

WSR 08-11-022
PROPOSED RULES
BOARD OF ACCOUNTANCY

[Filed May 12, 2008, 4:49 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-04-030.

Title of Rule and Other Identifying Information: WAC 4-25-530 Fees.

Hearing Location(s): Conference Room, 2nd Floor, Evergreen Plaza Building, 711 South Capitol Way, Olympia, WA, on June 27, 2008, at 10:00 a.m.

Date of Intended Adoption: June 27, 2008.

Submit Written Comments to: Richard C. Sweeney, Executive Director, P.O. Box 9131, Olympia, WA 98507-9131, e-mail webmaster@cpaboard.wa.gov, fax (360) 664-9190, by June 20, 2008.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by June 20, 2008, TTY (800) 833-6384 or (360) 664-9194.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To increase the section fees charged to candidates applying to take the uniform certified public accountant (CPA) examination and remove all references to "practice privilege" to conform the rule to the Public Accountancy Act, chapter 18.04 RCW.

Reasons Supporting Proposal: (1) The CPA examination providers, the American Institute of Certified Public Accountants (AICPA), the National Association of State Boards of Accountancy (NASBA), and Prometric, the testing centers used to administer the computer-based CPA exam have notified the board of a forthcoming increase of all CPA exam fees:

AICPA, \$95.00 per section (increase from the current \$80.00 per section)

Prometric Security Fee, \$5.95 per section (increase from current \$4.00 per section)

These fee increases will become effective with ATTs (authorizations to test) submitted August 16, 2008. The board must therefore increase the fees it charges for the administration of the CPA examination to adequately pay all costs.

(2) SSB 6604, passed during the 2008 legislative session, eliminated the requirement for an individual whose principal place of business is not in Washington state to notify the board of the individual's intent to enter the state. Therefore, the board is proposing to remove all references to "practice privilege."

Statutory Authority for Adoption: RCW 18.04.065, 18.04.105(3).

Statute Being Implemented: RCW 18.04.065, 18.04.105 (3).

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

Name of Proponent: Washington state board of accountancy, governmental; AICPA, private; NASBA, private; Prometric, private.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Richard C. Sweeney, P.O. Box 9131, Olympia, WA 98507-9131, (360) 586-0163.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

A cost-benefit analysis is not required under RCW 34.05.328. The board of accountancy is not one of the agencies required to submit to the requirements of RCW 34.05-328.

May 12, 2008

Richard C. Sweeney
Executive Director

AMENDATORY SECTION (Amending WSR 07-14-035, filed 6/26/07, effective 8/1/07)

WAC 4-25-530 Fees. The board shall charge the following fees:

- (1) Initial application for individual license, ((practice privilege,)) individual license through reciprocity, CPA firm license (sole proprietorships with no employees are exempt from the fee), or registration as a resident nonlicensee firm owner \$330
(2) Renewal of individual license, CPA-Inactive certificate, ((practice privilege,)) CPA firm license (sole proprietorships with no employees are exempt from the fee), or registration as a resident nonlicensee firm owner \$230
(3) Application for CPA-Inactive certificateholder to convert to a license \$0
(4) Application for reinstatement of license, ((practice privilege,)) CPA-Inactive certificate, or registration as a resident nonlicensee owner \$480
(5) Quality assurance review (QAR) program fee (includes monitoring reviews for up to two years)
Firm submits reports for review \$400
Firm submits a peer review report for review \$60
Firm is exempted from the QAR program because the firm did not issue attest reports \$0
(6) Late fee \$100
(7) Amendment to firm license except for a change of firm address (there is no fee for filing a change of address) \$35

(8)	Copies of records, per page exceeding fifty pages	\$0.15
(9)	Computer diskette listing of licensees, CPA-Inactive certificateholders, (grants of practice privilege,) or registered resident nonlicensee firm owners(or firms)	\$75
(10)	Replacement CPA wall document	\$50
(11)	Dishonored check fee (including, but not limited to, insufficient funds or closed accounts)	\$35
(12)	CPA examination. Exam fees are comprised of section fees plus administrative fees. The total fee is contingent upon which section(s) is/are being applied for and the number of sections being applied for at the same time. The total fee is the section fee(s) for each section(s) applied for added to the administrative fee for the number of section(s) applied for.	
(a)	Section fees:	
(i)	Auditing and attestation	\$(209.33) <u>226.28</u>
(ii)	Financial accounting and reporting	\$(197.40) <u>214.35</u>
(iii)	Regulation	\$(173.55) <u>190.50</u>
(iv)	Business environment and concepts	\$(161.63) <u>178.58</u>
(b)	Administrative fees: (1/1/04-12/31/06 After 1/1/07)	
(i)	First-time candidate - Four sections (\$(124.50))	\$132.95
(ii)	First-time candidate - Three sections (\$(111.00))	\$119.10
(iii)	First-time candidate - Two sections (\$(97.00))	\$104.70
(iv)	First-time candidate - One section (\$(83.00))	\$90.30
(v)	Reexam candidate - Four sections (\$(122.50))	\$130.75
(vi)	Reexam candidate - Three sections (\$(104.00))	\$111.40
(vii)	Reexam candidate - Two sections (\$(85.00))	\$91.50
(viii)	Reexam candidate - One section (\$(66.00))	\$71.60

National Association of State Boards of Accountancy candidate data base investigation fee for exam applications submitted without the applicant's Social Security number (~~(\$70)~~) \$70

Note: The board may waive late filing fees for individual hardship including, but not limited to, financial hardship, critical illness, or active military deployment.

WSR 08-11-028
WITHDRAWAL OF PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed May 13, 2008, 9:37 a.m.]

The board of accountancy hereby withdraws proposed rule making (CR-102) for WAC 4-25-750 What are the firm licensing requirements?, filed with your office on December 10, 2007 (WSR 08-01-027). This withdrawal is necessary due to legislation passed during the 2008 legislative session.

Richard C. Sweeney, CPA
Executive Director

WSR 08-11-032
PROPOSED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
[Filed May 13, 2008, 11:35 a.m.]

Original Notice.
Preproposal statement of inquiry was filed as WSR 08-05-030.

Title of Rule and Other Identifying Information: WAC 392-410-140 Sexuality education—Definition and newly defined requirements for public schools in Washington state according to RCW 28A.A.300.475 [28A.300.475] Medically accurate sexual health education—Curricula—Participation excused—Parental review.

Hearing Location(s): Office of Superintendent of Public Instruction (OSPI), Old Capitol Building, 600 Washington Street, Olympia, WA 98504, on June 27, 2008, at 1:30 p.m.

Date of Intended Adoption: June 28, 2008.

Submit Written Comments to: Pam Tollefsen, P.O. Box 47200, Olympia, WA 98504-7200, e-mail Pam.Tollefsen@k12.wa.us, fax (360) 725-6363, by June 26, 2008.

Assistance for Persons with Disabilities: Contact Penny Coker by June 26, 2008, TTY (360) 664-3631 or (360) 725-6142.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the rule revision is to reflect the provisions of the legislative intent in RCW 28A.300.475 related to medically accurate sexuality education in public schools and the provisions for parent excusal for student participation.

Reasons Supporting Proposal: The proposed revisions to the rule provide guidelines for compliance with RCW 28A.300.475. The original WAC 392-410-140 does not include the new requirements.

Statutory Authority for Adoption: RCW 28A.300.040.

Statute Being Implemented: RCW 28A.300.475.

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

Name of Proponent: [OSPI], governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pam Tollefsen, OSPI, (360) 725-6364.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule does not impact small business.

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

WAC 392-410-140 Sex education—Definition—Optional course or subject matter—Excusal of students.

(1) Local option. The decision as to whether or not a program about sex education or human sexuality is to be introduced into the common schools is a matter for determination at the district level by the local school board, the duly elected representatives of the people of the community.

(2) Definition(s).

(a) Sex education for the purpose of this regulation is defined as the study of the anatomy and the physiology of the human (~~(reproduction))~~ reproductive system.

(b) Human sexuality for the purpose of this regulation is defined as the characteristics or qualities that distinguish between maleness and femaleness. It includes the physiological, psychological, and sociological processes experienced by an individual.

(c) Medically and scientifically accurate means information that is verified or supported by research in compliance with scientific methods, is published in peer reviewed journals, where appropriate, and is recognized as accurate and objective by professional organizations and agencies with expertise in the field of sexual health including but not limited to the American College of Obstetricians and Gynecologists.

(3) By September 1, 2008, every public school that offers sexual health education must assure the sexual health education is medically and scientifically accurate, age appropriate, appropriate for students regardless of gender, race, disability status, or sexual orientation.

(4) Development of instruction in sex education and human sexuality. School districts shall involve parents and school district community groups in the planning, development, evaluation, and revision of any instruction in sex education and human sexuality offered as a part of the school program.

~~((4))~~ (5) All sexual health education programs must include an emphasis on abstinence as the only one hundred percent effective means of preventing unintended pregnancy,

HIV and other sexually transmitted diseases. All sexual health education programs must also provide medically and scientifically accurate information on all other methods of preventing unintended pregnancy. HIV and other sexually transmitted diseases. Abstinence may not be taught to the exclusion of instruction on contraception and disease prevention.

(6) Schools may choose to use separate, outside speakers or prepared curriculum to teach different content areas or units within the comprehensive sexual health program. All such curricula, presentations and materials used must have been approved by the department of health as medically and scientifically accurate.

(7) Notification of parents. Each school district shall, at least one month before teaching a program in human sexuality education in any classroom or other school venue, provide notice to parents of the planned instruction and that the materials or course of study are available for inspection. Such notification includes all formats of instruction related to sexuality education including, but not limited to written materials, guest speakers, classroom presentations, videos, electronically formatted materials.

(8) Excusal of students—Alternative studies. Any parent or legal guardian who wishes to have his/her child excused from any planned instruction in sex education or human sexuality may do so upon filing a written request with the school district board of directors or its designee and the board of directors shall make available the appropriate forms for such requests. Alternative educational opportunities shall be provided for those excused.

The requirement to report harassment, intimidation, or bullying under RCW 28A.600.480(2) applies to this section.

**WSR 08-11-049
PROPOSED RULES
GAMBLING COMMISSION**

[Filed May 15, 2008, 11:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-05-038.

Title of Rule and Other Identifying Information: WAC 230-06-030 Restrictions and conditions for gambling promotions.

Hearing Location(s): The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on July 11, 2008, at 9:30 a.m.

Date of Intended Adoption: July 11, 2008.

Submit Written Comments to: Susan Arland, P.O. Box 42400, Olympia, WA 98504-2400, e-mail Susan2@wsgc.wa.gov, fax (360) 486-3625, by July 1, 2008.

Assistance for Persons with Disabilities: Contact Gail Grate, executive assistant, by July 1, 2008, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Monty Harmon, a gambling service supplier licensee, submitted a petition for rule change. The petitioner originally requested the following rule amendments to:

1. Increase the value of a promotional item operators can give their customers from five hundred dollars to five thousand dollars; and

2. Allow licensees to provide additional entries into promotional contests of chance based on a player's time spent gambling and/or a player's betting levels.

At their April 2008 meeting, the commission filed an alternative to increase the limit on gambling promotional items from \$500 to \$5,000. The alternative did not include the petitioner's request to combine gambling promotions with promotional contests of chance.

At their May meeting, the commission filed Mr. Harmon's alternative which would remove all dollar limits on gambling promotional items.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

Name of Proponent: Monty Harmon, licensed gambling service supplier, private.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025 because the change would not impose additional costs on businesses.

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

April 18, 2008

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 601, filed 8/22/06, effective 1/1/08)

WAC 230-06-030 Restrictions and conditions for gambling promotions. Licensees may conduct gambling promotions to encourage players to participate in a gambling activity, but you must follow these restrictions and conditions:

~~(1) ((Promotional items must not exceed five hundred dollars each; and~~

~~(2))~~ You must give all players an equal opportunity to participate; and

~~((3))~~ (2) You must establish standards to determine how you will give promotional items to players. You must not give the items based on an element of chance, such as a drawing or spinning wheel, unless you are doing so as part of a bingo game; and

~~((4))~~ (3) You must not give another chance to participate in a gambling activity as a promotional item; and

~~((5))~~ (4) You must display all rules or restrictions clearly in the gambling area and include them on promotional materials or advertisements; and

~~((6))~~ (5) You must not combine gambling activities and related gambling promotions in any way with a promotional contest of chance as defined in RCW 9.46.0356.

WSR 08-11-053

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed May 16, 2008, 10:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-16-136.

Title of Rule and Other Identifying Information: Commercial driver's licenses: Eligibility requirements, training requirements, test requirements, license restrictions, and definitions.

Hearing Location(s): Highways-Licenses Building, Conference Room 413, 1125 Washington Street S.E., Olympia, WA (check in at counter on first floor), on June 24, 2008, at 3:00 p.m.

Date of Intended Adoption: July 25, 2008.

Submit Written Comments to: Clark J. Holloway, P.O. Box 9030, Olympia, WA 98507-9030, e-mail cholloway@dol.wa.gov, fax (360) 586-8351, by June 23, 2008.

Assistance for Persons with Disabilities: Contact Clark J. Holloway by June 23, 2008, TTY (360) 664-0116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Creates a new section, WAC 308-100-005, to establish definitions of terms used in the proposed rules; creates a new section, WAC 308-100-031, to require that a [an] applicant for a commercial driver's license have the skills and training necessary to operate a commercial motor vehicle safely; creates a new section, WAC 308-100-033, establishing the minimum training requirements for applicants for a commercial driver's license; creates a new section, WAC 308-100-035, to provide for employer certification that an applicant has the skills and training necessary to operate a commercial motor vehicle safely; and creates a new section, WAC 308-100-038, to authorize additional restrictions on commercial driver's licenses.

Reasons Supporting Proposal: Rules are necessary to implement changes made by the legislature in chapter 418, Laws of 2007.

Statutory Authority for Adoption: RCW 46.01.110, 46.25.060, and 46.25.140.

Statute Being Implemented: RCW 46.25.060.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Clark J. Holloway, Highways-Licenses Building, Olympia, Washington, (360) 902-3846; Implementation and Enforcement: Becky Loomis, Highways-Licenses Building, Olympia, Washington, (360) 902-3850.

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

nomic impact statement is not required pursuant to RCW 19.85.025(3).

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

May 15, 2008
Becky Loomis
Assistant Director

NEW SECTION

WAC 308-100-005 Definitions. The definitions of this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Agribusiness" means a private carrier who in the normal course of business primarily transports:

(a) Farm machinery, farm equipment, implements of husbandry, farm supplies and materials used in farming;

(b) Agricultural inputs, such as seed, feed, fertilizer and crop protection products;

(c) Unprocessed agricultural commodities as defined in RCW 17.21.020; or

(d) Any combination of (a) through (c).

(2) "Classroom instruction" means training provided through lectures, demonstrations, audiovisual presentations, computer-based instruction, driving simulation devices, or similar means. Instruction occurring outside a classroom is included if it does not involve actual operation of a commercial motor vehicle and its components by the student.

(3) "Employee" means any operator of a commercial motor vehicle, including full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner operator contractors, while in the course of operating a commercial motor vehicle, who are either directly employed by or under lease to an employer.

(4) "Employer" means a person or entity that hires one or more individuals to operate a commercial motor vehicle on a regular basis during their normal course of employment and whose primary purpose is not to train operators of commercial motor vehicles.

(5) "Hour," as used in connection with training requirements, means no less than fifty minutes of training or instruction.

(6) "Lab" means a teaching environment involving a non-moving vehicle for hands on instruction supported by classroom material.

(7) "Observation" means the careful watching, as a passenger in a commercial motor vehicle, of street driving during the hours of course instruction, recording lessons learned and applying classroom material.

(8) "Proficiency development" means driving exercises that will allow more time to develop the skills needed to demonstrate proficiency, competence, and confidence in the street driving and backing maneuvers portions of a course.

(9) "Range" means an area closed from the public where driving activities are practiced.

(10) "Street driving" means driving a commercial motor vehicle on a public road, where the traffic laws are enforced, consisting of city street, country road, and freeway driving.

(11) "Training institute" means:

(a) An institution of higher learning accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education board;

(b) A licensed private vocational school as that term is defined by RCW 28C.10.020(7); or

(c) An entity in another state that the department has determined provides training or instruction equivalent to that required under WAC 308-100-033.

NEW SECTION

WAC 308-100-031 Skill and training requirements for commercial driver's license. On or after January 2, 2009, unless waived under RCW 46.25.060(3), an applicant for a commercial driver's license must complete the minimum training requirements specified under WAC 308-100-033, or be certified by an employer under WAC 308-100-035 as having the skills and training necessary to operate a commercial motor vehicle safely, provided that until January 2, 2010, the department may issue a commercial driver's license that is restricted to the operation of a commercial motor vehicle for agribusiness purposes under WAC 308-100-038 to an applicant who does not otherwise meet the requirements of this section.

NEW SECTION

WAC 308-100-033 Minimum training requirements.

(1) To ensure the quality of the training given, a training course acceptable to the director must:

(a) Be provided by, and under the direct supervision of, a training institute; and

(b) Be not less than:

(i) One hundred sixty hours if the applicant is applying for a class A commercial driver's license, including not less than:

(A) Forty hours of classroom instruction;

(B) Eighteen hours of street driving training;

(C) Sixteen hours of training in backing maneuvers;

(D) Sixteen hours of proficiency development; and

(E) Seventy hours of combined lab training, range training, and observation;

(ii) Forty-eight hours if the applicant is applying for a class B commercial driver's license, including not less than:

(A) Twenty hours of classroom instruction;

(B) Fourteen hours of street driving training;

(C) Four hours of training in backing maneuvers;

(D) Four hours of proficiency development; and

(E) Six hours of combined lab training, range training, and observation;

(iii) Thirty-six hours if the applicant is applying for a class C commercial driver's license, including not less than:

(A) Twenty hours of classroom instruction;

(B) Eight hours of street driving training;

(C) Two hours of training in backing maneuvers;

(D) Two hours of proficiency development; and

(E) Four hours of combined lab training, range training, and observation.

(2) A licensed private vocational school must maintain individual student records. Student records shall document for each student:

- (a) Course attendance, starting, and ending dates;
- (b) The dates and times for each session;
- (c) The number of hours spent on each category of instruction covered; and
- (d) The name and signature of the instructor who provided each session of instruction or training.

(3) Student records must be maintained by a licensed private vocational school for the past five years from the date instruction or training has ended and must be made available for inspection at the request of the department.

(4) A licensed private vocational school may issue a certificate of completion on a form provided by the department to a student who has received the training required under subsection (1) of this section. An accredited institution of higher learning may issue a certificate of completion to a student who has received appropriate training. A certificate issued under this subsection must be used by a student to demonstrate to the department that he or she has met the minimum requirements required under this section.

NEW SECTION

WAC 308-100-035 Employer certification. An employer may certify an applicant for a commercial driver's license as having the skills and training necessary to operate a commercial motor vehicle safely on a form provided by the department. The certification must include the classification or classifications of commercial motor vehicle that the employee or prospective employee is competent to operate.

NEW SECTION

WAC 308-100-038 Commercial driver's license—Additional restrictions. In addition to the endorsements and restrictions that may be placed on a commercial driver's license under RCW 46.25.080 (2)(b), the department may place a "Z" restriction on driver's license to indicate that there is a specific restriction on file with the department. Specific restrictions for commercial driver's licenses that may be kept on file include:

- (1) "Agribusiness" restricts the driver to commercial motor vehicles being operated for agribusiness purposes.

WSR 08-11-062

PROPOSED RULES

GAMBLING COMMISSION

[Filed May 16, 2008, 2:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-08-088.

Title of Rule and Other Identifying Information: WAC 230-15-140 Wagering limits for house-banked card games.

Hearing Location(s): Coast Wenatchee Center Hotel/Convention Center, 201 North Wenatchee Avenue, Wenatchee, WA 98801, on August 15, 2008, at 9:30 a.m.

Date of Intended Adoption: August 15, 2008.

Submit Written Comments to: Susan Arland, P.O. Box 42400, Olympia, WA 98504-2400, e-mail Susan2@wsgc.wa.gov, fax (360) 486-3625, by August 1, 2008.

Assistance for Persons with Disabilities: Contact Gail Grate, executive assistant, by August 1, 2008, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission filed a petition for rule change submitted by the Recreational Gaming Association (RGA) requesting to increase the maximum amount of a:

- 1. Single wager or bonus wager for an odds-based pay out from \$200 to \$500; and
- 2. Bonus wager for progressive jackpots from \$1 to \$500 or to limits imposed by a manufacturer's game rules.

The RGA states that Tribal casinos are authorized to offer \$500 betting limits while house-banked card room licenses have been held to a lower level of \$200 limits. The RGA states that the strict regulations and controls required in security, surveillance and licensing of employees in these establishments are more than adequate to protect the public.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

Name of Proponent: Recreational Gaming Association, private.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025 because the change would not impose additional costs on businesses.

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

May 16, 2008

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 608, filed 4/10/07, effective 1/1/08)

WAC 230-15-140 Wagering limits for house-banked card games. (1) A single wager or a bonus wager for an odds-based pay out must not exceed (~~two~~) five hundred dollars.

(2) A player may make a single wager for each decision before the dealer deals or reveals additional cards. For Blackjack, the player may place an additional wager for doubling down or splitting pairs.

(3) Bonus wagers for progressive jackpots must not exceed (~~one dollar~~) manufacturer's rules or limits listed in subsection (1) of this section.

WSR 08-11-063
PROPOSED RULES
GAMBLING COMMISSION

[Filed May 16, 2008, 2:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-08-011.

Title of Rule and Other Identifying Information: WAC 230-15-135.

Hearing Location(s): Coast Wenatchee Center Hotel/Convention Center, 201 North Wenatchee Avenue, Wenatchee, WA 98801, on August 15, 2008, at 9:30 a.m.

Date of Intended Adoption: August 15, 2008.

Submit Written Comments to: Susan Arland, P.O. Box 42400, Olympia, WA 98504-2400, e-mail Susan2@wsgc.wa.gov, fax (360) 486-3625, by August 1, 2008.

Assistance for Persons with Disabilities: Contact Gail Grate, executive assistant, by August 1, 2008, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission filed a petition for rule change submitted by the Recreational Gaming Association (RGA) requesting to increase the maximum amount of a single wager in nonhouse-banked card games from \$40 to \$500. This change will only apply to house-banked card game licensees who offer nonhouse-banked card games (i.e., poker) and meet the surveillance requirements specified in WAC 230-15-280.

Class E and Class F nonhouse-banked card game licensees will continue to be limited to a maximum single wager of \$40.

The RGA states that tribal casinos are authorized to offer \$500 betting limits while house-banked card room licensees are limited to \$40. The strict regulations and controls required in security, surveillance and licensing of employees in these establishments are more than adequate to protect the public.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

Name of Proponent: Recreational Gaming Association, private.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025 because the change would not impose additional costs on businesses.

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

May 14, 2008
 Susan Arland
 Rules Coordinator

AMENDATORY SECTION (Amending Order 617, filed 10/22/07, effective 1/1/08)

WAC 230-15-135 Wagering limits for nonhouse-banked card games. Card room licensees must not exceed these wagering limits:

(1) **Poker** -

(a) There must be no more than five betting rounds in any one game; and

(b) There must be no more than four wagers in any betting round, for example, the initial wager plus three raises; and

(c) The maximum amount of a single wager must not exceed forty dollars, or five hundred dollars for house-banked card game licensees meeting the surveillance requirements specified in WAC 230-15-280;

(2) **Games based on achieving a specific number of points** - Each point must not exceed five cents in value;

(3) **Ante** - No more than the maximum wager allowed for the first betting round for any game, except for Panguingue (Pan). The ante may, by house rule:

(a) Be made by one or more players, but the total ante may not exceed the maximum wager allowed for the first betting round; and

(b) Be used as part of a player's wager;

(4) **Panguingue (Pan)** - The maximum value of a chip must not exceed ten dollars. An ante must not exceed one chip. We prohibit doubling of conditions. Players going out may collect no more than two additional chips for going out from each participating player.

WSR 08-11-064
PROPOSED RULES
GAMBLING COMMISSION

[Filed May 16, 2008, 2:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-08-001.

Title of Rule and Other Identifying Information: WAC 230-15-225 Tournament rules and prizes.

Hearing Location(s): Coast Wenatchee Center Hotel/Convention Center, 201 North Wenatchee Avenue, Wenatchee, WA 98801, on August 15, 2008, at 9:30 a.m.

Date of Intended Adoption: August 15, 2008.

Submit Written Comments to: Susan Arland, P.O. Box 42400, Olympia, WA 98504-2400, e-mail Susan2@wsgc.wa.gov, fax (360) 486-3625, by August 1, 2008.

Assistance for Persons with Disabilities: Contact Gail Grate, executive assistant, by August 1, 2008, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission filed a petition for rule change submitted by the Recreational Gaming Association (RGA) requesting that card tournament operators be allowed to:

(1) Give players additional or discounted rebuys based on the amount of a player's previous play; and

(2) Use a drawing to select players, after a tournament begins, to fill extra seats at the tournament.

On April 14, 2008, Gary Murrey, on behalf of the RGA, clarified to staff that the intent of this rule change is for players to continue to pay the same initial buy-in amount; however, tournament operators would like to award additional chips to certain players based on players' hours of previous play. The RGA states that tribal markets are allowed to offer additional opportunities to buy-in for tournament play including additional chips and rebuys for free or discounts based on previous play. The RGA states that house-banked card room licensees should be allowed to offer games they are authorized at the same levels being offered in the Washington state gaming market.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

Name of Proponent: Recreational Gaming Association, private.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025 because the change would not impose additional costs on businesses.

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

May 14, 2008

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 608, filed 4/10/07, effective 1/1/08)

WAC 230-15-225 Tournament rules and prizes. (1)

Before players pay their fees, card game licensees must prominently post on the premises and keep posted until the tournament is complete:

- (a) All rules, prizes, and conditions of the tournament; and
- (b) The tournament fee; and
- (c) Entry and buy-in requirements; and
- (d) A description of all of the goods and services they will provide as a part of the tournament.

(2) Licensees must initially provide all tournament entrants with the same number of chips or points (~~and the same opportunity for rebuys~~) for their buy-in. However, players may be awarded additional chips or rebuys for free or at a discount based on previous play.

