's privileges for operating room staff; and
 - (d) Define staff qualifications and oversight;
- (2) Use hospital policies and procedures which define standards of care;
- (3) Implement a system to identify and indicate the correct surgical site prior to beginning a surgical procedure;
- (4) Timely provide emergency equipment, supplies, and services to surgical and invasive areas;
- (5) Provide separate refrigerated storage equipment with temperature alarms, when blood is stored in the surgical department; and
- (6) Assure that a registered nurse qualified by training and experience functions as the circulating nurse in every operating room during surgical procedures.

NEW SECTION

WAC 246-320-241 Anesthesia services. The purpose of this section is to guide the management and care of patients receiving anesthesia. Hospitals are not required to provide anesthesia services in order to be licensed.

If providing anesthesia services, hospitals must:

- (1) Adopt and implement policies and procedures that:
 - (a) Identify the types of anesthesia that may be used;
 - (b) Identify areas where each type of anesthesia may be used; and
 - (c) Define the staff qualifications and oversight for administering each type of anesthesia used in the hospital;
- (2) Use hospital policies and procedures which define standards of care;
- (3) Assure emergency equipment, supplies and services are immediately available in all areas where anesthesia is used.

NEW SECTION

WAC 246-320-246 Recovery care. The purpose of this section is to guide the management of patients recovering from anesthesia and sedation. Hospitals are not required to provide anesthesia recovery services in order to be licensed.

If providing recovery services, hospitals must:

(1) Adopt and implement policies and procedures that define the qualifications and oversight of staff delivering recovery services;

(2) Assure a physician or licensed independent practitioner capable of managing complications and providing cardiopulmonary resuscitation is immediately available for patients recovering from anesthesia; and

(3) Assure a registered nurse trained and current in advanced cardiac life support measures is immediately available for patients recovering from anesthesia.

NEW SECTION

WAC 246-320-251 Obstetrical services. The purpose of this section is to guide the management and care of patients receiving obstetrical care services. Hospitals are not required to provide obstetrical services in order to be licensed.

If providing obstetrical services hospitals must:

(1) Have the capability to perform cesarean sections twenty-four hours per day, or meet the following criteria when the hospital does not have twenty-four hour cesarean capability:

(a) Limit planned obstetrical admissions to "low risk" patients as defined in WAC 246-329-010(18) childbirth centers;

(b) Inform each obstetrical patient in writing, prior to the planned admission, of the limited obstetrical services as well as transportation and transfer agreements;

(c) Maintain current written agreements for staffed ambulance or air transport available twenty-four hours per day; and

(d) Maintain current written agreements with another hospital to admit transferred obstetrical patients;

(2) Define qualifications and oversight of staff delivering obstetrical care;

(3) Use hospital policies and procedures which define standards of care; and

(4) Ensure one registered nurse trained in neonatal resuscitation is in the hospital when infants are present.

NEW SECTION

WAC 246-320-256 Neonatal and pediatric services. The purpose of this section is to guide the management and care of patients receiving neonatal or pediatric care services. Hospitals are not required to provide these services in order to be licensed.

If providing neonatal or pediatric care, hospitals must:

(1) Adopt and implement policies and procedures that:

(a) Identify the types of patients and level of care that may be used; and

(b) Define the qualifications and oversight of staff delivering neonatal or pediatric services;

(2) Use hospital policies and procedures which define standards of care;

(3) Assure one registered nurse or physician trained in infant and pediatric resuscitation is present in the hospital when infants or pediatric patients are receiving care;

(4) Assure laboratory, pharmacy, radiology, and respiratory care services appropriate for neonates, infants and pediatric patients are:

(a) Provided in a timely manner; and

(b) Available in the hospital at all times during assisted ventilation;

(5) When providing a level 2 or level 3 nursery service assure:

(a) Laboratory, pharmacy, radiology, and respiratory care services appropriate for neonates are available in the hospital at all times;

(b) An anesthesia practitioner, neonatologist, and a pharmacist available twenty-four hours a day; and

(c) One registered nurse or physician trained in neonate resuscitation is present in the hospital when a neonate is receiving care.