(3) If there are more players than spots available in the tournament, card game licensees may conduct a drawing to determine which players participate. If there is a fee to enter the tournament, card game licensees must collect it after the drawing has occurred.

(4) After the tournament has begun, card game licensees (~~must not~~) may conduct a drawing to decide who will fill an extra seat.

WSR 08-11-065

PROPOSED RULES

GAMBLING COMMISSION

[Filed May 16, 2008, 2:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-08-003.

Title of Rule and Other Identifying Information: WAC 230-15-035 Requirements for authorized card games and 230-15-145 Making wagers with chips or coin.

Hearing Location(s): Coast Wenatchee Center Hotel/ Convention Center, 201 North Wenatchee Avenue, Wenatchee, WA 98801, on August 15, 2008, at 9:30 a.m.

Date of Intended Adoption: August 15, 2008.

Submit Written Comments to: Susan Arland, P.O. Box 42400, Olympia, WA 98504-2400, e-mail Susan2@wsgc.wa.gov, fax (360) 486-3625, by August 1, 2008.

Assistance for Persons with Disabilities: Contact Gail Grate, executive assistant, by August 1, 2008, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission filed a petition for rule change submitted by the Recreational Gaming Association (RGA) requesting that card players be allowed to use:

(1) Community cards in card games, which would allow Baccarat or Mini Baccarat to be played in commercial card rooms. Currently, players must have their own hand of cards and all players must compete on an equal basis. Players cannot bet on another player's hand or the house's hand. In games that use community cards, two shared hands are dealt to positions called the "bank" and the "player;" unlike other card games, players are not dealt their own individual hands. Players bet on one of the two shared hands dealt, rather than on their own hand.

Player positions for:

Baccarat - fourteen seats plus twelve.

Mini Baccarat - seven seats plus seven.

(2) Nickels and dimes in any card game that charges a commission. Players must make wagers and pay fees to play card games with chips. However, nickels and dimes can be used by players in Pai Gow to pay commissions. Baccarat and Mini Baccarat allow a commission to be charged.

The RGA states that when house-banked card rooms first opened they were allowed to offer Baccarat as a social card game.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

Name of Proponent: Recreational Gaming Association, private.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-

3446; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025 because the change would not impose additional costs on businesses.

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

May 14, 2008
Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 617, filed 10/22/07, effective 1/1/08)

WAC 230-15-035 Requirements for authorized card games. (1) In order for a game to be authorized, the game must:

(a) Be played with standard playing cards or with electronic card facsimiles approved by the director or the director's designee; and

(b) Offer no more than three separate games with a single hand of cards. We consider bonus features and progressive jackpots separate games. If a player does not have to place a separate wager to participate, we do not consider it a separate game. An example of this is an "envy" or "share the wealth" pay out when another player achieves a specific hand; and

(c) Not allow side bets between players.

(2) Card game licensees may use more than one deck of cards for a specific game. They also may remove cards to comply with rules of a specific game, such as Pinochle or Spanish 21.

(3) Players must:

(a) Compete against all other players on an equal basis for nonhouse-banked games or against the house for house-banked games. All players must compete solely as a player in the card game; and

(b) Receive their own hand of cards or use community cards and be responsible for their own decisions regarding such (~~(hand)~~) game, such as whether to wager, fold, discard, draw additional cards, or raise the wager; and

(c) Not place wagers on any other player's or the house's hand or make side wagers with other players, except for:

(i) An insurance wager placed in the game of Blackjack; or

(ii) An "envy" or "share the wealth" wager which allows a player to receive a prize if another player wins a jackpot or odds-based wager; (~~(or)~~)

(iii) A tip wager made on behalf of a dealer; or

(iv) In the game of Baccarat or Mini Baccarat.

(4) A player's win or loss must be determined during the course of play of a single card game.

AMENDATORY SECTION (Amending Order 608, filed 4/10/07, effective 1/1/08)

WAC 230-15-145 Making wagers with chips or coin.

Players in card games must make all wagers and pay fees to play card games with chips, except that:

(1) Players may use half dollars or quarters in house-banked card games;

(2) Players may use dimes and nickels in (~~(Pai Gow poker)~~) any game that allows a commission to be charged.

WSR 08-11-066
PROPOSED RULES
GAMBLING COMMISSION

[Filed May 16, 2008, 2:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-08-001.

Title of Rule and Other Identifying Information: WAC 230-15-210 Entry fees and buy-ins for card tournaments.

Hearing Location(s): Coast Wenatchee Center Hotel/Convention Center, 201 North Wenatchee Avenue, Wenatchee, WA 98801, on August 15, 2008, at 9:30 a.m.

Date of Intended Adoption: August 15, 2008.

Submit Written Comments to: Susan Arland, P.O. Box 42400, Olympia, WA 98504-2400, e-mail Susan2@wsgc.wa.gov, fax (360) 486-3625, by August 1, 2008.

Assistance for Persons with Disabilities: Contact Gail Grate, executive assistant, by August 1, 2008, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission filed a petition for rule change submitted by the Recreational Gaming Association (RGA) requesting that all dollar limits on card tournament entry fees and buy-ins be removed. Instead, licensees would simply be required to state in their rules if they charge a fee.

The RGA states that tribal markets are allowed to charge any level of fees for tournaments. The RGA states that house-banked card room licensees should be allowed to offer games they are authorized at the same levels being offered in the Washington state gaming market.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Recreational Gaming Association, private.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025 because the change would not impose additional costs on businesses.

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

May 14, 2008
Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 608, filed 4/10/07, effective 1/1/08)

WAC 230-15-210 Entry fees and buy-ins for card tournaments. (1) Card game licensees must:

- (a) ~~((Not charge more than one hundred dollars per player for))~~ Clearly state in the rules if they charge an entry fee; and
- (b) Collect all entry fees before the start of play.
- (2) The entry fee must include all the separate fees for various phases and events of the tournament, for food and drink, and for promotional material.
- (3) Card game licensees may award prizes in excess of entry fees collected.
- (4) Card game licensees may require a minimum buy-in of chips. The buy-in may be a single or multiple buy-in ~~((, but the total per player may not exceed four hundred dollars per tournament))~~.
- (5) Card game licensees must:
 - (a) Keep a record of the buy-ins for each player in the format we require; and
 - (b) Return all buy-ins to the players in cash or merchandise prizes.
- (6) We do not consider buy-ins gross gambling receipts.

**WSR 08-11-067
PROPOSED RULES
GAMBLING COMMISSION**

[Filed May 16, 2008, 2:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-08-002.

Title of Rule and Other Identifying Information: WAC 230-15-055 Limit on number of players at each table.

Hearing Location(s): Coast Wenatchee Center Hotel/ Convention Center, 201 North Wenatchee Avenue, Wenatchee, WA 98801, on August 15, 2008, at 9:30 a.m.

Date of Intended Adoption: August 15, 2008.

Submit Written Comments to: Susan Arland, P.O. Box 42400, Olympia, WA 98504-2400, e-mail Susan2@wsgc.wa.gov, fax (360) 486-3625, by August 1, 2008.

Assistance for Persons with Disabilities: Contact Gail Grate, executive assistant, by August 1, 2008, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission filed a petition for rule change submitted by the Recreational Gaming Association (RGA) requesting that the number of players at a card table be increased from:

(1) Seven to nine at house-banked games, unless limited by manufacturer's rule; and

(2) Ten to twelve at nonhouse-banked games.

The RGA states that tribal venues are allowed up to nine players in house-banked card games and up to twelve players at poker tables, which is the industry standard. The RGA states that house-banked card rooms should be able to offer games at the same levels being offered at tribal casinos.

Staff's research found that tribal casinos allow up to nine players at house-banked tables and ten at poker tables. Additionally, tribal casinos are required to have tribal gaming agents on site during all times games are operated.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

Name of Proponent: Recreational Gaming Association, private.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025 because the change would not impose additional costs on businesses.

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

May 14, 2008
Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 608, filed 4/10/07, effective 1/1/08)

WAC 230-15-055 Limit on number of players at each table. Card game licensees must ~~((only))~~ allow:

(1) Up to ~~((seven))~~ nine players or areas for wagering at any table in house-banked card games limited only by manufacturer rules.

(2) Up to ~~((ten))~~ twelve players at any table in nonhouse-banked card games.

**WSR 08-11-078
PROPOSED RULES
SPOKANE REGIONAL
CLEAN AIR AGENCY**

[Filed May 19, 2008, 11:44 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule and Other Identifying Information: Revise SRCAA Regulation I, Article X, Section 10.06 - Registration and Operating Permit Fees For Air Contaminant Sources and SRCAA Regulation I, Article X, Section 10.07 - Application

and Permit Fees for Notice of Construction and Application for Approval and for Notice of Intent to Install and Operate a Temporary Stationary Source.

Hearing Location(s): Spokane County Public Works Building, Lower Level Hearing Room, 1206 West Broadway, Spokane, WA 99201, on July 3, 2008, at 9:30 a.m.

Date of Intended Adoption: July 3, 2008.

Submit Written Comments to: April Westby, 1101 West College, Suite 403, Spokane, WA 99201, e-mail awestby@spokaneleanair.org, fax (509) 477-6828, by July 2, 2008.

Assistance for Persons with Disabilities: Contact Barbara Nelson by July 2, 2008, (509) 477-4727 ext. 116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Purpose: Revise SRCAA Regulation I, Article X, Sections 10.06 and 10.07 to allow for full cost recovery of SRCAA's air operating permit (AOP) program and to separate notice of construction (NOC) fees from AOP annual fees, as directed by SRCAA's board of directors on April 3, 2008.

Anticipated Effects: The proposed fee changes will allow SRCAA to reconcile any AOP program deficit or surplus during the next billing cycle and will separate NOC fees from AOP annual fees.

Changes to Existing Rules:

(1) Addition of "AOP Program Cost Correction" fee as a component to the annual AOP fee given in SRCAA Regulation I, Section 10.06 C.2, which will reconcile any AOP program deficit or surplus during the next billing cycle. The "AOP Program Cost Correction" fee would be divided among the AOP sources according to the percentage of the total AOP fees that each source's individual fees comprise; and

(2) Separation of NOC fees from Title V Air Operating Permit annual fees. SRCAA Regulation I, Section 10.06 C.2 will be revised to clarify that time spent on NOC application reviews is not included as part of the annual AOP fee. In addition, Section 10.07 will be revised so that the NOC fees will apply to AOP sources.

Reasons Supporting Proposal: AOP program is not currently at full cost recovery, as mandated by federal and state clean air acts.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.380(2)

Statute Being Implemented: Chapter 70.94 RCW, 42 U.S.C. 7401 et. seq. and 42 U.S.C. 7412.

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: SRCAA's AOP program, a federally mandated program delegated to SRCAA, commenced in 1994. Currently, the AOP program is not at full cost recovery. The proposed changes in the AOP fees will allow for full cost recovery. In addition, the proposed changes separate the NOC fees from the annual AOP sources, as required by EPA.

Name of Proponent: Spokane Regional Clean Air Agency (SRCAA), governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: April Westby, 1101 West College, Suite 403, Spokane, WA 99201, (509) 477-4727; and

Enforcement: Barbara Nelson, 1101 West College, Suite 403, Spokane, WA 99201, (509) 477-4727.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is a local air pollution control authority rule. Chapter 19.85 RCW does not apply to local air pollution control authority rule development/amendments.

A cost-benefit analysis is not required under RCW 34.05.328. This is a local agency rule and pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule amendment.

May 19, 2008

April L. Westby

Environmental Engineer

AMENDATORY SECTIONS

REGULATION I, ARTICLE VI, SECTION 10.06 & 10.07

SECTION 10.06 REGISTRATION AND OPERATING PERMIT FEES FOR AIR CONTAMINANT SOURCES

A. Each source required by Article IV, Section 4.01 to be registered, each air operating permit source, and each source required by Article V, Section 5.02 to obtain an approved Notice of Construction and Application for Approval is subject to an annual fee for each calendar year, or portion of each calendar year, during which it operates. The owner or operator shall pay the fee, pursuant to the requirements in Section 10.02. Fees received pursuant to the registration program or the operating permit program shall not exceed the actual costs of program administration.

B. The annual fee for each source required by Article IV, Section 4.01 to be registered and that is not subject to Section 10.06.C. of this Regulation shall be determined by adding all of the applicable fees below;

1.	Registration Fee Categories	Fee	Fee Applicability
	Facility Fee ^A	Per the Fee Schedule	Per Source
	Emissions Fee ^B	Per the Fee Schedule	Per Ton
	Emission Point Fee ^C	Per the Fee Schedule	Per Stack/Point
	Burn Out Oven/ Incinerator Fee ^D	Per the Fee Schedule	Per Source
	Synthetic Minor Fee ^E	Per the Fee Schedule	Per Source
	WEDS Fee ^F	Per the Fee Schedule	Per Hour

a. Each source is subject to the fee listed.

b. The additional fee listed applies to each ton (rounded to the nearest one-tenth of a ton) of each criteria and toxic air pollutant emitted.

c. The additional fee applies to each stack and other emission points. For gasoline stations, each gasoline tank vent is an emission point.

d. The additional fee listed applies to each source which operated at least one incinerator or burn out oven during the registration period.

e. The additional fee listed applies to each Synthetic Minor source as defined in SRCAA Regulation I, Article I, Section 1.04.

f. The additional fee listed applies to each source required by the Authority to submit an annual emissions inventory for entry into the Washington Emission Data System (WEDS). SRCAA staff time spent processing and reviewing WEDS will be tracked in 15 minute increments and charged at the hourly rates provided above.

2. The Board shall periodically review the fee schedule for registered sources and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board shall amend the fee schedule to more accurately recover program costs.

C. The annual fee for each air operating permit source shall be determined as follows:

1. The Board shall periodically review the fees for air operating permit sources and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board shall amend the fees to more accurately recover program costs.

2. For sources that are subject to the air operating permit (AOP) program during any portion of the calendar year:

- a. Annual base fee of \$3,000;
- b. Emission fee of \$31.11 per ton of actual emissions from the previous calendar year;
- c. SRCAA time fee, as determined by the following formula:

$$TF_1 = \frac{(H_1 + H_G) \times RPC}{H_T}$$

Where,
 TF₁ is the SRCAA time fee for AOP source, I;
 H₁ is the total SRCAA staff hours spent on AOP source, not including time spent on Notice of Construction application reviews, I;

H_G is the total general hours SRCAA staff spent on the AOP program divided by the total number of sources subject to the AOP program during any portion of the calendar year;

RPC is the remaining SRCAA AOP program cost, calculated by subtracting the sum of the Section 10.06.C.2.a and b. fees from the total SRCAA AOP program costs; and

H_T is the total number of hours SRCAA staff spent on the AOP program, including total time spent on the AOP sources and general hours spent on the AOP program.

Note: H₁, H_G, H_T, and RPC are for the most recent SRCAA fiscal year.

Note: H₁, H_G, and H_T are obtained from SRCAA time accounting records.

d. ~~((Program deficit recovery fee))~~ AOP Program Cost Correction, as determined by the following formula:

$$PDRF_1 \text{ }_{y=2006}^{2015} = \frac{\text{Remaining Program Deficit}_y}{(2016 - y)} \times \frac{E_{I(y-1)}}{E_{T(y-1)}}$$

$$PCC_1 = \frac{\text{AOP Program Cumulative Deficit or Surplus} \times F_1}{F_T}$$

Where,
 PCC₁ is the AOP Program Cost Correction assessed ~~((PDRF₁ is the program deficit recovery fee assessed during year "y" (from 2006-2015) to each AOP source, I, that operated during any portion of the calendar year "y"))~~;

AOP Program Cumulative Deficit or Surplus is the cumulative financial deficit or surplus for SRCAA's ~~((Remaining Program Deficit_y is the total cumulative funding deficit for SCAPCA's AOP program at the end of the most recent SRCAA fiscal year ("y"))~~;

~~(("y" is the year, beginning in year 2006 and ending in year 2015;))~~

F₁ is the total individual fee assessed pursuant to Section 10.06.C.2.a., b., and c. of this Regulation; and

F_T is the sum of all the individual fees assessed pursuant to Sections 10.06.C.2.a., b., and c. of this Regulation.

~~((E₁ is the total (in tons) of actual emissions from AOP source, I, during the calendar year prior to year "y" (y-1); and~~

~~E_T is the sum (in tons) of the actual emissions from all AOP sources during the calendar year prior to year "y" (y-1).~~

~~Note: The program deficit recovery fee will expire in 2016 when the AOP program deficit will be zero.)~~

e. A share of the assessment by Ecology pursuant to RCW 70.94.162(3), as determined by the following formula:

$$I = \frac{F_1 \times A_E}{F_T}$$

Where,
 I is the individual share of the assessment;
 F₁ is the total individual fee assessed pursuant to Section 10.06.C.2.a., b., and c. ~~((and d.))~~ of this Regulation;
 A_E is the total Ecology assessment pursuant to RCW 70.94.162(3); and
 F_T is the sum of all the individual fees assessed pursuant to Sections 10.06.C.2.a., b., and c. ~~((and d.))~~ of this Regulation.

3. For affected units under Section 404 of the Federal Clean Air Act (42 USC 7401 et seq):

- a. A fee of ~~(((\$50))~~ \$65 per hour of time expended in carrying out the fee eligible activities specified in RCW 70.94.; and
- b. A share of the assessment by Ecology pursuant to RCW 70.94.162(3), as determined by the following formula:

$$I = \frac{F_I \times A_E}{F_T}$$

Where,

I is the individual share of the assessment;

F_I is the total individual fee assessed pursuant to Section 10.06.C.3.a. of this Regulation;

A_E is the total Ecology assessment pursuant to RCW 70.94.162(3); and

F_T is the sum of all the individual fees assessed pursuant to Sections 10.06.C.3.a. of this Regulation.

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

SECTION 10.07 APPLICATION AND PERMIT FEES FOR NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL (NOC) AND FOR NOTICE OF INTENT TO INSTALL AND OPERATE A TEMPORARY STATIONARY SOURCE (NOI)

~~((The fees contained in Section 10.07 do not apply to air operating permit sources.))~~

A. NOC and NOI Fees

1. Base Fee

a. For each project required by Article V to file a NOC or a NOI, the applicant shall pay a base fee pursuant to the fee schedule. Base fee classes are listed below.

1) Class I - Notice of Intent Permit

Notice of Intent permits for portable stationary sources and temporary stationary sources include the following:

<u>Source/Source Category Description</u>	<u>Article IV, Exhibit R Category</u>
(a) Asphalt plant	15
(b) Concrete batch plant / ready mix plant	22
(c) Rock crusher	36

2) Class II - Simple Notice of Construction Permit

Simple permits generally conform to a template and involve minimal off-site impact evaluation. They include the following:

<u>Source/Source Category Description</u>	<u>Article IV, Exhibit R Category</u>
(a) Boiler and other fuel-burning equipment	27
(b) Coffee roaster	20
(c) Concrete batch plant / ready mix plant	22
(d) Dry cleaner	23
(e) Emergency generator	52
(f) Gasoline dispensing facility	28
(g) Lithographic printing / screen printing	9.e.5
(h) Material handling that exhausts ≥ 1,000 acfm	24
(i) Rock crusher	36

(j) Spray booth / surface coating operation	57
(k) Stationary internal combustion engine	53
(l) Sterilizer	9.e.8
(m) Stump / wood waste grinder	54

3) Class III - Standard Notice of Construction Permit

Standard permits generally include those that don't conform to a template and involve minimal off-site impact evaluation. They include the following:

<u>Source/Source Category Description</u>	<u>Article IV, Exhibit R Category</u>
(a) Soil and groundwater remediation operation	9.e.7
(b) Burn out oven	43
(c) Chrome plating	35
(d) Incinerator / crematory	31

4) Class IV - Complex Notice of Construction Permit

Complex permits generally include those that don't conform to a template and involve more complex off-site impact evaluation. They include the following:

<u>Source/Source Category Description</u>	<u>Article IV, Exhibit R Category</u>
(a) Asphalt plant	15
(b) Composting	21
(c) Refuse systems	48
(d) Rendering	49
(e) Sewerage systems	50

b. For sources / source categories not listed in Section 10.07.A.1.a, above, NOI and NOC application review will be assigned to Class I, II, III or IV by the Control Officer on a case-by-case basis.

c. For sources with one or more emission points under one NOC application, as allowed in Section 5.02.G, a separate base fee applies to each emissions unit, or each group of like-kind emissions units, being installed or modified. A group of emissions units shall be considered as like-kind if the same set of emission calculations can be used to characterize emissions from each of the emissions units.

2. Modification / Revision Fee

a. Equipment Modification Fee

Applicants of sources requesting a change in equipment (e.g., replacement or substantial alteration of emission control technology) pursuant to Section 5.10.C of this Regulation shall pay a fee pursuant to the fee schedule.

b. Permit Condition Revision Fee

Applicants of sources requesting a change in conditions pursuant to Section 5.10.C of this Regulation shall pay a fee pursuant to the fee schedule.

3. Additional Fees (for each application)

a. SEPA Review Fee

Where review of an Environmental Impact Statement (EIS), Environmental Checklist, or an Addendum to, or adoption of, an existing environmental document pursuant to the

State Environmental Policy Act (SEPA) Chapter 197-11 WAC is required, in association with a NOC or a NOI, the applicant shall pay a SEPA or EIS review fee pursuant to the fee schedule.

b. Toxics Review Fee

For any new source of air pollution which requires review pursuant to Chapter 173-460 WAC, a toxic air pollutant review fee shall be paid. For sources with one or more emission points under one NOC application, as allowed in Section 5.02.G, a separate toxic air pollutant review fee applies to each emissions unit, or each group of like-kind emissions units, being installed or modified. A group of emissions units shall be considered as like-kind if the same set of emission calculations can be used to characterize emissions from each of the emissions units. The toxic air pollutant review fee shall be as follows:

1) Small Quantity Emission Rate (SQER)

For a new source using WAC 173-460-080 (2)(e), SQER, to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070 & WAC 173-460, the applicant shall pay a SQER review fee pursuant to the fee schedule.

2) Dispersion Modeling

For a new source using dispersion screening models (e.g., EPA SCREEN or TSCREEN) under WAC 173-460-080 (2)(c) to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, the applicant shall pay a dispersion modeling review fee pursuant to the fee schedule.

3) Advanced Modeling

For a new source using more refined dispersion models (e.g., EPA ISC3) under WAC 173-460-080 (2)(c) to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070; or for a new or modified source using a second tier analysis under WAC 173-460-090 or a risk management decision under WAC 173-460-100 to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, the applicant shall pay the advanced modeling review fee in the fee schedule.

c. New Source Performance Standards (NSPS) Review Fee

Applicants of any new air pollution source subject to WAC 173-400-115 (NSPS) and 40 CFR Parts 60 shall pay a NSPS review fee according to the fee schedule.

d. National Emission Standard for Hazardous Air Pollutants (NESHAP) Review Fee

Applicants of any new air pollution source subject to WAC 173-400-075 (NESHAP) and 40 CFR Parts 61 and 63 shall pay a NESHAP fee according to the fee schedule.

e. Best Available Control Technology (BACT) Review Fee

1) Generic BACT

Where no BACT review is required (e.g., the applicant demonstrates there is an established and/or recognized BACT standard for the source category type), a BACT review fee is not applicable.

2) Non-Generic BACT Review

A non-generic BACT review is one where a generic BACT standard is not applicable and a top-down BACT

review is not required. Applicants of any new air pollution source subject to a non-generic BACT review shall pay a non-generic BACT review fee according to the fee schedule.

3) Top-Down BACT Review (as described in EPA's Draft New Source Review Workshop Manual from October 1990 and as summarized below)

A top-down BACT review is one that requires available control technologies be ranked in descending order of control effectiveness. The most stringent or "top" control technology is first examined. That control technology is established as BACT unless the applicant demonstrates, and the ((Authority)) Agency concurs, that technical considerations, energy, environmental, or economic impacts justify a conclusion that the most stringent technology is not achievable in for the project being proposed. If the most stringent control technology is eliminated in this fashion, the next most stringent control technology is considered, and so on. Applicants of any new air pollution source subject to a top-down BACT review shall pay a top-down BACT review fee according to the fee schedule.

B. Payment of Fees

1. At the Time of Application

The base fee shall be paid at the time of application. Review of the application will not commence until the applicable base fee is received.

2. After Application

a. Payment of Fees for Complete Applications

The Agency will invoice the owner, operator, or applicant for all other applicable fees without regard to whether the request(s) associated with this section are approved or denied.

b. Payment of Fees for Incomplete Applications

If an owner, operator, or applicant notifies SRCAA in writing that an incomplete application will not be completed or cancels the application (i.e., the application is neither approved or denied), applicable fees for review performed pursuant to A.2 and A.3 of this section shall be invoiced. If an application remains incomplete for more than 3 months, the owner, operator, or applicant shall be invoiced applicable fees for review performed pursuant to A.2 and A.3 of this section. If review of the application recommences, applicable review fees apply.

C. Incomplete Applications

Applications not accompanied by the base fee will be considered incomplete. In addition, if information requested by the Agency is not provided, the application will be considered incomplete and review of the application will be suspended. Review of the application will commence, or recommence when applicable, when all required fees and information requested by the Agency is received. An application will be cancelled if it remains incomplete for more than 18 months from initial receipt. For review of the cancelled application to resume, the applicant must pay all outstanding invoice fees, if applicable, and resubmit the applicable base fee.

D. Compliance Investigation Fee

Where a compliance investigation is conducted pursuant to Section 5.12 of this Regulation, the compliance investigation fee shall be assessed pursuant to the fee schedule. The fee shall be assessed for each emissions unit, or group of like-

kind emissions units, being installed or modified. A group of emissions units shall be considered as like-kind if the same set of emission calculations can be used to characterize emissions from each of the emissions units.

E. Periodic Fee Review

The Board shall periodically review the fee schedule and determine if the total actual fee revenue collected and projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total project fee revenue is either significantly excessive or deficient for this purpose, then the Board shall amend the fee schedule to more accurately recover program costs. In general, fees will be greater for permits that are typically more complex or take more time to review and process.

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 material occurred in the copy filed by the Spokane Regional Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 08-11-084

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed May 20, 2008, 8:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-17-144.

Title of Rule and Other Identifying Information: The department is creating WAC 388-517-0500 State payment of medicare prescription drug copayments for full-benefit, dual-eligible clients.

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 June 24, 2008, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 25, 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., on June 24, 2008.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by June 17, 2008, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at johnsj14@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Recent state legislation (chapter 3, Laws of 2007) requires the department to

pay medicare Part D copayment cost sharing for full-benefit, dual-eligible medicaid clients. The department is codifying this new requirement.

Reasons Supporting Proposal: To be in compliance with state legislation.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090, and chapter 3, Laws of 2007.

Statute Being Implemented: Chapter 3, Laws of 2007.

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: Wendy Boedigheimer, P.O. Box 45504, Olympia, WA 98504-5504, (360) 725-1306; Implementation and Enforcement: Carole McRae, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1250.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the rules and determined that no new costs will be imposed on small businesses or nonprofit organization[(s)].

A cost-benefit analysis is not required under RCW 34.05.328. Rules are exempt per RCW 354.05.328 [34.05.-328] (5)(b)(vii) relating only to client medical or financial eligibility.

May 9, 2008

Stephanie E. Schiller

Rules Coordinator

NEW SECTION

WAC 388-517-0500 State payment of Medicare prescription drug copayments for full-benefit dual-eligible clients. This rule describes the conditions under which the department pays Medicare prescription drug copayments for full-benefit dual-eligible clients.

(1) Definitions:

(a) "Medicare Part D copayment" - A flat dollar amount that a Medicare beneficiary must pay toward the cost of each prescription drug received under the Medicare prescription drug program.

(b) "Full-benefit, dual-eligible person" - Someone who receives Medicaid services under the categorically needy (CN) or medically needy (MN) program and is a Medicare beneficiary.

(2) The department pays a full-benefit dual-eligible client's Medicare Part D copayment if:

(a) The copayment is for a prescription drug covered under the client's Medicare Part D plan; and

(b) The copayment rate is not more than the federal low-income subsidy copayment rate for a Medicare Part D covered drug; and

(c) The budget includes funding for Medicare Part D copayments.

(3) Pharmacies bill the department directly for Medicare Part D copayments for full-benefit, dual-eligible clients. The client is not responsible for copayments paid by the department as described in subsection (2) of this section.

WSR 08-11-085
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed May 20, 2008, 8:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-08-112.

Title of Rule and Other Identifying Information: WAC 388-450-0200 Will the medical expenses of elderly persons or individuals with disabilities in my assistance unit be used as an income deduction for Basic Food?

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) 664-6097), on June 24, 2008, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 25, 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 5:00 p.m., on June 24, 2008.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant by June 17, 2008, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsjl4@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rule currently contains references to deductions conferred by the medicare prescription drug card that are now obsolete. This proposed rule amendment will remove these references. The medicare prescription drug card expired May 31, 2006; any related deductions will only be applicable through May 2008 at the latest.

Reasons Supporting Proposal: Removing obsolete references will ensure the rule is current and improve readability.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 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: Rebecca Henrie, 712 Pear Street S.E., Olympia, WA 98503, (360) 725-4615.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses; it removes an obsolete reference to deductions conferred by the medicare prescription drug card.

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."

May 15, 2008

Stephanie E. Schiller

Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-04-070, filed 1/30/06, effective 4/1/06)

WAC 388-450-0200 Will the medical expenses of elderly persons or individuals with disabilities in my assistance unit be used as an income deduction for Basic Food? (1) If your basic food assistance unit (AU) includes an elderly person or individual with a disability as defined in WAC 388-400-0040, your AU may be eligible for an income deduction for that person's out-of-pocket medical expenses(~~(; and certain expenses allowable for Medicare prescription drug card holders certified prior to June 1, 2006)~~). We allow the deduction for medical expenses over thirty-five dollars each month.

(2) You can use an out-of-pocket medical expense toward this deduction if the expense covers services, supplies, medication, or other medically needed items prescribed by a state-licensed practitioner or other state-certified, qualified, health professional. Examples of expenses you can use for this deduction include those for:

(a) Medical, psychiatric, naturopathic physician, dental, or chiropractic care;

(b) Prescribed alternative therapy such as massage or acupuncture;

(c) Prescription drugs;

(d) Over the counter drugs;

(e) Eye glasses;

(f) Medical supplies other than special diets;

(g) Medical equipment or medically needed changes to your home;

(h) Shipping and handling charges for an allowable medical item. This includes shipping and handling charges for items purchased through mail order or the internet;

(i) Long distance calls to a medical provider;

(j) Hospital and outpatient treatment including:

(i) Nursing care; or

(ii) Nursing home care including payments made for a person who was an assistance unit member at the time of placement.

(k) Health insurance premiums paid by the person including:

(i) Medicare premiums; and

(ii) Insurance deductibles and copayments.

(l) Out-of-pocket expenses used to meet a spenddown as defined in WAC 388-519-0010. We do not allow your entire spenddown obligation as a deduction. We allow the expense as a deduction as it is estimated to occur or as the expense becomes due;

(m) Dentures, hearing aids, and prosthetics;

(n) Cost to obtain and care for a seeing eye, hearing, or other specially trained service animal. This includes the cost of food and veterinarian bills. We do not allow the expense of food for a service animal as a deduction if you receive ongo-

ing additional requirements under WAC 388-473-0040 to pay for this need;

(o) Reasonable costs of transportation and lodging to obtain medical treatment or services; and

(p) Attendant care necessary due to age, infirmity, or illness. If your AU provides most of the attendant's meals, we allow an additional deduction equal to a one-person allotment.

(3) There are two types of deductions for out-of-pocket expenses:

(a) One-time expenses are expenses that cannot be estimated to occur on a regular basis. You can choose to have us:

(i) Allow the one-time expense as a deduction when it is billed or due;

(ii) Average the expense through the remainder of your certification period; or

(iii) If your AU has a twenty-four-month certification period, you can choose to use the expense as a one-time deduction, average the expense for the first twelve months of your certification period, or average it for the remainder of our certification period.

(b) Recurring expenses are expenses that happen on a regular basis. We estimate your monthly expenses for the certification period.

~~(4) ((If the elderly person or individual with a disability in your AU has an active Medicare prescription drug card prior to June 1, 2006:~~

~~(a) Allow any out-of-pocket expenses that meet the criteria in subsections (2) and (3) above;~~

~~(b) Add a standard twenty-three dollars to these expenses; and~~

~~(c) Allow an additional fifty dollar monthly deduction to account for the 2004 and 2005 prescription subsidies:~~

~~(i) For twenty-four consecutive months if the client applied before January 2005; or~~

~~(ii) For the average number of months resulting from dividing the total subsidy amount by fifty dollars if the client applies in January 2005 or later.~~

~~(d) Allow the deductions in (b) and (c) of this subsection even if the AU has no out-of-pocket expenses.~~

~~(5) AU members with an active Medicare prescription drug card prior to June 1, 2006 have the option of using their verified pre-card out-of-pocket expenses when this amount is greater than using the standards in subsection (4).~~

~~(6)) We do not allow a medical expense as an income deduction if:~~

~~(a) The expense was paid before you applied for benefits or in a previous certification period;~~

~~(b) The expense was paid or will be paid by someone else;~~

~~(c) The expense was paid or will be paid by the department or another agency;~~

~~(d) The expense is covered by medical insurance;~~

~~(e) We previously allowed the expense, and you did not pay it. We do not allow the expense again even if it is part of a repayment agreement;~~

~~(f) You included the expense in a repayment agreement after failing to meet a previous agreement for the same expense; or~~

(g) You claim the expense after you have been denied for presumptive SSI; and you are not considered disabled by any other criteria.

WSR 08-11-086

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 20, 2008, 8:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-05-104 and 07-22-084.

Title of Rule and Other Identifying Information: The department is amending WAC 388-424-0001 Citizenship and alien status—Definitions, 388-424-0010 Citizenship and alien status—Eligibility restrictions for the temporary assistance for needy families program and medical benefits, including nonemergency Medicaid and the state children's health insurance program (CHIP), 388-424-0020 How does my alien status impact my eligibility for the federally funded Washington Basic Food program benefits?, 388-466-0005 Immigration status requirements for refugee assistance, 388-466-0120 Refugee cash assistance, and 388-466-0130 Refugee medical 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 June 24, 2008, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 25, 2008.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail DSHS RPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m., on June 24, 2008.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by June 17, 2008, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsjl4@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing changes to allow special immigrants from Iraq and Afghanistan, and family members of victims of trafficking to be eligible for refugee cash assistance (RCA), refugee medical assistance (RMA), services and other entitlement benefits as allowed under federal law.

Reasons Supporting Proposal: The proposed rule changes are in response to Public Law 110-161, sec. 525, effective date December 26, 2007; Public Law 110-181, sec. 1244, effective date January 28, 2008; Food and Nutrition Service Administrative Notice 08-17 from March 21, 2008, United States Department of Agriculture; and State Letter (SL) #04-12 issued by the Office of Refugee Resettlement on June 18, 2004. Rules related to special immigrants' eligibility

were implemented by emergency rule filing on March 13, 2008, as WSR 08-07-041 and on April 14, 2008, as WSR 08-09-052.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.320.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.320.

Rule is necessary because of federal law, Public Law 110-161, sec. 525; Public Law 110-181, sec. 1244; USDA Food and Nutrition Service Administrative Notice 08-17; ORR SL 04-12.

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Olga Walker, 712 Pear Street S.E., Olympia, 98501, (360) 725-4641.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed changes do not have an economic impact on small businesses.

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."

May 15, 2008

Stephanie E. Schiller
Rules Coordinator

AMENDATORY SECTION (Amending WSR 04-15-004, filed 7/7/04, effective 8/7/04)

WAC 388-424-0001 Citizenship and alien status—

Definitions. "American Indians" born outside the United States. American Indians born outside the U.S. are eligible for benefits without regard to immigration status or date of entry if:

(1) They were born in Canada and are of fifty percent American Indian blood (but need not belong to a federally recognized tribe); or

(2) They are members of a federally recognized Indian tribe or Alaskan Native village or corporation.

"Hmong or Highland Lao." These are members of the Hmong or Highland Laotian tribe, which rendered military assistance to the U.S. during the Vietnam era (August 5, 1964 to May 7, 1975), and are "lawfully present" in the United States. This category also includes the spouse (including unremarried widow or widower) or unmarried dependent child of such tribe members.

"Nonimmigrants." These individuals are allowed to enter the U.S. for a specific purpose, usually for a limited time. Examples include:

- (1) Tourists,
- (2) Students,
- (3) Business visitors.

"PRUCOL" (Permanently residing under color of law) aliens. These are individuals who:

- (1) Are not "qualified aliens" as described below; and
- (2) Intend to reside indefinitely in the U.S.; and

(3) United States Citizenship and Immigration Services or USCIS (formerly the Immigration and Naturalization Service or INS) knows are residing in the U.S. and is not taking steps to enforce their departure.

"Special Immigrants from Iraq and Afghanistan." According to federal law, special immigrants are Iraqi and Afghan aliens granted special immigrant status under section 101 (a)(27) of the Immigration and Nationality Act (INA).

"Qualified aliens." Federal law defines the following groups as "qualified aliens." All those not listed below are considered "nonqualified":

(1) **Abused spouses or children**, parents of abused children, or children of abused spouses, who have either:

(a) A pending or approved I-130 petition or application to immigrate as an immediate relative of a U.S. citizen or as the spouse or unmarried son or daughter of a Lawful Permanent Resident (LPR) - see definition of LPR below; or

(b) A notice of "prima facie" approval of a pending self-petition under the Violence Against Women Act (VAWA); or

(c) Proof of a pending application for suspension of deportation or cancellation of removal under VAWA; and

(d) The alien no longer resides with the person who committed the abuse.

(e) Children of an abused spouse do not need their own separate pending or approved petition but are included in their parent's petition if it was filed before they turned age twenty-one. Children of abused persons who meet the conditions above retain their "qualified alien" status even after they turn age twenty-one.

(f) An abused person who has initiated a self-petition under VAWA but has not received notice of prima facie approval is not a "qualified alien" but is considered PRUCOL. An abused person who continues to reside with the person who committed the domestic violence is also PRUCOL. For a definition of PRUCOL, see above.

(2) **Amerasians** who were born to U.S. citizen armed services members in Southeast Asia during the Vietnam war.

(3) Individuals who have been granted **asylum** under Section 208 of the Immigration and Nationality Act (INA).

(4) Individuals who were admitted to the U.S. as **conditional entrants** under Section 203 (a)(7) of the INA prior to April 1, 1980.

(5) **Cuban/Haitian entrants.** These are nationals of Cuba or Haiti who were paroled into the U.S. or given other special status.

(6) Individuals who are **lawful permanent residents** (LPRs) under the INA.

(7) Persons who have been granted **parole** into the U.S. for at least a period of one year (or indefinitely) under Section 212 (d)(5) of the INA, including "public interest" parolees.

(8) Individuals who are admitted to the U.S. as **refugees** under Section 207 of the INA.

(9) Persons granted **withholding of deportation or removal** under Sections 243(h) (dated 1995) or 241 (b)(3) (dated 2003) of the INA.

"Undocumented aliens." These are persons who either:

- (1) Entered the U.S. without inspection at the border, or
- (2) Were lawfully admitted but have lost their status.

"U.S. citizens."

(1) The following individuals are considered to be citizens of the U.S.:

(a) Persons born in the U.S. or its territories (Guam, Puerto Rico, and the U.S. Virgin Islands; also residents of the Northern Mariana Islands who elected to become U.S. citizens); or

(b) Legal immigrants who have naturalized after immigrating to the U.S.

(2) Persons born abroad to at least one U.S. citizen parent may be U.S. citizens under certain conditions.

(3) Individuals under the age of eighteen automatically become citizens when they meet the following three conditions on or after February 27, 2001:

(a) The child is a lawful permanent resident (LPR);

(b) At least one of the parents is a U.S. citizen by birth or naturalization; and

(c) The child resides in the U.S. in the legal and physical custody of the citizen parent.

(4) For those individuals who turned eighteen before February 27, 2001, the child would automatically be a citizen if still under eighteen when he or she began lawful permanent residence in the U.S. and both parents had naturalized. Such a child could have derived citizenship when only one parent had naturalized if the other parent were dead, a U.S. citizen by birth, or the parents were legally separated and the naturalizing parent had custody.

"U.S. nationals." A U.S. national is a person who owes permanent allegiance to the U.S. and may enter and work in the U.S. without restriction. The following are the only persons classified as U.S. nationals:

(1) Persons born in American Samoa or Swain's Island after December 24, 1952; and

(2) Residents of the Northern Mariana Islands who did not elect to become U.S. citizens.

"Victims of trafficking." According to federal law, victims of trafficking have been subject to one of the following:

(1) Sex trafficking, in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained eighteen years of age; or

(2) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(3) Under federal law, persons who have been certified or approved as victims of trafficking by the federal Office of Refugee Resettlement (ORR) are to be treated the same as refugees in their eligibility for public assistance.

(4) Immediate family members of victims are also eligible for public assistance benefits as refugees. Immediate family members are the spouse or child of a victim of any age and the parent or minor sibling if the victim is under twenty-one years old.

AMENDATORY SECTION (Amending WSR 05-23-013, filed 11/4/05, effective 1/1/06)

WAC 388-424-0010 Citizenship and alien status—Eligibility restrictions for the temporary assistance for needy families program and medical benefits, including nonemergency Medicaid and the ((state)) children's ((health insurance)) healthcare programs ((SCHHP)). (1) To receive TANF or medical benefits you must meet all other eligibility requirements and be one of the following as defined in WAC 388-424-0001:

(a) A U.S. citizen;

(b) A U.S. national;

(c) An American Indian born outside the U.S.;

(d) A "qualified alien";

(e) A victim of trafficking; ((or))

(f) A Hmong or Highland Lao;

(g) A Special Immigrant from Iraq eligible for eight months of federally-funded assistance from your date of entry into the United States or from the date you received Special Immigrant status; or

(h) A Special Immigrant from Afghanistan eligible for six months of federally funded assistance from your date of entry into the United States or from the date you received Special Immigrant status.

(2) A "qualified alien" who first physically entered the U.S. before August 22, 1996 as described in WAC 388-424-0006(1) may receive TANF, nonemergency Medicaid, and SCHIP benefits.

(3) A "qualified alien" who first physically entered the U.S. on or after August 22, 1996 cannot receive TANF, non-emergency Medicaid, or SCHIP for five years after obtaining status as a qualified alien unless he or she is an alien as described under WAC 388-424-0006(4).

(4) An alien who is ineligible for TANF, nonemergency Medicaid, or SCHIP because of the five-year bar or because of their immigration status may be eligible for:

(a) Emergency benefits as described in WAC 388-436-0015 (consolidated emergency assistance program) and WAC 388-438-0110 (alien emergency medical program); or

(b) State-funded cash or chemical dependency benefits as described in WAC 388-424-0015 (SFA, GA and ADATSA) and medical benefits as described in WAC 388-424-0016; or

(c) Pregnancy medical benefits as described in WAC 388-462-0015; or

(d) Children's health program as described in WAC 388-505-0210.

AMENDATORY SECTION (Amending WSR 04-15-004, filed 7/7/04, effective 8/7/04)

WAC 388-424-0020 How does my alien status impact my eligibility for the federally funded Washington Basic Food program benefits? (1) If you are a U.S. citizen or U.S. national as defined in WAC 388-424-0001 and meet all other eligibility requirements, you may receive federal Basic Food benefits.

(2) If you are not a U.S. citizen or U.S. national, you must fall within (a), ~~((or))~~ (b), (c) or (d) of this subsection,

and meet all other eligibility requirements, in order to receive federal Basic Food benefits:

(a) You are a member of one of the following groups of "qualified aliens" or similarly defined lawful immigrants as defined in WAC 388-424-0001:

- (i) Amerasian;
- (ii) Asylee;
- (iii) Cuban or Haitian entrant;
- (iv) Deportation or removal withheld;
- (v) Refugee;
- (vi) Victim of trafficking;
- (vii) Noncitizen American Indian; or
- (viii) Hmong or Highland Lao tribal member.

(b)(i) You are a member of one of the following groups of qualified aliens as defined in WAC 388-424-0001:

- (A) Conditional entrant;
- (B) Lawful permanent resident (LPR);
- (C) Paroled for one year or more; or
- (D) Victim of domestic violence or parent or child of a victim.

(ii) And, one of the following also applies to you:

(A) You have worked or can get credit for forty Social Security Administration (SSA) work quarters - as described in WAC 388-424-0008;

(B) You are an active duty personnel or honorably discharged veteran of the U.S. military or you are the spouse, unmarried surviving spouse, or unmarried dependent child of someone who meets this requirement, as described in WAC 388-424-0007(1);

(C) You receive cash or medical benefits based on Supplemental Security Income (SSI) criteria for blindness or disability;

(D) You have lived in the U.S. as a "qualified alien" as described in WAC 388-424-0001 for at least five years;

(E) You are under age eighteen; or

(F) You were lawfully residing in the U.S. on August 22, 1996 and were born on or before August 22, 1931.

(c) You are a Special Immigrant from Iraq eligible for eight months of federally-funded assistance from the date of your entry into the United States or from the date you received Special Immigrant status if this occurred after your U.S. entry.

(d) You are a Special Immigrant from Afghanistan eligible for six months of federally-funded assistance from the date of your entry into the United States or from the date you received Special Immigrant status if this occurred after your U.S. entry.

(3) If you are ineligible for federal Basic Food benefits due to your alien status, you may be eligible for state Basic Food benefits (see WAC 388-424-0025).

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-466-0005 Immigration status requirement for refugee assistance. (1) ~~((F))~~ You may be eligible for refugee cash assistance (RCA) and refugee medical assistance (RMA), ~~((a person must prove, by providing))~~ if you can provide documentation issued by the ~~((Immigration and~~

~~Naturalization Service (INS)))~~ U.S. Citizenship and Immigration Services (USCIS), that ((he or she was)) you are:

(a) Admitted as a refugee under section 207 of the Immigration and Nationalities Act (INA);

(b) Paroled into the U.S. as a refugee or asylee under section 212 (d)(5) of the INA;

(c) Granted conditional entry under section 203 (a)(7) of the INA;

(d) Granted asylum under section 208 of the INA;

(e) Admitted as an Amerasian Immigrant from Vietnam through the orderly departure program, under section 584 of the Foreign Operations Appropriations Act, incorporated in the FY88 Continuing Resolution P.L. 100-212;

(f) A Cuban-Haitian entrant who was admitted as a public interest parolee under section 212 (d)(5) of the INA;

(g) Certified as a victim of human trafficking by the federal office of refugee resettlement (ORR);

(h) An eligible family member of a victim of human trafficking certified by ORR who has a T-2, T-3, T-4, or T-5 Visa;

(i) Admitted as Special Immigrant from Iraq or Afghanistan under section 101 (a)(27) of the INA.

(2) A permanent resident alien meets the immigration status requirements for RCA and RMA if the individual was previously in one of the statuses described in subsections (1)(a) through ~~((f))~~ (g) of this section.

AMENDATORY SECTION (Amending WSR 02-04-057, filed 1/30/02, effective 2/1/02)

WAC 388-466-0120 Refugee cash assistance (RCA).

(1) **Who can apply for ~~((refugee))~~ refugee cash assistance (RCA)?**

~~((Any individual))~~ Anyone can apply to the department of social and health services (DSHS) for refugee cash assistance and have their eligibility determined within thirty days.

(2) **How do I know if I qualify for RCA?**

You may be eligible for RCA if you meet all of the following conditions:

(a) You have resided in the United States for less than eight months;

(b) You meet the immigration status requirements of WAC 388-466-0005;

(c) You meet the income and resource requirements under chapters 388-450 and 388-470 WAC;

(d) You meet the work and training requirements of WAC 388-466-0150; and

(e) You provide the name of the voluntary agency (VOLAG) which helped bring you to this country.

(3) **What are the other reasons for not being eligible for RCA?**

~~((Even if you meet the eligibility requirements named in subsection (2) above))~~ You may ((be)) not ((eligible)) get RCA if you:

(a) Are eligible for temporary assistance for needy families (TANF) or Supplemental Security Income (SSI); or

(b) Have been denied TANF due to your refusal to meet TANF eligibility requirements; or

(c) Are employable and have voluntarily quit or refused to accept a bona fide offer of employment within thirty con-

secutive days immediately prior to your application for RCA; or

(d) Are a full-time student in a college or university.

(4) If I am an asylee, what date will be used as an entry date?

If you are an asylee, your entry date will be the date that your asylum status is granted. For example: You entered the United States on December 1, 1999 as a tourist, then applied for asylum on April 1, 2000, interviewed with the asylum office on July 1, 2000 and were granted asylum on September 1, 2000. Your entry date is September 1, 2000. On September 1, 2000, you may be eligible for refugee cash assistance.

(5) If I am a victim of human trafficking, ~~(can I)~~ what kind of documentation do I need to provide to be eligible for RCA?

You are eligible for RCA to the same extent as a refugee if you are:

(a) ~~((If you are))~~ An adult victim, eighteen years of age or older, you ((are eligible for RCA to the same extent as a refugee, if you)) provide the original certification letter from the U.S. Department of Health and Human Services (DHHS), and you meet eligibility requirements in subsections (2)(c) and (d) of this section. You do not have to provide any other documentation of your immigration status. Your entry date will be the date on your certification letter((-);

(b) ~~((If you are))~~ A child victim under the age of eighteen ((years old)), in which case you ((are eligible for benefits to the same extent as a refugees and)) do not need to be certified. DHHS issues a special letter for children. Children also have to meet income eligibility requirement;

(c) A family member of a certified victim of human trafficking, you have a T-2, T-3, T-4, or T-5 Visa (Derivative T-Visas), and you meet the eligibility requirements in subsections (2)(c) and (d) of this section.

(6) Does getting a onetime cash grant from a voluntary agency (VOLAG) affect my eligibility for RCA?

No. In determining your eligibility for RCA DSHS does not count a onetime resettlement cash grant provided to you by your VOLAG.

(7) What is the effective date of my eligibility for RCA?

The date DSHS has sufficient information to make eligibility decision is the date your RCA begins.

(8) When does my RCA end?

(a) Your RCA ends on the last day of the eighth month starting ~~((from))~~ with the month of your arrival to the United States. Count the eight months from the first day of the month of your entry into the United States. For example, if you entered the United States on May 28, 2000, May is your first month and December 2000 is your last month of RCA.

(b) If you are from Afghanistan and were granted Special Immigrant status under section 101 (a)(27) of the Immigration and Nationality Act (INA), your RCA ends on the last day of the sixth month starting from the month of your arrival to the United States or from the month you received Special Immigrant status if this occurred after your entry.

(c) If you get a job, your income will affect your RCA based on the TANF rules (chapter 388-450 WAC). If you earn more than is allowed by WAC 388-478-0035, you are no longer eligible for RCA. Your medical coverage may con-

tinue for up to eight months from your month of arrival in the United States (WAC 388-466-0130).

(9) Are there other reasons why RCA may end?

Your RCA also ends if:

(a) You move out of Washington state;

(b) Your unearned income and/or resources go over the maximum limit (WAC 388-466-0140); or

(c) You, without good cause, refuse to meet refugee employment and training requirements (WAC 388-466-0150).

(10) Will my spouse be eligible for RCA, if he/she arrives in the U.S. after me?

When your spouse arrives in the United States, DSHS determines his/her eligibility for RCA and/or other income assistance programs.

(a) Your spouse may be eligible for up to eight months of RCA based on his/her date of arrival into the United States. Spouses from Afghanistan who have been granted Special Immigrant status under section 101 (a)(27) of the INA, are eligible for RCA for up to six months from the date of their entry into the United States or from the month they received Special Immigrant status if this occurred after their U.S. entry.

(b) If you live together you and your spouse are part of the same assistance unit and your spouse's eligibility for RCA is determined based on your and your spouse's combined income and resources (WAC 388-466-0140).

(11) Can I get additional money in an emergency?

If you have an emergency and need a cash payment to get or keep your housing or utilities, you may apply for the DSHS program called additional requirements for emergent needs (AREN). To receive AREN, you must meet the requirements in WAC 388-436-0002.

(12) What can I do if I disagree with a decision or action that has been taken by DSHS on my case?

If you disagree with a decision or action taken on your case by the department, you have the right to request a review of your case or a fair hearing (WAC 388-02-0090). Your request must be made within ninety days of the decision or action.

AMENDATORY SECTION (Amending WSR 04-05-010, filed 2/6/04, effective 3/8/04)

WAC 388-466-0130 Refugee medical assistance (RMA). (1) Who can apply for refugee medical assistance?