NEW SECTION

WAC 246-320-261 Critical or intensive care services. The purpose of this section is to guide the management and care of patients receiving critical or intensive care services. Hospitals are not required to provide these services in order to be licensed.

If providing a critical care unit or services, hospitals must:

(1) Define the qualifications and oversight of staff delivering critical or intensive care services;

(2) Assure at least two licensed nurses skilled and trained in critical care, on duty and in the hospital at all times, when patients are present, and:

(a) Immediately available to provide care to admitted patients; and

(b) All registered nurses trained and current in cardiopulmonary resuscitation with:

(i) Training for the safe and effective use of specialized equipment and procedures in the particular area; and

(ii) At least one registered nurse having successfully completed an advanced cardiac life support training program;

(3) Assure laboratory, radiology, and respiratory care services available in a timely manner; and

(4) Use hospital policies and procedures which define standards of care.

NEW SECTION

WAC 246-320-266 Alcohol and chemical dependency services. The purpose of this section is to guide the management and care of patients receiving alcohol and chemical dependency services. Hospitals are not required to provide these services in order to be licensed.

If providing alcoholism or chemical dependency services hospitals must:

(1) Adopt and implement policies and procedures on the development, use, and review of the individualized treatment plan, including participation by:

(a) Multidisciplinary treatment team;

(b) Patient; and

(c) Family as appropriate;

(2) Define the qualifications and oversight of staff delivering alcohol and chemical dependency care services;

(3) Use hospital policies and procedures which define standards of practice;

(4) Assure patient privacy during interviewing, group and individual counseling, physical examinations, and social activities; and

(5) Provide services according to WAC 246-324-170.

NEW SECTION

WAC 246-320-271 Psychiatric services. The purpose of this section is to guide the management and care of patients receiving psychiatric services. Hospitals are not required to provide these services in order to be licensed.

If providing a psychiatric services, hospitals must:

(1) Adopt and implement policies and procedures on the development, use, and review of the individualized treatment plan, including participation by:

(a) Multidisciplinary treatment team;

(b) Patient; and

(c) Family as appropriate;

(2) Define the qualifications and oversight of staff delivering psychiatric services;

(3) Use hospital policies and procedures which define standards of practice;

(4) Assure patient privacy during interviewing, group and individual counseling, physical examinations, and social activities;

(5) Provide services according to WAC 246-322-170;

(6) Designate and use separate sleeping rooms for children and adults;

(7) Provide or have access to at least one seclusion room; and

(8) Assure close observation of patients.

NEW SECTION

WAC 246-320-276 Long-term care services. The purpose of this section is to guide the management and care of patients receiving long-term care services. Hospitals are not required to provide these services in order to be licensed.

If providing long-term care services, hospitals must:

(1) Define the qualifications and oversight of staff delivering long-term care services;

(2) Develop and implement policies and procedures specific to the care and needs of patients receiving the long-term services;

(3) Use hospital policies and procedures which define standards of practice; and

(4) Provide an activities program designed to encourage each patient to maintain or attain normal activity and an optimal level of independence.

NEW SECTION

WAC 246-320-281 Emergency services. The purpose of this section is to guide the management and care of patients receiving emergency services. Hospitals are not required to provide these services in order to be licensed.

If providing emergency services, hospitals must:

(1) Adopt and implement policies and procedures, consistent with RCW 70.170.060, for every patient presenting to

the emergency department with an emergency medical condition to include:

Transfer of a patient with an emergency medical condition or who is in active labor based on:

(a) Patient request;

(b) Inability to treat the patient due to facility capability;

(c) Staff availability or bed availability; and

(d) The ability of the receiving hospital to accept and care for the patient;

(2) Maintain the capacity to perform emergency triage and medical screening exam twenty-four hours per day;

(3) Define the qualifications and oversight of staff delivering emergency care services;

(4) Use hospital policies and procedures which define standards of care;

(5) Assure at least one registered nurse skilled and trained in emergency care services on duty and in the hospital at all times, who is:

(a) Immediately available to provide care; and

(b) Trained and current in advanced cardiac life support;

(6) Post names and telephone numbers of medical and other staff on call;

(7) Assure communication with agencies and health care providers as indicated by patient condition; and

(8) Assure emergency equipment, supplies and services necessary to meet the needs of presenting patients are immediately available.