~~((Any individual))~~ Anyone can apply for refugee medical assistance (RMA) and have eligibility determined by the department of social and health services (DSHS).

(2) Who is eligible for refugee medical assistance?

(a) You are eligible for RMA if you meet all of the following conditions:

(i) Immigration status requirements of WAC 388-466-0005;

(ii) Income and resource requirements of WAC 388-466-0140;

(iii) Monthly income standards up to two hundred percent of the federal poverty level (FPL). Spenddown is avail-

able for applicants whose income exceeds two hundred percent of FPL (see WAC 388-519-0110); and

(iv) Provide the name of the voluntary agency (VOLAG) which helped bring you to this country, so that DSHS can promptly notify the agency (or sponsor) about your application for RMA.

(b) You are eligible for RMA if you (~~meet one of the following conditions~~):

(i) Receive refugee cash assistance (RCA) and are not eligible for Medicaid or children's (~~health insurance~~) healthcare programs (~~(CHP)) as described in WAC 388-505-0210~~; or

(ii) Choose not to apply for or receive RCA and are not eligible for Medicaid or (~~CHP~~) children's healthcare programs as described in WAC 388-505-0210, but still meet RMA eligibility requirements.

(3) Who is not eligible for refugee medical assistance?

You are not eligible to receive RMA if you are:

(a) Already eligible for Medicaid or (~~CHP~~) children's healthcare programs as described in WAC 388-505-0210;

(b) A full-time student in an institution of higher education unless the educational activity is part of a department-approved individual responsibility plan (IRP);

(c) A nonrefugee spouse of a refugee.

(4) If I have already received a cash assistance grant from voluntary agency (VOLAG), will it affect my eligibility for RMA?

No. A cash assistance payment provided to you by your VOLAG is not counted in determining eligibility for RMA.

(5) If I get a job after I have applied but before I have been approved for RMA, will my new income be counted in determining my eligibility?

No. Your RMA eligibility is determined on the basis of your income and resources on the date of the application.

(6) Will my sponsor's income and resources be considered in determining my eligibility for RMA?

Your sponsor's income and resources are not considered in determining your eligibility for RMA unless your sponsor is a member of your assistance unit.

(7) How do I find out if I am eligible for RMA?

DSHS will send you a letter in both English and your primary language informing you about your eligibility. DSHS will also let you know in writing every time there are any changes or actions taken on your case.

(8) Will RMA cover my medical expenses that occurred after I arrived in the U.S. but before I applied for RMA?

You may be eligible for RMA coverage of your medical expenses for three months prior to the first day of the month of your application. Eligibility determination will be made according to Medicaid rules.

(9) If I am a victim of human trafficking, what kind of documentation do I need to provide to be eligible for RMA?

You are eligible for RMA to the same extent as a refugee, if you are:

(a) An adult victim, eighteen years of age or older, and you provide the original certification letter from the U.S. Department of Health and Human Services (DHHS). You also have to meet eligibility requirements in subsections

(2)(a) and (b) of this section. You do not have to provide any other documentation of your immigration status. Your entry date will be the date on your certification letter.

(b) A child victim under the age of eighteen, in which case you do not need to be certified. DHHS issues a special letter for children. Children also have to meet income eligibility requirements.

(c) A family member of a certified victim of human trafficking, you have a T-2, T-3, T-4, or T-5 Visa (Derivative T-Visas), and you meet eligibility requirements in subsections (2)(a) and (b) of this section.

(10) If I am an asylee, what date will be used as an entry date?

If you are an asylee, your entry date will be the date that your asylum status is granted. For example, if you entered the United States on December 1, 1999 as a tourist, then applied for asylum on April 1, 2000, interviewed with the asylum office on July 1, 2000 and granted asylum on September 1, 2000, your date of entry is September 1, 2000. On September 1, 2000 you may be eligible for refugee medical assistance.

~~((+0))~~ **(11) When does my RMA end?**

(a) Your refugee medical assistance will end on the last day of the eighth month from the month of your entry into the United States. Start counting the eight months (~~from~~) with the first day of the month of your entry into the U.S. For example, if you entered the U.S. on May 28, 2000, your last month is December 2000.

(b) If you are from Afghanistan and were granted Special Immigrant status under section 101 (a)(27) of the Immigration and Nationality Act (INA), your RMA ends on the last day of the sixth month starting with the month of your arrival to the United States or from the month you received Special Immigrant status if this occurred after your U.S. entry.

~~((+1))~~ **(12) What happens if my earned income goes above the income standards?**

(a) If you are getting RMA, your medical eligibility will not be affected by the amount of your earnings;

(b) If you were getting Medicaid and it was terminated because of your earnings, we will transfer you to RMA for the rest of your RMA eligibility period. You will not need to apply.

~~((+2))~~ **(13) Will my spouse also be eligible for RMA, if he/she arrives into the U.S. after me?**

When your spouse arrives in the U.S., we will determine his/her eligibility for Medicaid and other medical programs.

(a) Your spouse may be eligible for RMA; if so, he/she would have a maximum of eight months of RMA starting on the first day of the month of his/her arrival.

(b) Spouses from Afghanistan who have been granted Special Immigrant status under section 101 (a)(27) of the Immigration and Nationality Act (INA), are eligible for RMA for a maximum of six months from the date of entry into the United States or from the month they received Special Immigrant status if this occurred after their U.S. entry.

~~((+3))~~ **(14) What do I do if I disagree with a decision or action that has been taken by DSHS on my case?**

If you disagree with the decision or action taken on your case by department you have the right to request a review of your case or request a fair hearing (see WAC 388-02-0090).

Your request must be made within ninety days of the decision or action).

~~((14))~~ **(15) What happens to my medical coverage after my eligibility period is over?**

We will determine your eligibility for other medical programs. You may have to complete an application for another program.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 08-11-087
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 20, 2008, 8:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-06-088.

Title of Rule and Other Identifying Information: The department is amending WAC 388-418-0007 When do I have to report changes in my circumstances[?], 388-454-0015 Temporary absence from the home, and 388-505-0220 Family medical eligibility.

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) 664-6097), on June 24, 2008, at 10:00 a.m.

Date of Intended Adoption: No earlier than June 25, 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 5:00 p.m., on June 24, 2008.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by June 17, 2008, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsjl4@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to extend the definition of "temporary absence" from ninety to one hundred eighty days for the temporary assistance for needy families (TANF) and state family assistance (SFA) programs. The department is also proposing to provide concurrent TANF/SFA payments for the child, only when the children's administration has placed the child in the temporary care of an unlicensed relative caregiver or other caregiver and expects the child to be returned home to the primary caregiver in one hundred eighty days.

Reasons Supporting Proposal: These proposed policy changes promote family reunification and support relative placements.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.04.510, 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, 712 Pear Street S.E., Olympia, WA 98503, (360) 725-4583.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses; it extends the definition of temporary absence for TANF/SFA from ninety to one hundred eighty days.

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."

May 15, 2008

Stephanie E. Schiller

Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-13-043, filed 6/15/06, effective 7/17/06)

WAC 388-418-0007 When do I have to report changes in my circumstances? (1) If your household has a change of circumstances you are **not required to report** under WAC 388-418-0005, then you do not need to contact us about this change. If you tell us about this change, we take action based on the new information. This includes:

(a) Asking for more information we need to determine your eligibility and benefits under WAC 388-490-0005;

(b) Increasing your benefits when we have proof of a change that makes you eligible for more benefits; or

(c) Reducing or stopping your benefits based on the change.

(2) If you **are applying for** benefits and have had a change:

(a) After the date you applied but before your interview, you must report the change during your interview; or

(b) After you have been interviewed, you must report changes that we require someone who receives benefits to report as described under WAC 388-418-0005. You must report this change by the tenth day of the month following the month the change happened.

(3) If you **receive** cash assistance, medical, or Basic Food, you must report changes required under WAC 388-418-0005 by the tenth day of the month following the month the change happened.

(4) For a change in income, the date a change happened is the date you receive income based on this change. For example, the date of your first paycheck for a new job, or the date of a paycheck showing a change in your wage or salary.

(5) If we require you to complete a mid-certification review, you must complete the review to inform us of your circumstances as described under WAC 388-418-0011 in order to keep receiving benefits.

(6) If you receive TANF/SFA, and you learn that a child in your assistance unit (AU) will be gone from your home longer than ~~((ninety))~~ one hundred eighty days, you must tell us about this within five calendar days from the date you learn this information.

(a) If you do not report this within five days, the child's caretaker is not eligible for cash benefits for one month; and

(b) We continue to budget the ineligible person's countable income as described in WAC 388-450-0162 to determine the benefits for the people still in the AU.

(7) If you report changes late, you may receive the wrong amount or wrong type of benefits. If you receive more benefits than you are eligible for, you may have to pay them back as described in chapter 388-410 WAC.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-454-0015 Temporary absence from the home. ~~((The child or the caretaker is temporarily absent from the home as long as the caretaker continues to be responsible for the care and control of the child. Temporary absences cannot exceed ninety days except as described below. A caretaker must report a child's absence in excess of ninety days as required under WAC 388-418-0005. Temporary absences include:~~

~~(1) Receiving care in a hospital or public or private institution. If the temporary care exceeds ninety days, the assistance payment for the person is reduced to the CPI amount specified under chapter 388-478 WAC.~~

~~(2) Receiving care in a substance abuse treatment facility. If the care exceeds ninety days, the assistance payment for the person is reduced to the CPI amount specified under chapter 388-478 WAC.~~

~~(3) Visits in which the child or parent will be away for ninety days or less, including visits of a child to a parent who does not reside in the child's home.~~

~~(4) Placement of a child in foster care when the child's caretaker is receiving care in a residential treatment facility or for other reasons as determined by the division of children and family services (DCFS). DCFS must determine that the child is expected to return to the home within ninety days of the foster care placement.~~

~~(5) Placement of a child in foster care or in the temporary care of a relative, when:~~

~~(a) A parent or other relative applies for TANF or SFA on behalf of the child;~~

~~(b) DCFS has determined the child will be placed in the care of the applying relative within thirty days following the authorization of assistance; and~~

~~(c) No concurrent TANF or SFA payments are made for the child while in the temporary care of a relative.~~

~~(6) The child or caretaker is attending school or training as described in WAC 388-454-0020)) The temporary absence policy described in this WAC applies to the temporary assistance for needy families (TANF) and state family assistance (SFA) programs. In some situations, a child receiving TANF/SFA assistance can continue to be eligible for TANF/SFA cash assistance when there is a temporary separation of the child and the child's caregiver. There must be a~~

clear expectation that the absence is temporary and the child is expected to be reunited with the family. Temporary absences cannot exceed one hundred eighty days except as described in (1)(a).

(1) For recipients, temporary absences include, but are not limited to:

(a) Receiving care in a hospital, substance abuse treatment facility, or other public or private institution. If the temporary care exceeds one hundred eighty days, the assistance payment for the person is reduced to the CPI amount specified under chapter 388-478 WAC.

(b) Visits less than one hundred eighty days, when the caregiver continues to maintain responsibility for the support and care of the child.

(c) Attending school or training as described in WAC 388-454-0020.

(d) Placement of a child in foster care or in the care of a relative or other adult, including when the child's primary caregiver is in a residential treatment facility. The division of children and family services (DCFS) must place the child and also determine that the child is expected to return to the primary caregiver within one hundred eighty days of the placement.

(2) For applicants, temporary absences include:

(a) When the child has been placed in unlicensed foster care or in the care of a relative or other adult and DCFS determines that the child will be returned to the home within one hundred eighty days.

(b) When the child is out of the home due to illness or hospitalization and the absence is not expected to exceed one hundred eighty days.

(3) For situations described in (1)(d) and (2)(a) of this WAC, concurrent TANF or SFA cash assistance can be made for the child, only when DCFS has placed the child in the temporary care of an unlicensed-relative or other caregiver or in foster care and expects the child to be returned home to the primary caregiver in one hundred eighty days.

(a) When the child goes into licensed foster care, the TANF/SFA grant to the parent continues.

(b) When the child goes into unlicensed care, whether with a relative or other caregiver, the TANF grant to the parent continues and the caregiver can also get a TANF grant as well.

(4) Situations that do not meet the criteria of a temporary absence include, but are not limited to:

(a) The adult or child is incarcerated for any length of time.

(b) The child has run away and there is no clear expectation of when the child will be returning home.

(c) A child is away attending school and does not meet the criteria outlined in WAC 388-454-0020.

(5) A caregiver must report a child's absence within five days that they become aware that the absence is going to be greater than one hundred eighty days as required under WAC 388-418-0005 and 388-418-0007.

AMENDATORY SECTION (Amending WSR 05-16-127, filed 8/3/05, effective 9/3/05)

WAC 388-505-0220 Family medical eligibility. (1) A person is eligible for categorically needy (CN) medical assistance when they are:

- (a) Receiving temporary assistance for needy families (TANF) cash benefits;
 - (b) Receiving Tribal TANF;
 - (c) Receiving cash diversion assistance, except SFA relatable families, described in chapter 388-222 WAC;
 - (d) Eligible for TANF cash benefits but choose not to receive; or
 - (e) Not eligible for or receiving TANF cash assistance, but meet the eligibility criteria for aid to families with dependent children (AFDC) in effect on July 16, 1996 except that:
 - (i) Earned income is treated as described in WAC 388-450-0210; and
 - (ii) Resources are treated as described in WAC 388-470-0005 for applicants and 388-470-0026 for recipients.
- (2) An adult cannot receive a family Medicaid program unless the household includes a child who is eligible for:
- (a) Family Medicaid;
 - (b) SSI; or
 - (c) Children's Medicaid.
- (3) A person is eligible for CN family medical coverage when the person is not eligible for or receiving cash benefits solely because the person:
- (a) Received sixty months of TANF cash benefits or is a member of an assistance unit which has received sixty months of TANF cash benefits;
 - (b) Failed to meet the school attendance requirement in chapter 388-400 WAC;
 - (c) Is an unmarried minor parent who is not in a department-approved living situation;
 - (d) Is a parent or caretaker relative who fails to notify the department within five days of the date the child leaves the home and the child's absence will exceed (~~ninety~~) one hundred eighty days;
 - (e) Is a fleeing felon or fleeing to avoid prosecution for a felony charge, or is a probation and parole violator;
 - (f) Was convicted of a drug related felony;
 - (g) Was convicted of receiving benefits unlawfully;
 - (h) Was convicted of misrepresenting residence to obtain assistance in two or more states;
 - (i) Has gross earnings exceeding the TANF gross income level; or
 - (j) Is not cooperating with WorkFirst requirements.
- (4) An adult must cooperate with the division of child support in the identification, use, and collection of medical support from responsible third parties, unless the person meets the medical exemption criteria described in WAC 388-505-0540 or the medical good cause criteria described in chapter 388-422 WAC.
- (5) Except for a client described in WAC 388-505-0210 (4)(c)(i) and (ii), a person who is an inmate of a public institution, as defined in WAC 388-500-0005, is not eligible for CN or MN medical coverage.

WSR 08-11-088
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed May 20, 2008, 8:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-08-110.

Title of Rule and Other Identifying Information: The department is amending WAC 388-450-0162. The department uses countable income to determine if you are eligible and the amount of your cash and food assistance benefits.

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) 664-6097), on June 24, 2008, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 25, 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 5:00 p.m., on June 24, 2008.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by June 17, 2008, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsjl4@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The current rule describes the deductions used for cash and Basic Food benefits for the purposes of determining countable income used in determining eligibility for assistance and monthly benefits. The proposed amendment emphasize[s] the deductions and incentives referred to in this rule are program-specific and clarify which deductions pertain specifically to cash assistance, and which are to be used for Basic Food.

Reasons Supporting Proposal: The proposed changes are necessary to clearly articulate that the deductions for the Washington Basic Food program are the same as allowed by the United States Department of Agriculture, Food and Nutrition Service for determining eligibility and benefit levels for the food stamp program.

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

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.08.090.

Rule is necessary because of federal law, 7 C.F.R. 273.9, 7 C.F.R. 273.10.

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

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: John Camp, 712 Pear Street S.E., Olympia, WA 98503, (360) 725-4616.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses; it places emphasis on the deductions and incentives used to determine countable income for specific department programs. An

assistance unit's countable income impacts their eligibility for assistance as well as monthly benefits.

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."

May 15, 2008

Stephanie E. Schiller
Rules Coordinator

AMENDATORY SECTION (Amending WSR 99-24-008, filed 11/19/99, effective 1/1/00)

WAC 388-450-0162 ~~((The department uses countable income to determine if you are eligible and the amount of your cash and food assistance benefits.))~~ How does the department count my income to determine if my assistance unit is eligible and calculate the amount of my cash and Basic Food benefits? ~~((The department uses countable income to determine if the client is eligible and the amount of the cash and food assistance benefits.))~~

(1) Countable income is all income ~~((that remains))~~ your assistance unit has after we subtract the following:

(a) Excluded or disregarded income under WAC 388-450-0015;

(b) ~~((Deductions or))~~ For cash assistance, earned income incentives and deductions allowed for specific programs under WAC 388-450-0170 ~~((through 388-450-0200))~~ and 388-450-0175;

(c) For Basic Food, deductions allowed under WAC 388-450-0185; and

(d) Allocations to someone outside of the assistance unit under WAC 388-450-0095 through 388-450-0160.

(2) Countable income includes all income that ~~((must be deemed or allocated))~~ we must deem or allocate from financially responsible persons who are not members of your assistance unit under WAC 388-450-0095 through 388-450-0160.

(3) For **cash assistance**:

(a) We compare your countable income to the payment standard in WAC 388-478-0020 and 388-478-0030.

(b) You are not eligible for benefits when your assistance unit's countable income is equal to or greater than the payment standard plus any authorized additional requirements.

(c) Your benefit level is the payment standard and authorized additional requirements minus your assistance unit's countable income.

(4) For ~~((food assistance))~~ **Basic Food**:

(a) We compare your countable income to the monthly gross and net income standards ~~((specified in))~~ under WAC 388-478-0060 (-

~~((b) You are not eligible for benefits when your assistance unit's income is equal to or greater than the monthly net income standard))~~;

(i) If your assistance unit is categorically eligible for Basic Food under WAC 388-414-0001, your assistance unit can have income over the gross or net income standard and still be eligible for benefits.

(ii) All other assistance units must have income at or below the gross and net income standards as required under WAC 388-478-0060 to be eligible for benefits.

~~((e))~~ (b) Your benefit level is the maximum allotment in WAC 388-478-0060 minus thirty percent of your countable income.

WSR 08-11-089

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 20, 2008, 9:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-05-041.

Title of Rule and Other Identifying Information: The department is amending WAC 388-310-2100 WorkFirst career services, in order to allow adults who receive diversion cash assistance (DCA) and are working thirty or more hours per week to enroll in the WorkFirst career services program. The WorkFirst career services program provides up to six months of basic needs payments, wage progression services and job retention services.

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) 664-6097), on June 24, 2008, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 25, 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., on June 24, 2008.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by June 17, 2008, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsjl4@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule change is needed to offer WorkFirst career services to employed adults who receive diversion cash assistance. Currently, only families who exit TANF/SFA are eligible for the WorkFirst career services program. The program is administered by the employment security department.

Reasons Supporting Proposal: This WAC is being amended to provide greater access to the WorkFirst career services program.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055.

Statute Being Implemented: RCW 74.04.050, 74.04.055.

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: Ian Horlor, P.O. Box 45470, Olympia, WA 98504-5470, (360) 725-4634.

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 defining what are WorkFirst career services and who is eligible for these services.

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 eligibility for the WorkFirst career services program.

May 15, 2008
Stephanie E. Schiller
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-20-042, filed 9/26/07, effective 10/27/07)

WAC 388-310-2100 WorkFirst career services program. (1) What is the WorkFirst career services program?

~~((The WorkFirst career services program is available to employed adults who leave temporary assistance for needy families (TANF) or state family assistance (SFA) and are working thirty hours or more per week. The employment security department administers the program.))~~

WorkFirst career services, administered by employment security department, provides up to six months of:

- Basic needs payments;
- Wage progression services; and
- Job retention services.

(2) ~~((Who is eligible for the))~~ Can I get WorkFirst career services ~~((program))~~?

(a) To ~~((qualify for the program))~~ get career services, you must:

(i) Enroll with the employment security department within the first two calendar months after your TANF/SFA ends or within the first two calendar months after you received your first diversion cash assistance (DCA) payment.

~~((b) You must also meet the following conditions:~~

~~((i) You are))~~ (ii) Be working thirty hours or more per week in a paid unsubsidized job; and

~~((ii) You are))~~ (iii) Be a custodial parent or caretaker relative who received TANF/SFA or DCA within at least one of the past two calendar months; and

~~((iii) You did not leave))~~ (iv) Not have left TANF/SFA in sanction status.

~~((e))~~ (b) Each adult in your family who meets these conditions and enrolls in the program will receive their own basic needs payments and services.

(3) What services and basic needs payments are available while I am enrolled in the WorkFirst career services program?

The WorkFirst career services program provides wage progression services, job retention services and basic needs payments.

(a) Services include employment planning that will help you keep your job and increase your wages.

(b) As shown in the chart below, cash payments and bonuses are made monthly, for up to six consecutive months after leaving TANF/SFA or receiving DCA.

(c) You may receive up to six hundred fifty dollars in cash payments and bonuses over the six-month period following your TANF/SFA case closing or getting your first DCA payment.

Eligible Month	Payments & Bonus Amounts	Description of Payments and Bonuses
Month 1-6 After TANF/SFA <u>or DCA</u>	\$50.00 a month	Monthly payments begin once you enroll. If you enroll during Month 2, then you are not eligible for the Month 1 payment.
Month 1 or 2	\$150.00	One-time enrollment bonus when you sign up for the program.
Month 4 and 6	\$100.00 month 4 \$100.00 month 6	Bonus for completing the WorkFirst career services assessment and employment planning interview.

(4) How long can I receive WorkFirst career services and basic needs payments?

(a) WorkFirst career services and basic needs payments are available for a maximum of six consecutive months. Month one begins the calendar month after your TANF/SFA assistance ends or the calendar month after you receive your first DCA payment.

(b) Your WorkFirst career services ~~((and basic needs))~~ payments will stop ~~((when))~~ for any of the following reasons:

(i) We learn you are no longer working thirty hours a week in unsubsidized employment; ~~((e))~~

(ii) You begin receiving TANF/SFA assistance ~~((again))~~; ~~((e))~~

(iii) We do not have your current mailing address; ~~((e))~~

(iv) You are not living in Washington; or

(v) It has been more than six months since your initial DCA payment or since you stopped receiving TANF/SFA.

(5) What happens if the employment security department learns I am no longer working thirty hours or more per week?

(a) The employment security department will provide you with a letter ~~((giving you))~~ with at least ten days advance notice that your WorkFirst career services will close. ~~((This means that))~~ Your WorkFirst career services basic needs payments will stop at the end of the month in which your ten days notice expires. The letter will tell you how to request an administrative hearing if you disagree with the decision.

(b) If you find a new job or increase your hours back up to thirty hours before the end of the month, you will remain eligible for career services payments.

(c) Employment security staff can help you find new employment or work with you to increase your hours of employment.

(6) What happens if I am approved for TANF/SFA assistance while I am receiving WorkFirst career services?

If you start receiving TANF/SFA assistance, the employment security department will provide you with a letter and close your WorkFirst career services case at the end of the month. The letter will tell you how to request an administrative hearing if you disagree with the decision.

(7) What happens if I request an administrative hearing?

(a) You have the right to request an administrative hearing if you disagree with a decision or action regarding the WorkFirst career services Program. For more information, see chapter 388-02 WAC and RCW 74.08.080.

(b) If you receive continued benefits, they will still end when you reach your benefit maximum as outlined under (3)(c) regardless of any other pending administrative hearing.

WSR 08-11-091

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed May 20, 2008, 9:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-03-073.

Title of Rule and Other Identifying Information: The department is amending WAC 388-501-0100 Subrogation.

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 June 24, 2008, at 10:00 a.m.

Date of Intended Adoption: Not earlier than June 25, 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., on June 24, 2008.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by June 17, 2008, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsjl4@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This amendment clarifies the method of giving notice to the department and determining reimbursement of medical assistance (medicaid) moneys paid for an injured client.

Reasons Supporting Proposal: When the client receives a settlement or judgment from a third party and/or that third party's insurance company, or from the client's own insurance, for injuries the client has suffered and medicaid pays for the client's care, federal and state law require that the medicaid moneys paid be reimbursed up to the full amount paid out.

Statutory Authority for Adoption: 42 U.S.C. §§ 1396a, 1396k, 1396p; chapter 43.20B RCW, RCW 74.08.090.

Statute Being Implemented: RCW 74.09.180, 74.09-185, 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: Wendy Boedigheimer, P.O. Box 45504, Olympia, WA 98504-5504, (360) 725-1306; Implementation and Enforcement: Roy Vervair, P.O. Box 45561, Olympia, WA 98504-5561, (360) 725-1060.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendments and concludes that they do not impose a disproportionate cost impact on small businesses. As a result, the preparation of a small business economic impact statement is not required.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Roy Vervair, Health and Recovery Service[s] Administration, P.O. Box 45561, Olympia, WA 98504-5561, phone (360) 725-1060, fax (360) 586-9727, e-mail vervarv@dshs.wa.gov.

May 12, 2008

Stephanie E. Schiller

Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-23-080 and 08-01-041, filed 11/19/07 and 12/12/07, effective 12/1/08)

WAC 388-501-0100 Subrogation. (1) For the purpose of this section, "**liable third party**" means:

(a) ~~((A person who commits or is guilty of a private or civil wrong doing or the insurer of that person))~~ The tort-feasor or insurer of the tort-feasor, or both; and

(b) Any ~~((individual))~~ person, entity or program that is or may be liable to ~~((pay for all or part of the expenditures for medical assistance furnished under the state plan. That liability must be based on any contract or insurance purchased by the client or any other person on behalf of the client))~~ provide

coverage for the illness or injuries for which the department is providing assistance or residential care.

(2) As a condition of medical care eligibility, a client must assign to the state any right the client may have to receive payment from any liable third party for medical expenses ~~((and/or))~~, assistance, or residential care.

(3) To the extent authorized by a contract executed under RCW 74.09.522, a managed health care plan has the rights and remedies of the department as provided in RCW 43.20B.060 and ~~((70.09.180))~~ 74.09.180.

(4) The department is not responsible ~~((to pay))~~ for medical care payment(s) for a client whose personal injuries are caused by the negligence or wrongdoing of another. However, the department may provide the medical care required as a result of an injury or illness to the client if ~~((both of the following apply:~~

~~((a))~~ the client is otherwise eligible for medical care ~~((; and~~

~~((b) No other liable third party has been identified at the time the claim is filed)).~~

(5) The department may pursue its right to recover the value of medical care provided to an eligible client from any liable third party or third party settlement or ~~((judgement))~~ judgment as a subrogee, assignee, or by enforcement of its

(i) Gross settlement/judgement amount	\$ _____
(ii) Total amount of medical assistance paid	\$ _____
(iii) Department's percentage of attorney's fees and costs ((ii) divided by (i))	_____ %
(iv) Attorney's fees \$ _____ + Legal costs \$ _____ =	Total \$ _____
(v) Medicaid's pro rata share of fees and costs ((iv) multiplied by (iii))	\$ _____
(vi) Medicaid's reimbursement ((ii) minus (v))	\$ _____

~~((c) If the client disagrees with the allocation as set forth in subsections (a) and (b) of this section:~~

~~((i) Prior to accepting or disbursing the settlement or judgement funds, the client or the client's legal representative must provide the department with documentation that a different allocation of medical damages was negotiated, proven at trial, or is being considered with the third party and/or their insurer or the client's insurance carrier in obtaining the settlement or judgement; and~~

~~((ii) If the client and the department are not able to come to an agreement as to the proper payment to be made to the department to satisfy the department's claim for reimbursement of the medical assistance paid on behalf of the client, the matter should be set before a court for an allocation hearing prior to the distribution of the settlement or judgement.~~

(d) If the injured client does not have legal representation in the personal injury action and does not incur attorney's fees or costs in obtaining the settlement or judgement, the department ensures that the client will receive not less than one third of the total settlement or judgement amount, or the balance of the settlement or judgement after the full amount of medical assistance is paid, whichever is greater, as satisfaction of all other damages suffered by the client;

(e) When the settlement or judgement obtained by the client exceeds the amount of the assistance paid, the department is entitled to recover up to the full amount of the medical assistance paid less the department's proportionate share

public assistance lien as provided under RCW 43.20B.040 through 43.20B.070 ~~((and))~~, RCW 74.09.180 and 74.09.185.

~~((6) (When a client obtains a settlement or judgement from a liable third party that includes compensation for medical or residential care, the department must be reimbursed for the payments made for the benefit of the client as a result of the injury or illness suffered by the client.~~

~~((a) In the absence of evidence to the contrary as discussed below in subsection (6)(c), the department's rebuttable presumption is that the entire settlement or judgement, up to the amount of the medical damages suffered by the client, is intended to compensate the client for past medical expenses and will enforce its claim accordingly. The department is entitled to be reimbursed up to the full amount of medical assistance paid on behalf of the client for the medical damages related to the injury or illness suffered by the client less the department's proportionate share of attorney's fees and costs incurred in obtaining the settlement or judgement, as required by law.~~

~~((b) The department determines its net recovery by deducting its proportionate share of attorney's fees and costs from the gross medical damages amount according to the following formula, in the absence of a court-approved allocation of the medical damages or an agreement with the department establishing the allocation of medical damages:~~

of any attorney's fees and costs incurred in obtaining the settlement or judgement;

(f) When the amount of a settlement or judgement is less than or equal to the amount of the department's medical assistance payments:

~~((i) The department and the client and/or the client's legal representative must determine the appropriate allocation for medical damages; or~~

~~((ii) If the department and the client and/or the client's legal representative are unable to agree upon an allocation for medical damages, then a court must decide the amount the client must reimburse the department for medical assistance payments made on his or her behalf.~~

~~((g) Under no circumstances will the total amount that the department receives be less than one third of the gross amount of the settlement or judgement, unless the department agrees in writing to a lesser amount))~~ Notice to the department and determining the reimbursement amount:

(a) The client or the client's legal representative must notify the department in writing at the time of filing any claim against a third party, commencing an action at law, negotiating a settlement, or accepting an offer from the liable third party. Written notices to the department under this section should be sent to:

Health and Recovery Services Administration
COB Casualty Unit

PO Box 45561
Olympia, WA 98504-5561
Fax (360) 753-3077

(b) The client or the client's legal representative must provide the department with documentation proposing allocation of damages, if any, to be used for settlement or to be proven at trial.

(c) Where damages, including medical damages, have not been designated in the settlement or judgment, the client or the client's legal representative must contact the department to determine the appropriate reimbursement amount for payments the department made for the client's benefit.

(d) If the client and the department are unable to reach an agreement as to the appropriate reimbursement amount, any party may bring a motion in the superior court for a hearing to determine the amount of reimbursement to the department from settlement or judgment proceeds.

~~(7) ((Recovery according to the subrogation rights, assignment, or enforcement of the lien granted to the department is not reduced, prorated, or applied to only a portion of a judgment, award, or settlement.))~~ The secretary of the department or the secretary's designee must consent in writing to any discharge or compromise of any settlement or judgment of a lien created under RCW ~~((42.20B.060))~~ 43.20B.060. The department considers the compromise or discharge of a medical care lien only as authorized by federal regulation at 42 CFR 433.139.

(8) The doctrine of equitable subrogation does not apply to defeat, reduce, or prorate any recovery made by the department that is based on its assignment, lien, or subrogation rights.

WSR 08-11-095
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed May 20, 2008, 9:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-10-018, 07-15-081 and 07-14-081.

Title of Rule and Other Identifying Information: The department is creating WAC 388-832-0001 through 388-832-0470, individual and family services program and WAC 388-828-9000 through 388-828-9140, individual and family services assessment.

See Reviser's Note below.

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 July 22, 2008, at 10:00 a.m.

Date of Intended Adoption: Not earlier than July 23, 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., on July 22, 2008.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by July 15, 2008, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsjl4@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: 2SSB 5467, as amended by the house (chapter 283, Laws of 2007), directs the department to create the individual and family services program for persons with developmental disabilities. These proposed rules combine the previous three family support programs into one comprehensive program and include the algorithm to determine the individual and family service levels and award amount. See above for the specific topics of each section (see Reviser's Note below).

Reasons Supporting Proposal: These rules incorporate the directive of the legislature to create the individual and family services program for persons with developmental disabilities. This rule-making action will incorporate emergency rules filed as WSR 08-08-039 and 08-06-019.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.040.

Statute Being Implemented: Title 71A RCW.

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

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

Name of Agency Personnel Responsible for Drafting: Steve Brink, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail brinksc@dshs.wa.gov, (360) 725-3416, fax (360) 404-0955; Implementation: Debbie Couch, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail couch_dg@dshs.wa.gov, (360) 725-3515, fax (360) 404-0955; and Enforcement: Doug Washburn, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail washbdc@dshs.wa.gov, (360) 725-3452, fax (360) 404-0955.

No small business economic impact statement has been prepared under chapter 19.85 RCW. DDD has analyzed these rules and concluded that they do not impact small businesses or small nonprofits.

A cost-benefit analysis is not required under RCW 34.05.328. These rules are exempt from the preparation of a cost-benefit analysis pursuant to RCW 34.05.328 (5)(b)(ii) and (vii) as they incorporate Washington state legislation and relate to client medical or financial eligibility.

May 9, 2008

Stephanie E. Schiller
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 08-13 issue of the Register.

WSR 08-11-104
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 20, 2008, 1:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-08-083.

Title of Rule and Other Identifying Information: Chapter 296-52 WAC, Safety standards for possession, handling, and use of explosives.

Hearing Location(s): Department of Labor and Industries, 7273 Linderson Way S.W., Room S118, Tumwater, WA, on June 24, 2008, at 9:00 a.m.

Date of Intended Adoption: July 22, 2008.

Submit Written Comments to: Beverly Clark, P.O. Box 44620, Olympia, WA 98504-4620, e-mail clah235@lni.wa.gov, fax (360) 902-5516, by July 1, 2008.

Assistance for Persons with Disabilities: Contact Beverly Clark by June 13, 2008, (360) 902-5516 or clah235@lni.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making is in response to chapter 285, Laws of 2008 (EHB 3381) which gave the department the authority to increase the fees associated with the explosives program.

Why is this Rule Making Proposed? Labor and industries (L&I) is required by RCW 70.74.360 to process and issue all explosive licenses. On July 1, 2007, the Washington state patrol (WSP) began charging the department for fees associated with processing state and Federal Bureau of Investigation (FBI) fingerprint and background records checks needed for L&I to issue the explosives license. Up to this point, the department had access to a federal and state data base allowing us to conduct these fingerprint and background checks, also revoked by the WSP and the FBI prior to July 1, 2007.

It is anticipated that the annual cost to L&I to have the WSP process 2,400 new applications and renewals will be \$100,000 per year. This cost is currently unfunded for the explosives licensing program within the division of occupational safety and health (DOSH) at L&I. Funding to pay the WSP for these services is essential to meeting a statutory mandate and to the success of the explosives licensing program.

What Change Is Being Proposed? Amends the rule to:

- Require license applicants to pay the current federal and state fees for processing fingerprinting and background checks.
- Increase the license fee paid:
 - For explosives' purchases
 - By businesses' storing explosives
 - By explosives' users
 - By explosives' manufacturers
 - By businesses selling explosives.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 70.74.137, 70.74.140,

70.74.142, 70.74.144, 70.74.146, 70.74.360, and chapter 285, Laws of 2008.

Statute Being Implemented: Chapter 49.17 RCW.

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, Washington, (360) 902-5530; Implementation and Enforcement: Stephen M. Cant, Tumwater, Washington, (360) 902-5495.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department considered whether these proposed rules are subject to the Regulatory Fairness Act and determined that they do not require a small business economic impact statement because the proposed changes are exempt by law (see RCW 19.85.025 referencing RCW 34.05.310(4)) from the small business economic impact requirements.

A cost-benefit analysis is not required under RCW 34.05.328. The department considered whether these proposed rules are subject to the Regulatory Fairness Act and determined that they do not require a small business economic impact statement because the proposed changes are exempt by law from the cost-benefit analysis. RCW 34.05-328 (5)(b)(vi) states that the requirement to do a cost-benefit analysis does not apply to "rules that set or adjust fees or rates pursuant to legislative standards."

May 20, 2008

Judy Schurke

Director

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-61010 License applicants must provide this information. (1) Applicants must provide the following information to the department:

- An individual must provide:
 - Their name, address, and citizenship.
- A partnership must provide:
 - The name, address, and citizenship for each partner
 - The name and address of the applicant.
- An association or corporation must provide:
 - The name, address, and citizenship for each officer and director
 - The name and address of the applicant.

(2) Applicants must:

~~(• Meet the requirements of WAC 296-52-610, Explosives licensing)~~

- Meet any license specific requirements
- Provide their Social Security number (RCW 26.23.150)
- Provide any information requested by the department before a new or renewal license will be issued.

AMENDATORY SECTION (Amending WSR 05-08-110, filed 4/5/05, effective 6/1/05)

WAC 296-52-61020 License fees. Applicable license fees must be included with new or renewal explosives license applications.

Type of License	Fee
Dealer's License	((25.00)) <u>50.00</u>
Purchaser's License	((5.00)) <u>25.00</u>
Blaster's License	((5.00)) <u>50.00</u>
Manufacturer's License	((25.00)) <u>50.00</u>
Storage License	(See table below)

Explosive Materials STORAGE LICENSE FEES RCW 70.74.140 applies			
EXPLOSIVES Maximum Weight (pounds) of explosives permitted in each magazine or mobile site.	DETONATORS Maximum Number of detonators permitted in each magazine or mobile site.	FEE (for each magazine or mobile site)	
		Annual	Permanent Storage License for Two Years
200	133,000	((10.00)) <u>50.00</u>	((20.00)) <u>100.00</u>
1,000	667,000	((25.00)) <u>125.00</u>	((50.00)) <u>250.00</u>
5,000	3,335,000	((35.00)) <u>175.00</u>	((70.00)) <u>350.00</u>
10,000	6,670,000	((45.00)) <u>225.00</u>	((90.00)) <u>450.00</u>
50,000	33,350,000	((60.00)) <u>300.00</u>	((120.00)) <u>600.00</u>
300,000	200,000,000	((75.00)) <u>375.00</u>	((150.00)) <u>750.00</u>

Note: License fees will not be refunded when a license is revoked or suspended for cause.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-61030 Applicant participation. Applicants:

- Must cooperate and assist the department in all aspects of the application review
- Must provide all information requested by the department to:
 - Verify application statements
 - Help with any questions
- Must furnish their fingerprints to the department on department forms
 - Fingerprinting and criminal history record information checks are required for management officials directly responsible for explosives operations
 - ~~((May be required to pay a fee to the law enforcement agency providing fingerprint research services (RCW 70.74.360)-))~~ Must pay the fee to the department for processing the fingerprint card (RCW 70.74.360(1)).

Preproposal statement of inquiry was filed as WSR 08-02-074.

Title of Rule and Other Identifying Information: Chapter 260-13 WAC, ~~((Licensing requirements for new tracks and transfers of existing tracks))~~ Class A, B, and C license—Horse racing facilities.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98002, on August 14, 2008, at 9:30 a.m.

Date of Intended Adoption: August 14, 2008.

Submit Written Comments to: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail rlopez@whrc.state.wa.us, fax (360) 459-6461, by August 11, 2008.

Assistance for Persons with Disabilities: Contact Patty Sorby by August 11, 2008, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission proposes to repeal all current sections in this chapter and establish new sections that simplify the licensing requirements and process for Class A, B, and C racing facilities where parimutuel wagering will be conducted.

Reasons Supporting Proposal: The current chapter is difficult to understand and cumbersome in its application. A new, simpler process is intended to make it easier for new racing facilities to apply for a license to operate a live horse racing facility where parimutuel wagering will be conducted.

Statutory Authority for Adoption: RCW 67.16.020.

**WSR 08-11-108
PROPOSED RULES
HORSE RACING COMMISSION**
[Filed May 20, 2008, 2:37 p.m.]

Original Notice.

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

Name of Proponent: Washington horse racing commission, governmental.

Name of Agency Personnel Responsible for Drafting: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert M. Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

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

May 20, 2008

R. J. Lopez

Deputy Secretary

Chapter 260-13 WAC

~~((LICENSING REQUIREMENTS FOR NEW TRACKS AND TRANSFERS OF EXISTING TRACKS)) CLASS A, B, AND C LICENSE—HORSE RACING FACILITIES~~

NEW SECTION

WAC 260-13-500 Purpose. The commission is authorized in chapter 67.16 RCW to license, regulate, and supervise all race meets held in this state. The purpose of this chapter is to establish procedures for persons or entities to apply for a license to own and/or operate a horse racing facility in this state where parimutuel wagering is conducted. Every person or entity making application for a Class A, B, or C license to hold a race meet must comply with the provisions of this chapter and the applicable provisions of chapter 67.16 RCW. This chapter does not apply to an existing Class A, B, or C licensee required to submit an application for race dates and other information on its race meet, as may be required in chapter 260-20 WAC.

NEW SECTION

WAC 260-13-505 Definitions. The definitions in this section apply throughout this chapter unless the context requires otherwise.

(1) Class A license is a license to own and operate a horse racing facility where parimutuel wagering is conducted. A Class A license is granted to the licensee who has complete control over all aspects of ownership and operation of the horse racing facility.

(2) Class B license is a license to operate a horse racing facility where parimutuel wagering is conducted. A Class B license is granted to a licensee who has complete control over all aspects of operating the horse racing facility but does not retain ownership of the facility.

(3) Class C license is a license to operate a nonprofit horse racing facility where parimutuel wagering is conducted. A Class C license is granted to the licensee who has complete control over all aspects of operating a nonprofit horse racing facility.

NEW SECTION

WAC 260-13-510 Application for Class A, B, or C license—Affidavit of the applicant. An application for a Class A, B, or C license must include an affidavit of the applicant or the applicant's agent setting forth the following:

- (1) The class of license being applied for;
- (2) If the applicant is an individual, his/her legal name and the legal name of his/her spouse and dates of birth, telephone number(s) and address(es);
- (3) If applicable, the name, address, and telephone number of the person representing the applicant and that the person is authorized to make application on the applicant's behalf. Documented proof of authority must be attached to the affidavit;
- (4) If the applicant is a corporation:
 - (a) The name of the corporation;
 - (b) The date and place of incorporation;
 - (c) The names, dates of birth and addresses of directors and officers who are natural persons;
 - (d) The names and addresses of its shareholders:
 - (i) If a shareholder is a corporation, then the name and place of its incorporation, and the names and addresses and dates of birth of those corporations' directors and officers;
 - (ii) If the applicant is a corporation ultimately owned by a not-for-profit entity without any shareholders, or is a publicly traded corporation, the information required in this subsection will be required from the directors of the not-for-profit entity, or the directors and officers of the publicly traded corporation, in lieu of the shareholders;
 - (iii) If the applicant is a general or limited partnership, the names, dates of birth, and addresses of the partners; if a partner is a corporation, the date of incorporation, the place of incorporation and the names and addresses and dates of birth of its directors and officers must be provided;
- (5) A statement that the applicant for license accepts that at all times, the burden of proving the applicant's qualification for license rests with the applicant;
- (6) A statement that the applicant consents to inquiries by the state of Washington, the commission, its employees, staff and agents into the financial, character, and other qualifications of the applicant by contacting individuals and organizations;
- (7) A statement that the applicant, its owners, partners, members, directors, officers, and personnel accept any risk of adverse public notice, or circumstances, including financial loss, which may result from actions by the state of Washington, the commission, its employees, staff and agents and expressly waive any claim which otherwise could be made against the state of Washington, the commission, its employees, staff and agents;
- (8) A statement that the information contained in the application is true and complete and that any false, incomplete, misleading information may be grounds for denial of the application or fine, suspension or revocation of existing license; and
- (9) A statement that the applicant will comply with chapter 67.16 RCW and Title 260 WAC.

NEW SECTION

WAC 260-13-515 Application for Class A, B, or C license—Additional requirements. (1) As part of the application process, the commission has the right to require fingerprints from those persons the commission determines necessary to ensure those persons suitable for horse racing are granted a license to own and/or operate a racing facility where parimutuel wagering is conducted.

(2) The commission has the right to require additional information as part of the license application process.

(3) The applicant will provide ten copies of the application including all attachments and other documents required in this chapter. All ten copies of the application must be in printed or typewritten form on 8-1/2 by 11 inch paper. Immediately preceding each response, an applicant must restate the information requested. Any attachments or exhibits must be lettered or numbered separately. An applicant must provide photographs of any three-dimensional exhibits.

(4) Deadlines for submission of a license application may be specified by the commission.

NEW SECTION

WAC 260-13-520 Disclosure of ownership and/or control. An application for a Class A, B, or C license must disclose the following:

(1) The organizational structure of the applicant, whether individual business, corporation, nonprofit corporation, partnership, joint venture, trust, association, or other;

(2) If the applicant is an individual, the applicant's full legal name, whether the applicant is a United States citizen, any aliases and business names currently used by the applicant, and copies of state and federal tax returns for the past five years;

(3) If the applicant is a corporation:

(a) The applicant's full corporate name and any trade names currently used by the applicant;

(b) The jurisdiction and date of incorporation;

(c) The date the applicant began doing business in Washington and, if the applicant is incorporated outside Washington, a copy of the applicant's certificate of authority to do business in Washington;

(d) Copies of the applicant's articles of incorporation, bylaws, and state and federal corporate tax returns for the past five years;

(e) The general nature of the applicant's business;

(f) Whether the applicant is publicly held as defined by the rules and regulations of the Securities and Exchange Commission;

(g) The classes of stock of the applicant. As to each class, the number of shares authorized, number issued, number outstanding, par value per share, issue price, current market price, number of shareholders, terms, position, rights, and privileges must be disclosed;

(h) If the applicant has any other obligations or securities authorized or outstanding which bear voting rights either absolutely or upon any contingency, the nature thereof, face or par value, number of units authorized, number outstanding, and conditions under which they may be voted;

(i) The names, in alphabetical order, addresses and telephone numbers of the directors and, in a separate listing, officers of the applicant. As to each director and officer, the number of shares held of record as of the application date or beneficially of each class of stock, including stock options and subscriptions, and units held of record or beneficially of other obligations or securities which bear voting rights must be disclosed;

(j) The names, in alphabetical order, addresses and telephone numbers of each record holder as of the date of application or beneficial owner of shares, including stock options and subscriptions, of the applicant or units of other obligations or securities which bear voting rights. For each holder of shares or units, the number and class or type of shares or units must be disclosed;

(k) Whether the requirements of the Securities Act of 1933 and Securities and Exchange Act of 1934, as amended, and Securities and Exchange Commission rules and regulations have been met in connection with issuance of applicant's securities, and copies of most recent registration statement and annual report filed with the Securities and Exchange Commission;

(l) Whether the securities registration and filing requirements of the applicant's jurisdiction of incorporation have been met and a copy of most recent registration statement filed with the securities regulator in that jurisdiction; and

(m) Whether the securities registration and filing requirements of the state of Washington have been met. If they have not, the applicant must disclose the reasons why. The applicant must provide copies of all securities filings with the Washington department of financial institutions securities division during the past five years;

(4) If the applicant is an organization other than a corporation or an individual:

(a) The applicant's full name and any trade names currently used by the applicant;

(b) The jurisdiction of organization of the applicant;

(c) The date the applicant commenced doing business in Washington;

(d) Copies of any agreements creating or governing the applicant's organization and the applicant's state and federal tax returns for the past five years;

(e) The general nature of the applicant's business;

(f) The names, in alphabetical order, address and telephone numbers of any partners and officers of the applicant and other persons who have or share policymaking authority. As to each, the applicant must disclose the nature and extent of any ownership interest, including options, or other voting interest, whether absolute or contingent, in the applicant; and

(g) The names, in alphabetical order, addresses and telephone numbers of any individual or other entity holding a record or beneficial ownership interest, including options, as of the date of the application or other voting interest, whether absolute or contingent, in the applicant. As to each, the applicant must disclose the nature and extent of the interest;

(5) Whether the applicant is directly or indirectly controlled to any extent or in any manner by another individual or entity. If so, the applicant must disclose the identity of the controlling entity and a description of the nature and extent of control;

(6) Any agreements or understandings which the applicant or any individual or entity identified pursuant to this part has entered into regarding ownership or operation of applicant's horse racing facility, and copies of any written agreements;

(7) Any agreements or understandings which the applicant has entered into for the payment of fees, rents, salaries, or other compensation by the applicant, and copies of any written agreements; and

(8) Whether the applicant, any partner, director, officer, other policymaker, holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of one percent or more in the applicant has held or holds a license or permit issued by a governmental authority to own and operate a horse racing facility or conduct any aspect of horse racing or gambling. If so, the applicant must disclose the identity of the license or permit holder, nature of the license or permit, issuing authority, and dates of issuance and termination.

NEW SECTION

WAC 260-13-530 Disclosure of character information. An applicant for a Class A, B, or C license must disclose whether the applicant or any individual or other entity identified in the application has:

(1) Ever been charged in a criminal proceeding with a misdemeanor, gross misdemeanor or felony. If so, the applicant must disclose the date charged, court, whether convicted, date convicted, crime convicted of, and sentence.

(2) Ever been a party in a civil proceeding and alleged to have engaged in an unfair or anticompetitive business practice, a securities violation, or false or misleading advertising. If so, the date of commencement of the proceeding, court, circumstances, date of decision or other resolution, and result.

(3) Ever had a horse racing, gambling, or other business license or permit revoked or suspended or renewal denied or been a party in a proceeding to do so. If so, the applicant must disclose the circumstances, date, and the result of the decision.

(4) Ever been accused in an administrative or judicial proceeding of violation of a statute or rule relating to unfair labor practices, discrimination, horse racing or gambling. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(5) Commenced an administrative or judicial action against a governmental regulator of horse racing or gambling. If so, the applicant must disclose the circumstances, date, and the result of the decision.

(6) Ever been the subject of voluntary or involuntary bankruptcy proceedings. If so, the applicant must disclose the circumstances, date, and the result of the decision.

(7) Ever failed to satisfy any judgment, decree, or order of an administrative or judicial tribunal. If so, the applicant must disclose the date and circumstances.

(8) Ever been delinquent in filing a tax report required or remitting a tax imposed by any government. If so, the applicant must disclose the circumstances, date, and the result of the decision.

NEW SECTION

WAC 260-13-540 Description of facilities. An applicant for Class A, B, or C license, at the time of application, will provide the commission a detailed description, floor plans and site plans of the horse racing facility. At a minimum, the description must include the following:

(1) The address of the facility, its size, and geographical location, including reference to county and municipal boundaries;

(2) A site map showing current and proposed highways and streets adjacent to the facility;

(3) The types of racing for which the facility is designed, whether thoroughbred, harness, quarter horse, or other or combination thereof;

(4) The racetrack dimensions by circumference, width, banking, location of chutes, length of stretch, distance from judges' stand to first turn and type of surface. If the facility has more than one racetrack, the applicant must provide a description of each;

(5) A description of horse stalls at the facility, including the dimensions of stalls, separation, location, and total number of stalls;

(6) A description of the grandstand, giving total seating capacity, total reserved seating capacity, indoor and outdoor seating capacity, configuration of grandstand seating and parimutuel and concession facilities within the grandstand; the number and location of men's and women's restrooms, drinking fountains, and medical facilities available to patrons; and a description of public pedestrian traffic patterns throughout the grandstand;

(7) A description of the receiving and test barns, giving distance from these barns to the track and paddock. In addition, the number of sampling stalls, placement of viewing ports on each stall, number of wash stalls with hot and cold water and drains, availability of video monitors and a description of the walking ring;

(8) A description of the paddock, number of stalls in the paddock, height from the floor to lowest point of the stall ceiling and entrance, and paddock public address and telephone services;

(9) A description of the jockeys' and/or drivers' quarters, giving changing areas, a listing of equipment to be installed in each, and the location of the jockeys' quarters in relation to the paddock;

(10) A description of the parimutuel system, giving approximate location of bettors' windows and cash security areas, and a description of the equipment, including the provider if known;

(11) A description of the parking, showing access to parking from surrounding streets and highways, number of parking spaces available, and distinguishing between public and other. Include a description of the road surface on parking areas and the distance between parking and the grandstand, and a map of the area showing the relationship of parking to surrounding streets and highways;

(12) A description of the height, type of construction, and materials of perimeter fence;

(13) A description of improvements and equipment at the racetrack for security purposes in addition to perimeter fence, including the provider of equipment if known;

(14) A description of starting, timing, photo finish, and photo-patrol or video equipment, including the provider if known;

(15) A description of work areas for the commission employees, including location, square footage, telephones and other electronic access points;

(16) A description of access of the facility to public transportation, specifics of the types of transportation and schedules, road maps of area indicating pick-up and drop-off points; and

(17) The manner the proposed wagering (including simulcast if applicable) system will operate and the regular hours of operation.