NEW SECTION

WAC 246-320-286 Emergency contraception. The purpose of this section is to ensure that all hospitals with emergency rooms provide emergency contraception as a treatment option to any woman who seeks treatment as a result of a sexual assault.

Every hospital that provides emergency care must:

(1) Develop and implement policies and procedures regarding the provision of twenty-four-hour/seven-days per week emergency care to victims of sexual assault;

(2) Provide the victim of sexual assault with medically and factually accurate and unbiased written and oral information about emergency contraception;

(3) Orally inform each victim in a language she understands of her option to be provided emergency contraception at the hospital; and

(4) Immediately provide emergency contraception, as defined in WAC 246-320-010, to each victim of sexual assault if the victim requests it, and if the emergency contraception is not medically contraindicated.

NEW SECTION

WAC 246-320-291 Dialysis services. The purpose of this section is to guide the management and care of patients receiving dialysis services. Hospitals are not required to provide these services in order to be licensed.

If providing renal dialysis care, hospitals must:

(1) Adopt and implement policies and procedures consistent with CFR 42.405, End Stage Renal Disease Facilities for:

- (a) Cleaning and sterilization procedures when dialyzers are reused;
- (b) Water treatment, to ensure water quality; and
- (c) Bacterial contamination and chemical purity water testing;
- (2) Test each dialysis machine for bacterial contamination monthly or demonstrate a program establishing the effectiveness of disinfection methods at other intervals;
- (3) Take measures to prevent contamination, including backflow prevention in accordance with the state plumbing code;
- (4) Keep available any special dialyzing solutions required by a patient;
- (5) Define the qualifications and oversight of staff delivering dialysis care;
- (6) Require a contractor to meet the requirements in this section, whenever dialysis service is provided through a contract.

NEW SECTION

WAC 246-320-296 Management of environment for care. The purpose of this section is to manage environmental hazards and risks, prevent accidents and injuries, and maintain safe conditions for patients, visitors, and staff.

- (1) Hospitals must have an environment of care management plan that addresses safety, security, hazardous materials and waste, emergency preparedness, fire safety, medical equipment, utility systems and physical environment.
- (2) The hospital must designate a person responsible to develop, implement, monitor, and follow-up on all aspects of the management plan.
- (3) Safety. The hospital must establish and implement a plan to:
 - (a) Maintain a physical environment free of hazards;
 - (b) Reduce the risk of injury to patients, staff, and visitors;
 - (c) Investigate and report safety related incidents;
 - (d) Correct or take steps to avoid reoccurrence of the incidents in the future;
 - (e) Develop and implement policies and procedures on safety related issues such as but not limited to physical hazards and injury prevention; and
 - (f) Educate and periodically review with staff, policies and procedures relating to safety and job-related hazards.
- (4) Security. The hospital must:
 - (a) Establish and implement a plan to maintain a secure environment for patients, visitors, and staff, to include preventing abduction of patients;
 - (b) Educate staff on security procedures; and
 - (c) Train security staff to a level of skill and competency for their assigned responsibility.
- (5) Hazardous materials and waste. The hospital must:
 - (a) Establish and implement a program to safely control hazardous materials and waste according to federal, state, and local regulations;
 - (b) Provide space and equipment for safe handling and storage of hazardous materials and waste;