NEW SECTION

WAC 260-13-550 Disclosure of development process.

An applicant for Class A, B, or C license, at the time of application, will disclose to the commission its development process, if any, which must include the following:

(1) The total cost of construction, renovation or repairs of the facility, distinguishing between fixed costs and projections;

(2) Identification of the following costs, distinguishing between fixed costs and projections:

(a) Facility design;

(b) Land acquisition;

(c) Site preparation;

(d) Improvements and equipment, separately identifying the costs of improvements and equipment;

(e) Interim financing;

(f) Permanent financing; and

(g) Organization, administrative, accounting, and legal;

(3) Documentation of fixed costs;

(4) The schedule for construction of the facility, including estimated completion date;

(5) Schematic drawings;

(6) Copies of any contracts with and performance bonds from the:

(a) Architect or other design professional;

(b) Project engineer;

(c) Construction engineer;

(d) Contractors and subcontractors; and

(e) Equipment procurement personnel; and

(7) Whether the site has been acquired or leased by the applicant. If the site has been acquired by the applicant, documented proof of the acquisition must be provided. If the site is leased, the applicant must disclose what actions the applicant must take in order to use the site and provide a copy of the lease.

NEW SECTION

WAC 260-13-560 Disclosure of financial resources.

An applicant for a Class A, B, or C license must disclose the following:

(1) An audited financial statement reflecting the applicant's current assets, including investments in affiliated entities, loans and advances receivable and fixed assets and current liabilities, including loans and advances payable, long-term debt and equity;

(2) For a Class A license the equity and debt sources of funds to develop, own, and operate the facility. For a Class B or C license the equity and debt sources of funds to operate the facility:

(a) With respect to each source of equity contribution, identification of the source, amount, form, method of payment, nature and amount of present commitment, documentation and actions which the applicant will take to obtain more certain commitments and commitments for additional amounts; and

(b) With respect to each source of debt contribution, identification of the source, amount, terms of debt, collateral, identity of guarantors, nature and amount of commitments, documentation and actions which the applicant will take to obtain more certain commitments and commitments for additional amounts; and

(3) Identification and description of sources of additional funds if needed due to cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other cause.

NEW SECTION

WAC 260-13-570 Disclosure of financial plan. An applicant for a Class A, B, or C license must disclose its financial plan. For a Class A license this must include the financial projections for the development period and each of the first five racing years. For a Class B or C license this must include the financial projections for the first three racing years. For all licenses the financial plan must include separate schedules based upon the number of racing days and types of parimutuel betting the applicant requires to break even and the optimum number of races and types of betting applicant estimates each year. The financial plan must include:

(1) The following assumptions and support for them:

(a) The average daily attendance;

(b) Average daily handle;

(c) Retention (RCW 67.16.170 and 67.16.175);

(d) Admission revenue and admission fees;

(e) Parking volume, fees, and revenues;

(f) Concessions, gift shop, and program sales;

(g) Cost of purses;

(h) Parimutuel system expense;

(i) State taxes;

(j) Real estate taxes;

(k) Washington-bred breeder awards (Class A and B only);

(l) Washington-bred owner's bonuses (Class A and B only);

(m) Class C purse funds (Class A and B only);

(n) Parimutuel tax (Class A and B only);

(o) Payroll;

(p) Operating supplies and services;

(q) Utilities;

(r) Repairs and maintenance;

(s) Insurance;

(t) Membership expense;

(u) Security expense;

(v) Legal and audit expense;

- (w) Debt service; and
 - (x) Federal taxes;
 - (2) The following profit and loss elements:
 - (a) Total revenue, including projected revenues from retention and breakage, admissions, parking, and concessions, gift, and program operations;
 - (b) Total operating expenses, including anticipated expenses for:
 - (i) Purses;
 - (ii) Parimutuel system;
 - (iii) Sales tax;
 - (iv) Parimutuel tax (Class A and B only);
 - (v) Real estate tax;
 - (vi) Admissions tax;
 - (vii) Washington-bred breeder awards (Class A and B only);
 - (viii) Washington-bred owner's bonuses (Class A and B only);
 - (ix) Class C purse fund (Class A and B only);
 - (x) Special assessments;
 - (xi) Cost of concession goods, gifts, and programs;
 - (xii) Advertising and promotion;
 - (xiii) Payroll;
 - (xiv) Operating supplies and service;
 - (xv) Maintenance and repairs;
 - (xvi) Insurance;
 - (xvii) Security;
 - (xviii) Legal and audit; and
 - (xix) Federal and state income taxes;
 - (c) Nonoperating expenses, including anticipated expenses for debt service, facility depreciation and identification of method used, and equipment depreciation and identification of method used;
 - (3) Projected cash flow, including assessment of:
 - (a) Income, including equity contributions, debt contributions, interest income, operating revenue; and
 - (b) Disbursements, including land, improvements, equipment, debt service, operating expense, organizational expense; and
 - (4) Projected balance sheets as of the end of the development, renovation or repair period and each of the five racing years for Class A license applicant or the first three racing years for Class B or C license applicant, setting forth:
 - (a) Current, fixed, and other noncurrent assets;
 - (b) Current and long-term liabilities; and
 - (c) Capital accounts.
- The applicant must also provide an accountant's report supporting the financial projections.

NEW SECTION

WAC 260-13-580 Disclosure of governmental actions. An applicant for a Class A, B, or C license must disclose actions of government agencies, which include:

- (1) The street and highway improvements necessary to ensure adequate access to applicant's facility, and the cost of improvements, status, likelihood of completion, and estimated date.
- (2) The sewer, water, and other public utility improvements necessary to serve applicant's facility, and the cost of

improvements, status, likelihood of completion, and estimated date.

(3) If applicant has obtained any required government approvals for its development, ownership, and operation of its horse racing facility:

(a) A description of the approval, unit of government, date, and documentation.

(b) Whether public hearings were held. If they were, the applicant must disclose when and where the hearings were conducted. If they were not held, the applicant must disclose why they were not held.

(c) Whether the unit of government attached any conditions to approval. If so, the applicant must disclose these conditions, including documentation.

(4) Whether any required governmental approvals remain to be obtained, as well as a description of the approval, unit of government, status, likelihood of approval, and estimated date.

(5) Whether an environmental assessment of the facility has been or will be prepared. If so, the applicant must disclose its status and the governmental unit with jurisdiction, and provide a copy of any assessment.

(6) Whether an environmental impact statement is required for applicant's facility. If so, the applicant must disclose its status and the governmental unit with jurisdiction, and provide a copy of any statement.

(7) Whether the applicant is in compliance with all statutes, charter provisions, ordinances, and regulations pertaining to the development, ownership, and/or operation of its horse racing facility. If the applicant is not in compliance, the applicant must disclose the reasons why the applicant is not in compliance.

NEW SECTION

WAC 260-13-590 Disclosure of management. An applicant for a Class A, B, or C license must disclose the following regarding development, ownership, and operation of its parimutuel horse racing facility:

(1) A description of the applicant's management plan, with budget and identification of management personnel by function, job descriptions, and qualifications for each management position, and a copy of the organization chart;

(2) Management personnel, including the following:

(a) Legal name, aliases, and previous names;

(b) Current residence and business addresses and telephone numbers;

(3) Consultants and other contractors who have provided or will provide management-related services to applicant, including the following:

(a) Full name;

(b) Current address and telephone number;

(c) Nature of services;

(d) Qualifications and experience; and

(e) Description of terms and conditions of any contractor's agreement, and a copy of the agreement;

(4) Memberships of the applicant, management personnel, and consultants in horse racing organizations;

(5) Description of the applicant's security plan, including:

(a) Number of security personnel used by the applicant during a race meet, security staff levels during live racing, and at other times;

(b) Specific security plans for perimeter, stabling facilities, parimutuel betting facilities, purses, horsemen's book-keeper, and cash room;

(c) Description of video monitoring equipment and its use;

(d) Whether the applicant will be a member of the Thoroughbred Racing Protective Bureau or other security organization; and

(e) Coordination of security with law enforcement agencies;

(6) Description of the applicant's plans for human and animal health and safety, including emergencies;

(7) Description of the applicant's marketing, promotion, and advertising plans;

(8) A description of the applicant's plan for concessions, including whether the licensee will operate concessions and, if not, who will, to the extent known;

(9) A description of the applicant's plan for conduct of horse racing, including types of racing, number of days, weeks, specific dates, number of races per day, time of day, and special events;

(10) A description of the applicant's plan for purses, including total purses, formula, minimum purse, stakes races, and purse handling procedures;

(11) A description of the applicant's plan for parimutuel betting, including, windows, selling machines and clerks; and accounting procedures, including its proposed system of internal audit and supervisory controls;

(12) Its plan for promoting the orderly growth of horse racing in Washington;

(13) A description of the impact of its horse racing facility, including:

(a) The effects of its ownership and/or operation of its horse racing facility on competitors within the horse racing industry. This disclosure must analyze the impact on all other existing race tracks in Washington at the time and when the racing dates are projected to commence;

(b) Economic impact, including:

(i) Employment created and specifics as to number of jobs, whether permanent or temporary, type of work, compensation, employer, and how created;

(ii) Purchases of goods and services and specifics as to money amounts and types of purchases;

(iii) Public and private investment; and

(iv) Tax revenues generated;

(c) Ecological impact; and

(d) Impact on energy conservation and development of alternative energy sources;

(14) Describe public support and opposition, whether by a governmental official or agency or private individual or group including any applicable documentation; and

(15) Provide the names, addresses, and telephone numbers of individuals who assisted the applicant in preparation of its application and describe each person's role in preparing the application.

NEW SECTION

WAC 260-13-600 Licensing criteria—Class A, B, or C license. The commission may deny a Class A, B, or C license to conduct a race meet when, in its judgment, a denial of a license appears to be in the best interest of horse racing and/or the public.

NEW SECTION

WAC 260-13-610 Application fee—Class A, B, and C license. (1) An applicant for a Class A or B license must submit to the executive secretary at the time of application a certified check or bank draft to the order of the state of Washington in the amount of fifty thousand dollars to cover the costs of the investigation mandated by these rules. Upon completion of the investigation, the commission must refund to the applicant any amount by which the fifty thousand dollars exceeds the actual costs of investigation. If costs of the investigation exceed fifty thousand dollars, the applicant must remit the amount of the difference by certified check or bank draft within ten days after receipt of a bill from the commission. Should an applicant fail to pay additional amounts when billed, the commission will suspend all further action or investigation on the application until receipt of all moneys due and owing. The commission may, at its discretion, require an additional amount by way of deposit if necessary to complete its investigation. An individual or other entity applying for Class A and B licenses simultaneously must submit only one fifty thousand dollar investigation fee.

(2) An applicant for a Class C license is not required to pay an investigation fee set forth in subsection (1) of this section.

NEW SECTION

WAC 260-13-620 Application requirements—Executive secretary's designee. The executive secretary must designate an individual who will clarify Class A, B, and C license application requirements upon the oral or written request of a potential or actual applicant. The designee must respond to clarification requests in writing within five business days. No interpretation of application requirements by any other person will be binding upon the commission.

NEW SECTION

WAC 260-13-630 Amendments to a license application. The commission may only consider a substantive amendment to a license application after its submission if such amendment is made at the direction of the commission and/or is deemed by the commission to be in the best interests of the horse racing industry.

NEW SECTION

WAC 260-13-640 Application for license—Opportunity for oral presentation. The commission will provide an applicant for a license an opportunity to make an oral presentation of its application to the commission before the commission decides whether to issue a license. The commission

is not required to provide an applicant more than one opportunity to make an oral presentation before the commission makes its decision.

NEW SECTION

WAC 260-13-650 License fee—Class A, B, and C license. (1) A Class A or B license does not become effective until the commission receives a certified check or bank draft to the order of the state of Washington equal to two hundred dollars times the number of racing days requested in the license application and is void if the license fee is not received within ten days after issuance. The commission must refund to the licensee the amount by which the fee paid exceeds two hundred dollars times the number of actual days of racing.

(2) A Class C license applicant must pay its daily licensing fee required in RCW 67.16.130(1) at the end of its race meet.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 260-13-010	Identification of applicant for Class A license.
WAC 260-13-020	Applicant's affidavit.
WAC 260-13-030	Disclosure of ownership and control.
WAC 260-13-040	Disclosure of character information.
WAC 260-13-050	Disclosure of improvements and equipment.
WAC 260-13-060	Disclosure of development process.
WAC 260-13-070	Disclosure of financial resources.
WAC 260-13-080	Disclosure of financial plan.
WAC 260-13-090	Disclosure of governmental actions.
WAC 260-13-100	Disclosure of management.
WAC 260-13-110	Disclosure of public service.
WAC 260-13-120	Disclosure of impact of facility.
WAC 260-13-130	Disclosure of public support and opposition.
WAC 260-13-140	Effects on competition.
WAC 260-13-150	Disclosure of assistance in preparation of application.
WAC 260-13-160	Personal information and authorization for release.

WAC 260-13-170	Class A license criteria.
WAC 260-13-175	Definition of "applicant."
WAC 260-13-180	Identification of applicant for Class B license.
WAC 260-13-190	Applicant's affidavit.
WAC 260-13-200	Disclosure of ownership and control.
WAC 260-13-210	Disclosure of character information.
WAC 260-13-220	Disclosure of improvements and equipment.
WAC 260-13-230	Disclosure of authorization to use horse racing facility.
WAC 260-13-240	Disclosure of financial resources.
WAC 260-13-250	Disclosure of financial plan.
WAC 260-13-260	Disclosure of governmental actions.
WAC 260-13-270	Disclosure of management.
WAC 260-13-280	Disclosure of public service.
WAC 260-13-290	Disclosure of economic impact.
WAC 260-13-300	Disclosure of public support and opposition.
WAC 260-13-310	Effects on competition.
WAC 260-13-320	Disclosure of assistance in preparation of application.
WAC 260-13-330	Personal information and authorization for release.
WAC 260-13-340	Class B license criteria.
WAC 260-13-350	Class A and B license application disclosures.
WAC 260-13-360	Class A and B license application submission.
WAC 260-13-370	Investigation fee for Class A and B licenses.
WAC 260-13-380	Clarification of Class A and B license application requirements.
WAC 260-13-390	Changes in Class A and B license applications.
WAC 260-13-400	Deadlines for submission of Class A and B license applications.
WAC 260-13-410	Oral presentation by applicant for a Class A or B license.

- WAC 260-13-420 Payment of Class A and B license fees.
- WAC 260-13-430 Class A and B license application information.
- WAC 260-13-440 Delay in completion of race-track facility.
- WAC 260-13-450 Construction, expansion, extension, alteration, or remodeling of facilities.
- WAC 260-13-460 Identification of applicant for Class C license.
- WAC 260-13-470 Applicant's affidavit.
- WAC 260-13-480 Other requirements for Class C license.
- WAC 260-13-490 Class C license criteria.

**WSR 08-11-109
PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed May 20, 2008, 2:47 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-10-054.

Title of Rule and Other Identifying Information: The board of registration for landscape architects is proposing changes to WAC 308-13-010 State board of registration.

The board is proposing adding WAC 308-13-011 The seal/stamp and 308-13-012 Standards of practice and conduct.

Hearing Location(s): Department of Licensing, 405 Black Lake Boulevard, Conference Room 209, Olympia, WA 98502, on July 1, 2008, at 1:00.

Date of Intended Adoption: July 7, 2008.

Submit Written Comments to: Sherri Lonsbery, P.O. Box 9045, Olympia, WA 98507-9045, e-mail slonsbery@dol.wa.gov, fax (360) 664-1495, by June 30, 2008.

Assistance for Persons with Disabilities: Contact Graeme Kennedy by June 30, 2008, TTY (360) 664-8885 or (360) 664-1597.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To add clarity to rule language and to reflect a current course of the profession.

Reasons Supporting Proposal: To add clarity to rule language and to reflect a current course of the profession.

Statutory Authority for Adoption: RCW 18.96.060 Board—Rules—Quorum—Hearings.

Statute Being Implemented: RCW 18.96.060 Board—Rules—Quorum—Hearings.

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

Name of Proponent: Department of licensing (DOL), governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Lorin Doyle, Olympia, (360) 664-

1387; and Enforcement: Joe Vincent, Jr., Olympia, (360) 664-1386.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department of licensing is exempt from this requirement.

A cost-benefit analysis is not required under RCW 34.05.328. DOL is not one of the named agencies to which this rule applies. Agencies that are not named can apply this rule to themselves voluntarily. DOL has chosen not to do this.

May 20, 2008
Joe Vincent, Jr.
Administrator

AMENDATORY SECTION (Amending Order PL 511, filed 1/31/85)

WAC 308-13-010 State board of registration. (1) Meetings. The Washington state board of registration for landscape architects, hereinafter called the board, (~~shall hold an annual public meeting during April of each year for the purpose of election of board officers and any other business of a public nature~~) will hold quarterly regular public meetings each year.

(2) Officers. At (~~the annual public meeting~~) its regular meeting during the second quarter of the calendar year, the board shall elect a chairman, a vice chairman, and a secretary for the ensuing year. The secretary may delegate the office's responsibilities in all or in part to the executive secretary.

NEW SECTION

WAC 308-13-011 The seal/stamp. These rules govern the design and use of the landscape architect seal/stamp.

(1) Every landscape architect licensed in the state of Washington shall have a seal/stamp of design authorized by the board, bearing the registrant's name, license number and the legend "Registered landscape architect, state of Washington." The seal/stamp may be used in a horizontal or vertical format, and scaled as appropriate, provided it remains readable. Other deviations are not allowed. Facsimiles of the board-authorized seal/stamp appear below.



STATE OF WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

(SIGNATURE)
NAME
CERTIFICATE NO. 000



STATE OF WASHINGTON
REGISTERED
LANDSCAPE ARCHITECT

(SIGNATURE)
NAME
CERTIFICATE NO. 000

(2) The following shall be signed and sealed/stamped by the landscape architect:

(a) All technical submissions required for building permits, regulatory approvals and/or construction drawings that are filed with authorities having jurisdiction.

(b) Drawings prepared by the landscape architect on each sheet.

(c) Specifications and other technical submissions need only be sealed/stamped on the cover, title page, and all pages of the table of contents.

(3) No landscape architect's seal/stamp or countersignature shall be affixed to any drawings not prepared by the landscape architect or his or her regularly employed subordinates, or reviewed by the landscape architect. A landscape architect who seals/stamps or signs drawings or specifications that he or she has reviewed shall be responsible to the same extent as if prepared by that landscape architect.

(4) Without exception, these sealing/stamping requirements for landscape architects shall apply to all work prepared or supervised by the landscape architect.

NEW SECTION

WAC 308-13-012 Standards of practice and conduct.

(1) Competence.

(a) In practicing landscape architecture, a landscape architect shall act with reasonable care and competence and shall apply the technical knowledge and skill that is ordinarily applied by landscape architects of good standing practicing in the same locality.

(b) In designing a project, a landscape architect shall take into account all applicable construction laws, zoning codes and other applicable laws or regulations. A landscape architect shall not knowingly design a project in violation of such laws and regulations.

(c) A landscape architect shall undertake to perform professional services only when the landscape architect, together with those whom the landscape architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.

(2) Conflict of interest.

(a) A landscape architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.

(b) If a landscape architect has any business association or direct or indirect financial interest that is substantial enough to influence the landscape architect's judgment in connection with the performance of professional services, the landscape architect shall fully disclose this in writing to the client or employer. If the landscape architect's client or employer objects to such association or financial interest, the landscape architect shall either terminate such association or offer to give up the commission or employment.

(c) A landscape architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(d) When acting as the interpreter of landscape contract documents and the judge of contract performance, a landscape architect shall render decisions impartially, favoring neither party to the contract.

(3) Full disclosure.

(a) A landscape architect shall disclose whenever he or she is being compensated for making public statements concerning landscape architectural issues.

(b) A landscape architect shall accurately represent to a prospective or existing client or employer the landscape architect's qualifications and clearly define the scope of his or her responsibility in connection with work for which the landscape architect is claiming responsibility.

(c) If a landscape architect becomes aware of a decision made by his or her employer or clients against the landscape architect's advice, that violates applicable construction laws, zoning codes or other applicable regulations and that will, in the landscape architect's judgment, materially and adversely affect the public health, safety and welfare, the landscape architect shall:

(i) Report the decision to the local authorities or other public official charged with the enforcement of such laws and regulations;

(ii) Refuse to consent to the decision; and

(iii) In circumstances where the landscape architect reasonably believes that other such decisions will be made notwithstanding his or her objection, then the landscape architect shall terminate services with reference to the project. In the case of a termination in accordance with this paragraph of this rule, the landscape architect shall have no liability to the client on account of such termination.

(d) A landscape architect shall not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with an application for licensure or renewal.

(e) A landscape architect shall not assist in the application for licensure of a person known by the landscape architect to be unqualified in respect to education, examination, experience or character.

(4) Compliance with laws.

(a) A landscape architect shall not, in the practice of landscape architecture, knowingly violate any criminal law.

(b) A landscape architect shall neither offer nor make any payment or gift to any governmental official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the landscape architect is interested.

(c) A landscape architect shall comply with the laws and regulations governing professional practice in any jurisdiction.

(5) Professional conduct. A landscape architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the landscape architect is interested.

WSR 08-11-112

PROPOSED RULES

HORSE RACING COMMISSION

[Filed May 20, 2008, 3:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-21-082.

Title of Rule and Other Identifying Information: Chapter 260-48 WAC, Mutuels.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98002, on August 14, 2008, at 9:30 a.m.

Date of Intended Adoption: August 14, 2008.

Submit Written Comments to: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail rlopez@whrc.state.wa.us, fax (360) 459-6461, by August 11, 2008.

Assistance for Persons with Disabilities: Contact Patty Sorby, by August 11, 2008, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to (1) add several new sections to this chapter to address defining terms applicable to this chapter, requiring approval of all new forms of betting, regulating parimutuel cash vouchers, and other stored value instruments and systems, and allowing quinfecta wagering (the first five finishers); (2) making changes to the process for patrons to file a complaint for payment if a parimutuel ticket is lost or stolen or if the association withholds payment or refuses to cash a wager, and how to address claims of payment errors; and (3) to make minor changes to the other sections in this chapter so they are more clearly understandable. Changes are being made to nearly every section in this chapter.

Reasons Supporting Proposal: The new section[s] are need[ed] to better explain the rules and to provide avenues for investigations and decision[s] regarding claims for payment. The proposal also offers a new form of wagering requested by Emerald Downs. The remaining changes address making our rules easier to understand and to comply with.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: Washington horse racing commission, governmental.

Name of Agency Personnel Responsible for Drafting: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert M. Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

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

May 20, 2008

R. J. Lopez
Deputy Secretary

NEW SECTION

WAC 260-48-490 Definitions. (1) "Common pool wagering." The inclusion of wagers placed at guest association locations and secondary parimutuel organizations (SPMO) into a common parimutuel pool for the purpose of display of wagering information and calculation of payoffs on winning wagers.

(2) "Guest association." An association approved to offer simulcast races and parimutuel wagering on races conducted at other racetracks.

(3) "Host association." An association where live racing and parimutuel wagering are conducted and on which parimutuel wagering is conducted by guest associations or satellite locations.

(4) "Parimutuel system." The hardware, software and communications equipment used to record wagers, calculate payouts for winning wagers, and transmit wagering transactions and parimutuel pool data for display to patrons and to communicate with other parimutuel systems linked to facilitate common pool wagering.

(5) "Parimutuel wagering." A form of wagering on the outcome of a horse race in which all wagers are pooled and held by a parimutuel pool host for distribution of the total amount, less the deductions authorized by law, to holders of tickets on the winning contestants.

(6) "Secondary parimutuel organization (SPMO)." An entity other than a licensed association that offers and accepts parimutuel wagers. This may include a satellite location (off-track wagering) or an advance deposit wagering service provider.

(7) "Self-service terminal." A computerized wagering device that allows the patron to wager by use of a touch activated screen using account cards, vouchers, winning tickets and cash.

(8) "Simulcast." Live video and audio transmission of a race and parimutuel information for the purpose of parimutuel wagering at locations other than a host association.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-500 General provisions. (1) Each association (~~shall~~) must conduct wagering in accordance with applicable laws and these rules. Such wagering (~~shall~~) must employ a parimutuel system approved by the commission. The (~~totalisator shall~~) parimutuel system must be tested prior to and during the meeting as required by the commission.

(2) Parimutuel wagering utilizes a parimutuel system to pool wagers. The parimutuel system may be located on property of the association or may, subject to compliance with applicable law and these rules, reside at another location.

(3) Wagering may be accepted by a separate parimutuel system in this or other jurisdictions, and combined via communication between parimutuel systems.

(4) The commission may enter into multijurisdictional agreements with other regulatory authorities to facilitate certification of compliance with requirements by, and licensing of, parimutuel companies (including their employees), entities providing services for simulcasting and common pool wagering, secondary parimutuel organizations, and advance deposit wagering systems. Such agreements must, at a minimum, ensure certification and licensing requirements comparable to this jurisdiction.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-510 Records. (1) The association ~~((shall be))~~ is responsible for the maintenance of all wagering records ~~((of all wagering))~~ so the commission may review ~~((such))~~ these records for any race including the opening line, subsequent odds fluctuation, the amount and at which window wagers were placed on any betting interest and ~~((such))~~ any other information ~~((as))~~ that may be required. ~~((Such))~~ Wagering records ~~((shall))~~ must be retained by each association and/or ~~((totalisator))~~ parimutuel company and safeguarded for one year after the last day of the race meet or as specified by the commission.

(2) The association ~~((shall))~~ must provide at the request of the commission a list of the licensed individuals afforded access to parimutuel records and equipment at the wagering facility.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-520 Parimutuel tickets. A parimutuel ticket is evidence of a ~~((contribution to))~~ wager into the parimutuel pool operated by the association and is evidence of the association's obligation ~~((of the association))~~ to pay to the holder ~~((thereof such))~~ a portion of the distributable amount of the parimutuel pool ~~((as))~~ that is represented by ~~((such))~~ a valid parimutuel ticket. The association ~~((shall))~~ must cash all valid winning parimutuel tickets when ~~((such))~~ they are presented for payment.

(1) To be deemed a valid parimutuel ticket, ~~((such))~~ the ticket ~~((shall))~~ must have been issued by a parimutuel ticket machine operated by the association and recorded as a ticket entitled to a share of the parimutuel pool ~~((and contain imprinted information as to))~~. The parimutuel ticket must also contain the following:

- (a) The name of the association operating the meeting~~(:);~~;
- (b) A unique identifying number or code~~(:);~~;
- (c) ~~((Identification of))~~ The terminal at which the ticket was issued~~(:);~~;
- (d) ~~((A designation of the performance for which))~~ The date that the wagering transaction was issued~~(:);~~;
- (e) The race number ~~((for which the pool is conducted:));~~;
- (f) The type or types of wager~~(s)~~ ~~((represented:));~~;
- (g) The number or numbers representing the betting interests ~~((for which the wager is recorded:));~~ and
- (h) The amount or amounts of the ~~((contributions to))~~ wagers into the parimutuel pool or pools for which the ticket is evidence.

(2) No parimutuel ticket recorded or reported as ~~((previously))~~ paid, cancelled, or nonexistent ~~((shall))~~ will be ~~((deemed))~~ considered a valid parimutuel ticket ~~((by the association)).~~

(3) ~~((Every))~~ The association ~~((shall))~~ must maintain a record of ~~((outstanding))~~ all winning parimutuel tickets, ~~((which represent the winning tickets))~~ not presented for payment. A record of ~~((such))~~ these tickets ~~((so))~~ when cashed ~~((shall))~~ must be retained for a period of ~~((thirty))~~ twenty-four months from the date ~~((they were))~~ cashed. This record

~~((shall))~~ will be made available for inspection by the commission or its authorized representative ~~((upon request))~~ when requested.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-530 Parimutuel ticket sales. (1) Parimutuel tickets ~~((shall))~~ may not be sold by anyone other than an association licensed to conduct parimutuel wagering.

(2) No parimutuel ticket may be sold on a race for which wagering has already been closed and ~~((no))~~ the association ~~((shall be))~~ is not responsible for ticket sales entered into but not completed by issuance of a ticket before the ~~((totalisator))~~ parimutuel system is closed for wagering ~~((on such race)).~~

(3) Parimutuel tickets may be exchanged or cancelled prior to the running of a race based upon the written policies of the association. Such ~~((policy shall))~~ policies must be filed with the commission.

(4) Payment on winning parimutuel wagers ~~((shall))~~ will be made on the basis of the order of finish as ~~((purposely))~~ posted and declared "official." Any subsequent change in the order of finish or award of purse money as may result from a subsequent ruling by the stewards or commission ~~((shall))~~ will in no way affect the parimutuel payoff. If an error in the posted order of finish or payoff figures is discovered, the official order of finish or payoff prices may be corrected and an announcement concerning the change ~~((shall))~~ will be made to the public.

(5) The association ~~((shall have))~~ has no obligation to enter a wager into a betting pool if unable to do so due to equipment failure.

(6) No person under the age of ~~((18 shall))~~ eighteen may purchase or cash any parimutuel ticket. No employee of the association ~~((shall))~~ may knowingly sell to or cash for a person under the age of ~~((18))~~ eighteen any parimutuel ticket. Unattended persons under the age of ~~((18))~~ eighteen are not permitted in wagering areas.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-550 Claims for payment from parimutuel pool. ~~((At a designated location, a written, verified claim for payment from a parimutuel pool shall be accepted by the association. In any case where the association has withheld payment or has refused to cash a parimutuel wager the claimant shall be informed that they may register a complaint with the commission. In the case of a claim made for payment on a parimutuel wager, the commission may adjudicate the claim and order payment thereon from the parimutuel pool or by the association, or may deny the claim, or may make such other order as it may deem proper.))~~ (1) A request for payment from the parimutuel pool may be made by submitting a valid claim form to the association mutuel department under the following conditions:

- (a) A verifiable parimutuel ticket is lost or damaged; or
- (b) The association has withheld payment or refused to cash a parimutuel wager.

(2) The association mutuel department will investigate the claim and make a determination as to whether there is suf-

efficient information to identify the parimutuel ticket as a winning ticket.

(3) If the claim is denied, the claimant will be informed of the denial and that they may challenge the decision to the executive secretary.

(4) If the executive secretary denies the claim, the claimant may request a hearing before the commission as provided in WAC 260-08-675.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-560 Payment for errors. If an error occurs in the payment amounts for parimutuel tickets (~~((which))~~ that are cashed or entitled to be cashed and as a result of (~~((such))~~ the error the parimutuel pool involved (~~((in the error))~~) is not correctly distributed among winning ticket holders, the following (~~((shall))~~ will apply:

(1) In the event the error results in an overpayment to the ticket holders the association (~~((shall))~~ will be responsible for such payment.

(2) In the event the error results in an underpayment to ticket holders:

(a) The association (~~((shall))~~ will accept timely claims for such underpayment, (~~((shall))~~ investigate such claims and (~~((shall))~~ pay each claim, or a part thereof, (~~((which it))~~ that the association determines to be valid, and (~~((shall))~~ will notify the claimant if the claim is rejected as invalid.

(b) Any person whose claim is (~~((rejected))~~ denied by the association may, within (~~((15))~~ fifteen days from the date the (~~((rejection))~~ denial notice was (~~((received))~~ served, request the (~~((commission))~~ executive secretary to determine the validity of the claim. The failure to file such request with the (~~((commission))~~ executive secretary within the (~~((said time shall))~~ fifteen days will constitute a waiver of the claim.

(c) (~~((A hearing shall be held on each such rejected claim timely filed with the commission. The commission shall give notice of such hearing to the claimant and the association. The commission may))~~ The executive secretary will investigate each claim denied, and determine ((a)) the validity of the claim ((to be valid, in whole or in part, and thereafter order the association to pay the claimant the amount of the claim determined to be valid, or may deny the claim in whole or in part. Any such determination shall be final and binding to all parties)). Within seven days of service of the executive secretary's determination, the claimant or the association may challenge the executive secretary's determination by requesting a hearing before the commission as provided in WAC 260-08-675.

(d) If no valid claims are presented, or after all filed claims have been resolved, the amount of the underpayment or any part thereof, (~~((shall))~~ will be applied to the next available corresponding pool (i.e. exacta pools). If there is no similar pool the underpayment (~~((shall))~~ will be applied to the win pool of the first race. Such payment (~~((shall))~~ will be publicly announced prior to this day.

~~((3) Any claim not filed with the association within 30 days inclusive of the date on which the underpayment was publicly announced shall be deemed waived and the association shall have no further liability therefor.))~~

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-570 Betting explanation. A summary explanation of parimutuel wagering and each type of betting pool offered (~~((shall))~~ will be published in the program for each race day. The rules of racing relative to each type of parimutuel pool offered must be prominently displayed on association grounds and available upon request (~~((through association representatives)).~~

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-580 Display of betting information. (1) The association will display the approximate odds for win pool betting ((shall be posted on display devices)) within view of the wagering public and ((updated for)) update the ((first change)) odds when the total win pool has reached a minimum dollar amount established by the association((, and thereafter shall update)). The association will continue to update the odds at intervals of not more than ((90)) ninety seconds((, but)). In no event ((shall)) will the first change in odds occur later than ((12)) twelve minutes to post.

(2) The association may display the probable payoff or amounts wagered, in total and on each betting interest, for other pools ((may be displayed)) to the wagering public at intervals and in a manner approved by the commission.

(3) Official results and payoffs must be displayed ((upon)) immediately after each race ((being)) is declared official.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-590 Cancelled races. If a race is cancelled or declared (~~((no race,))~~ "no contest" refunds (~~((shall))~~ will be granted on valid wagers in accordance with these rules.

AMENDATORY SECTION (Amending WSR 00-06-070, filed 3/1/00, effective 4/1/00)

WAC 260-48-600 Refunds. (1) Notwithstanding other provisions of these rules, refunds of the entire pool (~~((shall))~~ will be made on:

(a) Win pools, exacta pools, and first-half double pools, offered in races in which the number of betting interests has been reduced to fewer than two.

(b) Place pools and quinella pools, trifecta pools and first-half twin trifecta pools, offered in races in which the number of betting interests has been reduced to fewer than three.

(c) Show pools, superfecta pools offered in races in which the number of betting interests has been reduced to fewer than four.

~~((d) Superfecta pools and first-half twin trifecta pools, offered in races in which the number of betting interests has been reduced to fewer than six.~~

(e) Trifecta pools, in races in which the number of betting interests has been reduced to fewer than five.))

(2) Authorized refunds ~~((shall)) will~~ be paid ~~((upon presentation and surrender of the affected parimutuel ticket))~~ when the parimutuel ticket is presented and surrendered.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-610 Coupled entries and mutuel field.

(1) Horses coupled in wagering as a coupled entry or mutuel field ~~((shall)) will~~ be considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any horse in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining horses in that coupled entry or mutuel field ~~((shall)) will~~ remain valid betting interests and no refunds will be granted. If all horses within a coupled entry or mutuel field are scratched, then tickets on such betting interests ~~((shall)) will~~ be refunded, notwithstanding other provisions of these rules.

(2) For the purpose of price calculations only, coupled entries and mutuel fields ~~((shall)) will~~ be calculated as a single finisher, using the finishing position of the leading horse in that coupled entry or mutuel field to determine order of placing. This rule ~~((shall)) will~~ apply to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules.

AMENDATORY SECTION (Amending WSR 04-07-077, filed 3/15/04, effective 4/15/04)

WAC 260-48-620 Pools dependent upon betting interests. Unless the commission or its designee otherwise provides, at the time the pools are opened for wagering, the association:

(1) ~~((shall)) Must~~ offer win wagering on all races with three or more betting interests. May offer win wagering on all races with two betting interests.

(2) ~~((shall)) Must~~ offer place wagering on all races with four or more betting interests.

(3) ~~((shall)) Must~~ offer show wagering on all races with five or more betting interests.

(4) May offer quinella wagering on all races with three or more betting interests.

(5) May offer exacta wagering on all races with two or more betting interests.

(6) May offer trifecta wagering on all races with three or more betting interests.

(7) May offer twin trifecta wagering on all races with ~~((seven)) six~~ or ~~((more)) less~~ betting interests.

(8) May offer superfecta wagering on all races with four or more betting interests.

(9) May offer quinfecta wagering on all races with five or more betting interests.

NEW SECTION

WAC 260-48-625 Prior approval required for betting pools. (1) An association that desires to offer new forms of wagering must apply in writing to the commission and receive written approval prior to implementing the new betting pool. New forms of wagering may only be offered by a

host association after they have been established in rule, except as provided in WAC 260-48-710.

(2) An association may suspend previously approved forms of wagering with the prior approval of the commission. Any carryover will be held until the suspended form of wagering is reinstated. An association may request approval of a form of wagering or separate wagering pool for a specific performance.

AMENDATORY SECTION (Amending WSR 03-07-057, filed 3/14/03, effective 4/14/03)

WAC 260-48-630 Closing of wagering in a race. (1) ~~((Coincident with)) Upon~~ the start of a live race, a commission representative ~~((shall)) will immediately~~ close wagering for the race ~~((after which time)).~~ Once wagering is closed, no parimutuel tickets ~~((shall)) will~~ be sold for that race.

~~((2)) Coincident with~~ (2) Upon the start of any simulcast race, the association ~~((shall be)) is~~ responsible to ensure that wagering is closed for the race ~~((after which time)).~~ Once wagering is closed, no parimutuel tickets ~~((shall)) will~~ be sold for that race.

(3) The association ~~((shall)) must~~ maintain ~~((in good order))~~ an electrical or other system approved by the commission for accurately locking ~~((of))~~ all parimutuel machines.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-640 Complaints pertaining to parimutuel operations. (1) When a patron makes an ~~((unresolvable)) unresolved~~ complaint regarding the parimutuel department to an association, the association ~~((shall)) will~~ immediately issue a complaint report, ~~((setting out)) including the following:~~

- (a) The name of the complainant;
- (b) The nature of the complaint;
- (c) The name of the persons, if any, against whom the complaint was made;
- (d) The date of the complaint;
- (e) The action taken or proposed to be taken, if any, by the association.

(2) The association ~~((shall)) will~~ submit every complaint report to the ~~((commission)) executive secretary~~ within ~~((48)) forty-eight~~ hours ~~((after)) of~~ the complaint ~~((was made)).~~

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-650 Licensed employees. All licensees ~~((shall)) will~~ report any known irregularities or wrong doings by any person involving parimutuel wagering immediately to the ~~((commission)) board of stewards or the executive secretary if the incident occurs during a nonlive racing period,~~ and will fully cooperate in subsequent investigations.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-660 Emergency situations. Should any emergency arise in connection with the operation of the

parimutuel department of the association, not covered by these rules, and an immediate decision is necessary, the mutuel manager may make the decision. The mutuel manager will immediately notify the board of stewards, or the executive secretary if the emergency arises during a nonlive racing period.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-670 Limit payoffs. An association may ~~(have the option to)~~ limit payoffs~~(s)~~ at satellite locations~~(s)~~ ~~approved in accordance with Sec. 01, RCW 67.16.200;~~) to \$2,500 in cash, with the balance delivered in the form of a check or by an electronic fund transfer by the end of the next business day.

NEW SECTION

WAC 260-48-680 Parimutuel cash vouchers. (1) A parimutuel cash voucher is a document or card produced by a parimutuel system device on which a stored cash value is represented and the value is recorded in and redeemed through the parimutuel system. Parimutuel cash vouchers may be offered by an association that issues parimutuel tickets. The stored value on a voucher may be redeemed in the same manner as a value of a winning parimutuel ticket for wagers placed at a parimutuel window or a self-service terminal, and may be redeemed for their cash value at any time.

(2) An association may, with the prior approval of the commission, issue special parimutuel cash vouchers as incentives or promotional prizes, and may restrict the use of those vouchers to the purchase of parimutuel wagers.

(3) The tote system transaction record for all parimutuel vouchers will include the following:

(a) The voucher identification number in subsequent parimutuel transactions;

(b) Any parimutuel wagers made from a voucher will identify the voucher by identification number.

NEW SECTION

WAC 260-48-690 Other stored value instruments and systems. (1) An association may not, without the prior approval of the commission, utilize any form of stored value instrument or system other than a parimutuel voucher for the purpose of making or cashing parimutuel wagers.

(2) Any request for approval of a stored value instrument or system will include a detailed description of the standards utilized:

(a) To identify the specific stored value instrument or account in the parimutuel system wagering transaction record;

(b) To verify the identity and business address of the person(s) obtaining, holding, and using the stored value instrument or system; and

(c) To record and maintain records of deposits, credits, debits, transaction numbers, and account balances involving the stored value instruments or accounts.

(3) A stored value instrument or system will prevent wagering transactions in the event such transactions would

create a negative balance in an account, and will not automatically transfer funds into a stored value instrument or account without the direct authorization of the person holding the instrument or account.

(4) Any request for approval of a stored value instrument or system will include all records and reports relating to all transactions, account records, and customer identification and verification in hard copy or in an electronic format approved by the commission. All records will be retained for a period of not less than three years.

AMENDATORY SECTION (Amending WSR 04-21-053, filed 10/18/04, effective 11/18/04)

WAC 260-48-700 ((Multijurisdictional)) Common pool wagering. (1) ~~(Definitions-~~

~~(a) The host association is the association conducting a licensed parimutuel meeting from which authorized contests or entire performances are simulcast.~~

~~(b) The guest association is the association that offers licensed parimutuel wagering on contests conducted by the host association.~~

~~(2))~~(a) Except as otherwise authorized by the commission, a request for simulcasting must be filed on a form provided by the commission not later than seven business days before the first simulcast race covered by the request. The executive secretary may approve a request for simulcasting, subject to rescission of the approval by the commission at its next regular meeting.

(b) The application must include at a minimum:

(i) The simulcast agreement between the host and guest association;

(ii) The approval by the horsemen's association represented at the host and guest site;

(iii) The alternate jurisdiction approval;

(iv) When acting as the host site, approval also requires a list of all locations that will be receiving and/or wagering on the races under the guest site; and

(v) The executive secretary may require the association to submit additional information if the executive secretary determines the additional information is necessary to effectively evaluate the request.

~~((2))~~ (2) A class 1 racing association ~~((shall))~~ may not ~~((be allowed to))~~ simulcast until the following are filed with the commission.

(a) A written agreement with the local horsemen's group.

(b) A description of how simulcast purse moneys are to be maintained.

(c) A description of how breeder awards are to be maintained.

(d) A monthly statement showing amounts contributed to and balance in the purse fund and the breeder's awards fund. This statement ~~((shall))~~ will be filed with the commission no later than ~~((ten))~~ fifteen days after the end of each month.

~~((4))~~ (3) The approval of any particular simulcasting or wagering on particular simulcast races or programs is not binding on the commission for other requests for approval of simulcasting or wagering on simulcast races or programs.

~~((5))~~ (4) In determining whether to approve a ~~((multi-jurisdiction))~~ common pool which does not include the host track or which includes contests from more than one association, the commission ~~((shall))~~ will consider and may approve use of a bet type which is not utilized at the host track, application of a takeout rate not in effect at the host track, or other factors which are presented to the commission.

~~((6))~~ (5) No class 1 racing association ~~((shall))~~ will enter a contractual agreement that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC and any federal, state or local law.

~~((7))~~ (6) The mutuel manager or the mutuel manager's designee ~~((shall))~~ must be present on association grounds at all times that the class 1 racing association is accepting wagers on simulcast races. He/she ~~((shall))~~ will be responsible for communicating all errors or omissions regarding simulcast wagering to the board of stewards or the executive secretary if errors or omissions occur during nonlive racing periods.

~~((8))~~ (7) There ~~((shall))~~ must be a facsimile machine located in each mutuel area or tote room and a direct, private telephone line to be located in the tote room. Phone access to the tote room ~~((shall))~~ will not require routing through the switchboard.

~~((9))~~ Every class 1 racing association shall file with the commission an annual report of its simuleast operations including financial data as specified by the commission.

~~((10))~~ Not less than thirty minutes) (8) When necessary prior to the commencement of transmission of the performance of parimutuel contests for each day or night, the guest association ~~((shall))~~ will initiate a test program of its transmitter, encryption and decoding, and data communication to assure proper operation of the system.

~~((11))~~ (9) Washington intra-track breakage and minus pools ~~((shall))~~ will be prorated based on amounts wagered.

~~((12))~~ (10) The commission may permit adjustment of the takeout from the parimutuel pool so that the takeout rate in this jurisdiction is identical to that at the host jurisdiction, or identical to that of other jurisdictions participating in a merged pool.

~~((13))~~ (11) Any surcharges or withholdings in addition to the takeout ~~((shall))~~ will only be applied in the jurisdiction otherwise imposing such surcharges or withholdings.

~~((14))~~ (12) Where takeout rates in the merged pool are not identical, the net price calculation may be the method by which the differing takeout rates are applied.

~~((15))~~ (13) Parimutuel pools may be combined for computing odds and calculating payouts but will be held separate for auditing and all other purposes.

AMENDATORY SECTION (Amending WSR 04-21-053, filed 10/18/04, effective 11/18/04)

WAC 260-48-710 Participation in common pools as guest. (1) With the prior approval of the commission, parimutuel-wagering pools may be combined with corresponding wagering pools in the host jurisdiction, or with corresponding pools established by one or more other jurisdictions.

(2) Rules established in the jurisdiction of the host association designated for a parimutuel pool ~~((shall))~~ will apply.

(3) The guest association and all authorized receivers ~~((shall))~~ will conduct parimutuel wagering pursuant to the applicable jurisdiction rules.

(4) Class 1 racing associations which import simulcast races and propose to offer types of wagers other than those currently defined in chapter 260-48 WAC, ~~((shall))~~ will submit to the commission a copy of the host jurisdiction's rule governing the wager.

(5) If, after the close of wagering, a guest racetrack's wagers cannot be successfully merged in the ~~((multijurisdictional))~~ common pool via data circuit or manual merge, the mutuel manager ~~((shall))~~ will:

(a) Refund the pools not successfully merged after announcing to the public that the pools were not merged successfully and the pools will be refunded; or

(b) Pay the winning wagers based on the prices established at the host racetrack.

The mutuel manager ~~((shall))~~ will report the failure to merge any common pool to the ~~((commission))~~ board of stewards or the executive secretary if the failure to merge any common pool occurs during nonlive racing. The report must be ~~((made on a form prescribed by the executive secretary and be))~~ filed no later than the day after the date the common pool failed to merge.

In the event the host association has offered a wager not covered by chapter 260-48 WAC, the Association of Racing Commissioners International model rules regarding such wager ~~((shall))~~ will govern. Information regarding this emergency procedure ~~((shall))~~ will be posted throughout the class 1 racing association facility and published in its racing program.

(6) An authorized class 1 racing association when acting as a guest association ~~((shall))~~ will provide:

~~((a))~~ ~~((A voice communication system between each guest association and the host association, providing timely voice contact among the commission designees and parimutuel departments.~~

~~((b))~~ Parimutuel terminals and odds displays, modems and equipment enabling parimutuel data transmissions, and data communications between the host and guest associations.

~~((c))~~ (b) Adequate transmitting and receiving equipment of acceptable broadcast quality, which ~~((shall))~~ will not interfere with the closed circuit TV system of the host association for providing any host facility patron information.

AMENDATORY SECTION (Amending WSR 04-21-053, filed 10/18/04, effective 11/18/04)

WAC 260-48-720 Participation in common pools as host. (1) A host association is responsible for content of the simulcast and ~~((shall))~~ will use all reasonable effort to present a simulcast that offers the viewers an exemplary depiction of each performance.

(2) Unless otherwise permitted by the commission, every simulcast will contain in its video content the date, a digital display of actual time of day, the host facility's name from

where it emanates and the number of the contest being displayed.

(3) The host association ((shall)) will maintain such security controls including encryption over its uplink and communications systems as directed or approved by the commission.

(4) Any contract of ((multijurisdiction)) common pools entered into by the association ((shall)) will contain a provision to the effect that if, for any reason, it becomes impossible to successfully merge the bets placed in another jurisdiction into the ((multijurisdiction)) common pool formed by the class 1 racing association, or if, for any reason, the commission's or the association's representative determines that attempting to effect transfer of pool data from the guest ((jurisdiction)) association may endanger the association's wagering pool, the association ((shall)) will have no liability for any measures taken which may result in the guest's wagers not being accepted into the pool.

(5) If for any reason it becomes impossible to successfully merge pool data into the ((multijurisdiction)) common pool of the class 1 racing association, or it is determined that attempting to effect transfer of pool data from the guest jurisdiction may endanger the class 1 racing associations wagering pool, or cause an unreasonable delay of the racing program, the class 1 racing association's ((representative shall)) mutuel manager or designee will determine under the circumstances whether to manually merge guests pools, exclude guests pools or delay the Washington pools.

(6) Scratched horses ((must)) will be communicated via facsimile machine, telephone or other approved method by the host mutuel manager to all guest mutuel managers except when the operating ((totalisator)) parimutuel system protocol performs these functions automatically or when the information is disseminated to the wagering network via satellite or video display. The host mutuel manager ((must)) will communicate program changes to all guest sites via facsimile machine, telephone or other approved method.

AMENDATORY SECTION (Amending WSR 06-05-038, filed 2/9/06, effective 3/12/06)

WAC 260-48-800 Parimutuel wagering pools. (1) All permitted parimutuel wagering pools ((shall)) will be separately and independently calculated and distributed. Takeout ((shall)) will be deducted from each gross pool as stipulated by law. The remainder of the moneys in the pool ((shall)) will constitute the net pool for distribution as payoff on winning wagers.

(2) Either standard price or net price calculation procedures ((shall)) will be used to calculate wagering pools((;)). However((;)) net price calculation ((shall)) will be used any time international wagering is conducted.

(a) Standard price calculation procedure:

SINGLE PRICE POOL (WIN POOL)

Gross Pool	=	Sum of Wagers on all Betting Interests - Refunds
Takeout	=	Gross Pool x Percent Takeout
Net Pool	=	Gross Pool - Takeout

SINGLE PRICE POOL (WIN POOL)

Profit	=	Net Pool - Gross Amount Bet on Winner
Profit Per Dollar	=	Profit/Gross Amount Bet on Winner
\$1 Unbroken Price	=	Profit Per Dollar + \$1
\$1 Broken Price	=	\$1 Unbroken Price Rounded Down to the Break Point
Total Payout	=	\$1 Broken Price x Gross Amount Bet on Winner
Total Breakage	=	Net Pool - Total Payout

PROFIT SPLIT (PLACE POOL)

Profit is net pool less gross amount bet on all place finishers. Finishers split profit 1/2 and 1/2 (place profit), then divide by gross amount bet on each place finisher for two unique prices.

PROFIT SPLIT (SHOW POOL)

Profit is net pool less gross amount bet on all show finishers. Finishers split profit 1/3 and 1/3 and 1/3 (show profit), then divide by gross amount bet on each show finisher for three unique prices.

(b) Net price calculation procedure:

SINGLE PRICE POOL (WIN POOL)

Gross Pool	=	Sum of Wagers on all Betting Interests - Refunds
Takeout	=	Gross Pool x Percent Takeout for each Source
Net Pool	=	Gross Pool - Takeout
Net Bet on Winner	=	Gross Amount Bet on Winner x (1 - Percent Takeout)
Total Net Pool	=	Sum of all Sources Net Pools
Total Net Bet on Winner	=	Sum of all Sources Net Bet on Winner
Total Profit	=	Total Net Pool - Total Net Bet on Winner
Profit Per Dollar	=	Total Profit/Total Net Bet on Winner
\$1 Unbroken Base Price	=	Profit Per Dollar + \$1 for each Source
\$1 Unbroken Price	=	\$1 Unbroken Base Price x (1 - Percent Takeout)
\$1 Broken Price	=	\$1 Unbroken Price Rounded Down to the Break Point
Total Payout	=	\$1 Broken Price x Gross Amount Bet on Winner
Total Breakage	=	Net Pool - Total Payout

PROFIT SPLIT (PLACE POOL)

Total profit is the total net pool less the total net amount bet on all place finishers. Finishers split total profit 1/2 and 1/2

(place profit), then divide by total net amount bet on each place finisher for two unique unbroken base prices.