- (c) Investigate all hazardous material or waste spills, exposures, and other incidents, and report as required to appropriate authority; and
- (d) Educate staff on policies and procedures relating to safe handling and control of hazardous materials and waste.
- (6) Emergency preparedness. The hospital must:
 - (a) Establish and implement a disaster plan designed to address both internal and external disasters. The plan must be:
 - (i) Specific to the hospital;
 - (ii) Relevant to the geographic area;
 - (iii) Readily put into action, twenty-four hours a day, seven days a week; and
 - (iv) Reviewed and revised periodically;
 - (b) Ensure the disaster plan identifies:
 - (i) Who is responsible for each aspect of the plan; and
 - (ii) Essential and key personnel responding to a disaster;
 - (c) Include in the plan:
 - (i) A staff education and training component;
 - (ii) A process for testing each aspect of the plan; and
 - (iii) A component for debriefing and evaluation after each disaster, incident or drill.
 - (7) Fire safety. The hospital must:
 - (a) Establish and implement a plan to maintain a fire-safe environment that meets fire protection requirements established by the Washington state patrol, fire protection bureau;
 - (b) Investigate fire protection deficiencies, failures, and user errors; and
 - (c) Orient, educate, and conduct drills with staff on policies and procedures relating to fire prevention and emergencies.
 - (8) Medical equipment. The hospital must establish and implement a plan to:
 - (a) Complete a technical and engineering review to verify medical equipment will function safely within building support systems;
 - (b) Inventory all patient equipment and related technologies that require preventive maintenance;
 - (c) Perform and document preventive maintenance;
 - (d) Develop and implement a quality control program;
 - (e) Assure consistent service of equipment, independent of service vendors or methodology;
 - (f) Investigate, report, and evaluate procedures in response to equipment failures; and
 - (g) Educate staff on the proper and safe use of medical equipment.
 - (9) Utility systems. The hospital must establish and implement policies, procedures and a plan to:
 - (a) Maintain a safe and comfortable environment;
 - (b) Assess and minimize risks of utility system failures;
 - (c) Ensure operational reliability of utility systems;
 - (d) Investigate and evaluate utility systems problems, failures, or user errors and report incidents and corrective actions;
 - (e) Perform and document preventive maintenance; and
 - (f) Educate staff on utility management policies and procedures.
 - (10) Physical environment. The hospital must provide:
 - (a) Storage;
 - (b) Plumbing with:

- (i) A water supply providing hot and cold water under pressure which conforms to chapter 246-290 WAC;
- (ii) Hot water supplied for bathing and handwashing not exceeding 120°F;
- (iii) Cross connection controls meeting requirements of the state plumbing code;
- (c) Ventilation to:
 - (i) Prevent objectionable odors and/or excessive condensation; and
 - (ii) With air pressure relationships as designed and approved by the department when constructed and maintained within industry standard tolerances;
 - (d) Clean interior surfaces and finishes; and
 - (e) Functional patient call system.

WAC 246-320-370	Emergency contraception.
WAC 246-320-385	Outpatient care services.
WAC 246-320-405	Management of environment for care.
WAC 246-320-615	Pharmacy.
WAC 246-320-990	Fees.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-320-025	On-site licensing survey.
WAC 246-320-045	Application for license— License expiration dates— Notice of decision—Adjudicative proceeding.
WAC 246-320-065	Exemptions, alternative methods, and interpretations.
WAC 246-320-085	Single license to cover two or more buildings—When permissible.
WAC 246-320-105	Criminal history, disclosure, and background inquiries.
WAC 246-320-125	Governance.
WAC 246-320-145	Leadership.
WAC 246-320-165	Management of human resources.
WAC 246-320-185	Medical staff.
WAC 246-320-205	Management of information.
WAC 246-320-225	Improving organizational performance.
WAC 246-320-245	Patient rights and organizational ethics.
WAC 246-320-265	Infection control program.
WAC 246-320-285	Pharmacy services.
WAC 246-320-305	Food and nutrition services.
WAC 246-320-325	Laboratory, imaging, and other diagnostic, treatment or therapeutic services.
WAC 246-320-345	Inpatient care services.
WAC 246-320-365	Specialized patient care services.