PROFIT SPLIT (SHOW POOL)

Total profit is the total net pool less the total net amount bet on all show finishers. Finishers split total profit 1/3 and 1/3 and 1/3 (show profit), then divide by total net amount bet on each show finisher for three unique unbroken base prices.

(3) If a profit split results in only one covered winning betting interest or combinations it ~~((shall))~~ will be calculated the same as a single price pool.

(4) The individual pools outlined in these rules may be given alternative names by each association, provided prior approval is obtained from the commission.

(5) In the event a minus pool occurs in any parimutuel pool, the expense of said minus pool ~~((shall))~~ will be borne by the association.

(6) The association ~~((must))~~ will pay to the holder of any ticket or tickets entitling the holder to participate in the distribution of a parimutuel pool the amount wagered by such holder plus a minimum of five percent thereof. This requirement is unaffected by the existence of a parimutuel pool which does not contain sufficient money to distribute said five percent to all persons holding such tickets.

(7) No person or corporation ~~((shall))~~ will directly or indirectly purchase parimutuel tickets or participate in the purchase of any part of a parimutuel pool for another for hire or for any gratuity.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-810 Win pools. (1) The amount wagered on the betting interest which finishes first is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered to win on that betting interest.

(2) The net win pool ~~((shall))~~ will be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:

(a) To those whose selection finished first; but if there are no such wagers, then

(b) To those whose selection finished second; but if there are no such wagers, then

(c) To those whose selection finished third; but if there are no such wagers, then

(d) The entire pool ~~((shall))~~ will be refunded on win wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the win pool ~~((shall))~~ will be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the win pool ~~((shall))~~ will be distributed as a profit split.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-820 Place pools. (1) The amounts wagered to place on the first two betting interests to finish are

deducted from the net pool, the balance remaining being the profit; the profit is divided into two equal portions, one being assigned to each winning betting interest and divided by the amount wagered to place on that betting interest, the resulting quotient is the profit per dollar wagered to place on that betting interest.

(2) The net place pool ~~((shall))~~ will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finished in the first two places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise

(b) As a profit split to those whose selection is included within the first two finishers; but if there are no such wagers on one of those two finishers, then

(c) As a single price pool to those who selected the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(d) As a single price pool to those who selected the third-place finisher; but if there are no such wagers, then

(e) The entire pool ~~((shall))~~ will be refunded on place wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the place pool ~~((shall))~~ will be distributed as a single price pool.

(b) Horses representing two or more betting interests, the place pool ~~((shall))~~ will be distributed as a profit split.

(4) If there is a dead heat for second involving:

(a) Horses representing the same betting interest, the place pool ~~((shall))~~ will be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the place pool is divided with one-half of the profit distributed to place wagers on the betting interest finishing first and the remainder is distributed equally amongst place wagers on those betting interests involved in the dead heat for second.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-830 Show pools. (1) The amounts wagered to show on the first three betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into three equal portions, one being assigned to each winning betting interest and divided by the amount wagered to show on that betting interest, the resulting quotient being the profit per dollar wagered to show on that betting interest. The net show pool ~~((shall))~~ will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finished in the first three places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise

(b) If horses of a coupled entry or mutuel field finished as two of the first three finishers, the profit is divided with two-thirds distributed to those who selected the coupled entry or mutuel field and one-third distributed to those who selected the other betting interest included within the first three finishers; otherwise

(c) As a profit split to those whose selection is included within the first three finishers; but if there are no such wagers on one of those three finishers, then

(d) As a profit split to those who selected one of the two covered betting interests included within the first three finishers; but if there are no such wagers on two of those three finishers, then

(e) As a single price pool to those who selected the one covered betting interest included within the first three finishers; but if there are no such wagers, then

(f) As a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, then

(g) The entire pool ~~((shall))~~ will be refunded on show wagers for that race.

(2) If there is a dead heat for first involving:

(a) Two horses representing the same betting interest, the profit is divided with two-thirds distributed to those who selected the first-place finishers and one-third distributed to those who selected the betting interest finishing third.

(b) Three horses representing a single betting interest, the show pool ~~((shall))~~ will be distributed as a single price pool.

(c) Horses representing two or more betting interests, the show pool ~~((shall))~~ will be distributed as a profit split.

(3) If there is a dead heat for second involving:

(a) Horses representing the same betting interest, the profit is divided with one-third distributed to those who selected the betting interest finishing first and two-thirds distributed to those who selected the second-place finishers.

(b) Horses representing two betting interests, the show pool ~~((shall))~~ will be distributed as a profit split.

(c) Horses representing three betting interests, the show pool is divided with one-third of the profit distributed to show wagers on the betting interest finishing first and the remainder is distributed equally amongst show wagers on those betting interests involved in the dead heat for second.

(4) If there is a dead heat for third involving:

(a) Horses representing the same betting interest, the show pool ~~((shall))~~ will be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the show pool is divided with two-thirds of the profit distributed to show wagers on the betting interests finishing first and second and the remainder is distributed equally amongst show wagers on those betting interests involved in the dead heat for third.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-840 Double pools. (1) The double requires selection of the first-place finisher in each of two specified races.

(2) The net double pool ~~((shall))~~ will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose selection finished first in each of the two races; but if there are no such wagers, then

(b) As a profit split to those who selected the first-place finisher in either of the two races; but if there are no such wagers, then

(c) As a single price pool to those who selected the one covered first-place finisher in either race; but if there are no such wagers, then

(d) As a single price pool to those whose selection finished second in each of the two races; but if there are no such wagers, then

(e) The entire pool ~~((shall))~~ will be refunded on double wagers for those races.

(3) If there is a dead heat for first in either of the two races involving:

(a) Horses representing the same betting interest, the double pool ~~((shall))~~ will be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the double pool ~~((shall))~~ will be distributed as a profit split if there is more than one covered winning combination.

(4) Should a betting interest in the first-half of the double be scratched prior to the close of wagering for the first double race ((being declared official)) or a betting interest declared a nonstarter, all money wagered on combinations including the scratched betting interest ~~((shall))~~ will be deducted from the double pool and refunded.

(5) Should a betting interest in the second-half of the double be scratched prior to the close of wagering on the first double race, all money wagered on combinations including the scratched betting interest ~~((shall))~~ will be deducted from the double pool and refunded.

(6) Should a betting interest in the second-half of the double be scratched after the close of wagering on the first double race, or declared a nonstarter, all wagers combining the winner of the first race with the scratched betting interest in the second race ~~((shall))~~ will be allocated a consolation payoff. In calculating the consolation payoff the net double pool ~~((shall))~~ will be divided by the total amount wagered on the winner of the first race and an unbroken consolation price obtained. The broken consolation price is multiplied by the dollar value of wagers on the winner of the first race combined with the scratched betting interest to obtain the consolation payoff. Breakage is not declared in this calculation. The consolation payoff is deducted from the net double pool before calculation and distribution of the winning double payoff. Dead heats including separate betting interests in the first race ~~((shall))~~ will result in a consolation payoff calculated as a profit split.

(7) If either of the double races are cancelled prior to the first double race, or the first double race is declared "no ~~((race))~~ contest," the entire double pool ~~((shall))~~ will be refunded on double wagers for those races.

(8) If the second double race is cancelled or declared "no ~~((race))~~ contest" after the conclusion of the first double race, the net double pool ~~((shall))~~ will be distributed as a single price pool to wagers selecting the winner of the first double race. In the event of a dead heat involving separate betting interests, the net double pool ~~((shall))~~ will be distributed as a profit split.

(9) Before the running of the second double race the association ~~((shall))~~ will announce and/or post the payoff of

each combination coupled with the winner of the first half of the double race.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-850 Pick three. (1) The pick three requires selection of the first-place finisher in each of three specified races.

(2) The net pick three pool ~~((shall))~~ will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose selection finished first in each of the three races; but if there are no such wagers, then

(b) As a single price pool to those who selected the first-place finisher in any two of the three races; but if there are no such wagers, then

(c) As a single price pool to those who selected the first-place finisher in any one of the three races; but if there are no such wagers, then

(d) The entire pool ~~((shall))~~ will be refunded on pick three wagers for those races.

(3) If there is a dead heat for first in any of the three races involving:

(a) Horses representing the same betting interest, the pick three pool ~~((shall))~~ will be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the pick three pool ~~((shall))~~ will be distributed as follows:

(i) As a profit split to those whose selection finished first in each of the three races, if there are no such wagers,

(ii) As a single price pool to those who selected the first place finisher in any two of the three races, if there are no such wagers,

(iii) As a single price pool to those who selected the first place finisher in any one of the three races, if there are no such wagers,

(iv) The entire pool ~~((shall))~~ will be refunded on pick three wagers for those races.

(4) Should a betting interest in any of the three pick three races be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the close of wagering on that race, ~~((shall))~~ will be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection ~~((shall))~~ will be the betting interest with the lowest program number. The ~~((totalisator shall))~~ parimutuel system will produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) If all three pick three races are cancelled or declared "no ~~((race))~~ contest," the entire pool ~~((shall))~~ will be refunded on pick three wagers for those races.

(6) If one or two of the pick three races are cancelled or declared "no ~~((race))~~ contest," the pick three pool will remain valid and ~~((shall))~~ will be distributed in accordance with subsection 2 of this rule.

(7) Before the running of the third pick three race the association ~~((shall))~~ will announce and/or post the payoff of each combination coupled with the winners of the first and second races of the pick three.

(8) The pick three may be given a distinctive name to be selected by the association conducting such races, such as "TRIPLE," subject to the prior approval of the commission.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-860 Quinella pools. (1) The quinella requires selection of the first two finishers, ~~((irrespective))~~ regardless of order, for a single race.

(2) The net quinella pool ~~((shall))~~ will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then

(c) As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of those two finishers, then

(d) As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(e) The entire pool ~~((shall))~~ will be refunded on quinella wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the quinella pool ~~((shall))~~ will be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(b) Horses representing two betting interests, the quinella pool ~~((shall))~~ will be distributed as if no dead heat occurred.

(c) Horses representing three or more betting interests, the quinella pool ~~((shall))~~ will be distributed as a profit split.

(4) If there is a dead heat for second involving horses representing the same betting interest, the quinella pool ~~((shall))~~ will be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving horses representing two or more betting interests, the quinella pool ~~((shall))~~ will be distributed to wagers in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(b) As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(c) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then

(d) As a profit split to those whose combination included the winner and any other betting interest and wagers selecting

any of the betting interests involved in the dead heat for second; but if there are no such wagers, then

(e) The entire pool ((~~shall~~)) will be refunded on quinella wagers for that race.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-870 Exacta pools. (1) The exacta requires selection of the first two finishers, in their exact order, for a single race.

(2) The net exacta pool ((~~shall~~)) will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished in correct sequence as the first two betting interests; but if there are no such wagers, then

(c) As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then

(d) As a single price pool to those whose combination included the one covered betting interest to finish first or second in the correct sequence; but if there are no such wagers, then

(e) The entire pool ((~~shall~~)) will be refunded on exacta wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the exacta pool ((~~shall~~)) will be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(b) Horses representing two or more betting interests, the exacta pool ((~~shall~~)) will be distributed as a profit split.

(4) If there is a dead heat for second involving horses representing the same betting interest, the exacta pool ((~~shall~~)) will be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving horses representing two or more betting interests, the exacta pool ((~~shall~~)) will be distributed to ticket holders in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the first-place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(b) As a single price pool to those combining the first-place betting interest with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(c) As a profit split to those wagers correctly selecting the winner for first-place and those wagers selecting any of the dead-heated betting interests for second-place; but if there are no such wagers, then

(d) The entire pool ((~~shall~~)) will be refunded on exacta wagers for that race.

AMENDATORY SECTION (Amending WSR 04-07-077, filed 3/15/04, effective 4/15/04)

WAC 260-48-890 Trifecta pools. (1) The trifecta requires selection of the first three finishers, in their exact order, for a single race.

(2) The net trifecta pool ((~~shall~~)) will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire pool ((~~shall~~)) will be refunded on trifecta wagers for that race.

(3) If less than three betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of betting interests completing the race ((~~shall~~)) will be ignored.

(4) If there is a dead heat for first involving:

(a) Horses representing three or more betting interests, all of the wagering combinations selecting three betting interests which correspond with any of the betting interests involved in the dead heat ((~~shall~~)) will share in a profit split.

(b) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place betting interest ((~~shall~~)) will share in a profit split.

(5) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second ((~~shall~~)) will share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third ((~~shall~~)) will share in a profit split.

(7) Trifecta wagering is prohibited on any race in which there is more than one coupled entry, except with written permission of the executive secretary.

(8) Trifecta wagering is prohibited on any race in which there is a mutuel field.

AMENDATORY SECTION (Amending WSR 04-07-077, filed 3/15/04, effective 4/15/04)

WAC 260-48-900 Twin trifecta pools. (1) The twin trifecta requires selection of the first three finishers, in their exact order, in each of two designated races. Each winning ticket for the first twin trifecta race must be exchanged for a free ticket on the second twin trifecta race in order to remain eligible for the second-half twin trifecta pool. Winning first-half wagers will receive both an exchange and a monetary payoff. Both of the designated twin trifecta races ((~~shall~~)) will be included in only one twin trifecta pool.

(2) Twin trifecta wagering may be conducted by Class A and B licensees at the discretion of the commission upon written application by an association.

(3) After wagering closes for the first-half of the twin trifecta and commissions have been deducted from the pool, the net pool ~~((shall))~~ will then be divided into two separate pools: The first-half twin trifecta pool and the second-half twin trifecta pool. The percentage allocated to each pool must be approved by the commission.

(4) In the first twin trifecta race only, winning wagers ~~((shall))~~ will be determined using the following precedence, based upon the official order of finish for the first twin trifecta race:

(a) As a single price pool to those whose combination finished in the correct sequence as the first three betting interest; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire twin trifecta pool for that day ~~((shall))~~ will be refunded on twin trifecta wagers for that race and the second-half ~~((shall))~~ will be canceled.

(5) If no first-half twin trifecta ticket selects the first three finishers of that race in exact order, winning ticket holders ~~((shall))~~ will not receive any exchange tickets for the second-half twin trifecta pool. In such case, the second-half twin trifecta pool ~~((shall))~~ will be retained and added to any existing twin trifecta carry-over pool.

(6) Winning tickets from the first-half of the twin trifecta ~~((shall))~~ will be exchanged for tickets selecting the first three finishers of the second-half of the twin trifecta. The second-half twin trifecta pool ~~((shall))~~ will be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta race:

(a) As a single price pool, including any existing carry-over moneys, to those whose combination finished in correct sequence as the first three betting interest; but if there are no such tickets, then

(b) The entire second-half twin trifecta pool for that race ~~((shall))~~ will be added to any existing carry-over moneys and retained for the corresponding second-half twin trifecta pool of the next consecutive race card.

(7) Subject to subsection 19(e) of the twin trifecta rules, if a winning first-half twin trifecta ticket is not presented for cashing and exchange prior to the second-half twin trifecta race, the ticket holder may still collect the monetary value associated with the first-half twin trifecta pool but forfeits all rights to any distribution of the second-half twin trifecta pool.

(8) Twin trifecta wagering is prohibited on any race in which there is a mutuel field, except with written permission of the executive secretary.

(9) Twin trifecta wagering is prohibited on any race in which there is more than one coupled entry.

(10) Should a betting interest in the first-half of the twin trifecta be scratched, those twin trifecta wagers including the scratched betting interest ~~((shall))~~ will be refunded.

(11) Should a betting interest in the second-half of the twin trifecta be scratched, an announcement concerning the scratch ~~((shall))~~ will be made and a reasonable amount of time ~~((shall))~~ will be provided for exchange of tickets that include the scratched betting interest.

(12) If there is a dead heat or multiple dead heats in either the first- or second-half of the twin trifecta, all twin trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, ~~((shall))~~ will be a winner. In the case of dead heat occurring in:

(a) The first-half of the twin trifecta, the payoff ~~((shall))~~ will be calculated as a profit split

(b) The second-half of the twin trifecta, the payoff ~~((shall))~~ will be calculated as a single price pool.

(13) If either of the twin trifecta races are canceled prior to the first twin trifecta race, or the first twin trifecta race is declared "no ~~((race))~~ contest," the entire twin trifecta pool for that day ~~((shall))~~ will be refunded on twin trifecta wagers for that race and the second-half ~~((shall))~~ will be canceled.

(14) If the second-half twin trifecta race is canceled or declared "no ~~((race))~~ contest," all exchange tickets and outstanding first-half winning twin trifecta tickets ~~((shall))~~ will be entitled to the net twin trifecta pool for that race as a single price pool, but not the twin trifecta carry-over. If there are no such tickets, the net twin trifecta pool ~~((shall))~~ will be distributed as described in subsections (4) of the twin trifecta rules.

(15) If, due to a late scratch, the number of betting interests in the second-half of the twin trifecta is reduced to fewer than ~~((6))~~ 3, all exchange tickets and outstanding first-half winning tickets ~~((shall))~~ will be entitled to the second-half twin pool for that race as a single price pool, but not the twin trifecta carry-over.

(16) If it be determined by the stewards that a horse has been prevented from racing because of the failure of the stall door of the starting gate to open (nonstarter) in the second-half of the twin trifecta only, there will be no refund or consolation payoff. The official order of finish as posted ~~((shall))~~ will be used to determine payoffs. This will not affect other pools for this race.

(17) A written request for permission to distribute the twin trifecta carry-over on a specific race card may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date of race card for the distribution.

(18) Contrary to subsection (5) of the twin trifecta rules, during a race card designated to distribute the twin trifecta carry-over, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the twin trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets ~~((shall))~~ will be issued for combinations as described in subsection (4) of the twin trifecta rules.

(19) Should the twin trifecta carry-over be designated for distribution on a specified date, the following precedence will be followed in determining winning tickets for the second-half of the twin trifecta after completion of the first-half of the twin trifecta:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) As a single price pool to holders of valid exchange tickets.

(e) As a single price pool to holders of outstanding first-half winning tickets.

(20) The twin trifecta carry-over ((~~shall~~)) will be designated for distribution on a specified date and race card only under the following circumstances:

(a) Upon written approval from the commission as provided in subsection (17) of the twin trifecta rules.

(b) On the closing race card of the meet or split meet.

(21) If, for any reason, the twin trifecta carry-over must be held over to the corresponding twin trifecta pool of the association's subsequent meet, the carry-over ((~~shall~~)) will be deposited in an interest-bearing account approved by the commission. The twin trifecta carry-over plus accrued interest ((~~shall~~)) will then be added to the second-half twin trifecta pool of the association's following meet.

(22) If racing is canceled prior to the first-half of the twin trifecta on the closing race card of the meet or split meet, the carry-over will be held over in accordance with subsection (20) of the twin trifecta rules.

(23) If racing is canceled after the running of the first-half but before the running of the second-half on the closing race card of the meet or split meet, the carry-over pool will be paid as a single price to holders of exchange tickets or outstanding winning tickets from the first-half.

(24) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This ((~~shall~~)) will not prohibit necessary communications between ((~~totalisator~~)) parimutuel system and parimutuel department employees for processing of pool data.

(25) The acceptance of a twin trifecta ticket by taking an issued ticket away from the window of the terminal from which it was issued ((~~shall~~)) will constitute an acknowledgment by the bettor that the ticket is correct. Exchange tickets may not be canceled and/or reissued except as provided by these rules. The association, ((~~totalisator~~)) parimutuel company, and state ((~~may~~)) will not be liable to any person for a twin trifecta ticket which is not:

(a) A winning ticket in accordance with the provisions of this rule; or

(b) Delivered for any reason, including but not limited to mechanical malfunction, electrical failure, machine locking, phone line failure, or other cause.

(26) Twin trifecta tickets ((~~shall~~)) will be sold and exchanged only by the association through parimutuel machines.

(27) The twin trifecta carry-over may be capped at a designated level approved or set by the commission so that if, at

the close of any race card, the amount in the twin trifecta carry-over equals or exceeds the designated cap, the twin trifecta carry-over will be frozen until it is won or distributed under other provisions of this rule. After the twin trifecta carry-over is frozen, 100 percent of the net twin trifecta pool for each individual race ((~~shall~~)) will be distributed to winners of the first-half of the twin trifecta pool.

AMENDATORY SECTION (Amending WSR 04-07-077, filed 3/15/04, effective 4/15/04)

WAC 260-48-910 Superfecta pools. (1) The superfecta requires selection of the first four finishers, in their exact order, for a single race.

(2) The net superfecta pool ((~~shall~~)) will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(d) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(e) The entire pool ((~~shall~~)) will be refunded on superfecta wagers for that race.

(3) If less than four betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of betting interests completing the race ((~~shall~~)) will be ignored.

(4) If there is a dead heat for first involving:

(a) Horses representing four or more betting interests, all of the wagering combinations selecting four betting interests which correspond with any of the betting interests involved in the dead heat ((~~shall~~)) will share in a profit split.

(b) Horses representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place betting interest ((~~shall~~)) will share in a profit split.

(c) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place and fourth-place betting interests ((~~shall~~)) will share in a profit split.

(5) If there is a dead heat for second involving:

(a) Horses representing three or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three betting interests involved in the dead heat for second ((~~shall~~)) will share in a profit split.

(b) Horses representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, irrespective of order, and the fourth-place betting interest ((~~shall~~)) will share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for third (~~shall~~) will share in a profit split.

(7) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth (~~shall~~) will share in a profit split.

(8) Superfecta wagering is prohibited on any race in which there is more than one coupled entry, except with written permission of the executive secretary.

(9) Superfecta wagering is prohibited on any race in which there is a mutuel field.

NEW SECTION

WAC 260-48-915 Quinfecta pools with carryover. (1)

The quinfecta requires selection of the first five finishers in their exact order, for a single race.

(2) The net quinfecta pool will be distributed as a single price pool to those who selected the first five finishers in exact order based on the official order of finish. If there are no such wagers, then the net quinfecta pool will be carried forward to the next quinfecta performance as a carryover or added to an existing carryover.

(3) If less than five betting interests finish the race and the race is declared official, the entire quinfecta pool for that performance will be refunded.

(4) If, due to a late scratch or a participant is declared a nonstarter, and this causes the number of betting interest in the quinfecta pool to be reduced to fewer than five, the entire quinfecta pool for that performance will be refunded.

(5) If the quinfecta contest is cancelled or declared "no contest," the entire quinfecta pool for that performance will be refunded.

(6) If horses representing the same betting interest finish in the first five positions, the quinfecta pool will be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(7) If there is a dead heat for first involving:

(a) Horses representing five or more betting interests, all of the wagering combinations selecting five betting interests which correspond with any of the betting interests involved in the dead heat will share in a profit split.

(b) Horses representing four betting interests, all of the wagering combinations selecting the four dead-heated betting interests, irrespective of order, along with the fifth-place betting interest will share in a profit split.

(c) Horses representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place and fifth-place betting interests will share in a profit split.

(d) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place, fourth-place and fifth-place betting interests will share in a profit split.

(8) If there is a dead heat for second involving:

(a) Horses representing four or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the four or more betting interests involved in the dead heat for second will share in a profit split.

(b) Horses representing three betting interests, all of the wagering combinations correctly selecting the winner, the three dead-heated betting interests, irrespective of order, and the fifth-place betting interests will share in a profit split.

(c) Horses representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, irrespective of order, and the fourth-place and fifth-place betting interests will share in a profit split.

(9) If there is a dead heat for third involving:

(a) Horses representing three or more betting interests, all of the wagering combinations correctly selecting the winner, the second-place betting interest, and the three or more dead-heated betting interests will share in a profit split.

(b) Horses representing two betting interests, all the wagering combinations correctly selecting the winner, the second-place betting interest, the two dead-heated betting interests, irrespective of order and the fifth-place betting interest will share in a profit split.

(10) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for fourth will share in a profit split.

(11) If there is a dead heat for fifth, all wagering combinations correctly selecting the first four finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth will share in a profit split.

(12) Quinfecta wagering is prohibited on any race in which there is more than one coupled entry or a mutuel field, except with written permission of the board of stewards.

(13) Mandatory distribution of the carryover. The quinfecta carryover will be designated for a change in distribution on a specified date and performance under the following circumstances:

(a) Upon approval from the board of stewards. If the designated date of the race for the mandatory distribution is during the race meet and the carryover pool is not distributed, the quinfecta wager must be offered on a subsequent race until the carryover pool is distributed. A written request must contain the following information:

(i) The reason and justification for the change.

(ii) The date of the proposed distribution.

(b) On the closing performance of the meet.

(14) If the quinfecta pool and any carryover are approved for distribution, the net quinfecta pool and carryover, if any, will be distributed as a single price pool to winning wagers based upon the official order of finish.

(a) As a single price pool to those whose combination finished in correct sequence as the first five betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first four betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(d) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(e) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(f) The entire net pool will be refunded on quinfecta wagers for that race and the carryover, if any, will be held over to a quinfecta pool of the subsequent meet.

(15) If, for any reason, the quinfecta carryover must be held over to the corresponding quinfecta pool of a subsequent meet, the carryover will be deposited in an interest-bearing account approved by the executive secretary. The quinfecta carryover plus accrued interest will then be added to the net quinfecta pool of the following meet on a date and performance approved by the board of stewards.

AMENDATORY SECTION (Amending WSR 96-10-014, filed 4/19/96, effective 6/11/96)

WAC 260-48-920 Pick (n) pools. (1) The pick (n) requires selection of the first-place finisher in each of a designated number of races. The association must obtain written approval from the commission concerning the scheduling of pick (n) races, the designation of one of the methods prescribed in part (2), and the amount of any cap to be set on the carryover. The number of races so designated must be more than three (3), but no greater than ten (10). Any changes to the approved pick (n) format require prior approval from the commission.

(2) The pick (n) pool (~~shall~~) will be apportioned under one of the following methods:

(a) Method 1, pick (n) with carryover: The net pick (n) pool and carryover, if any, (~~shall~~) will be distributed as a single price pool to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool (~~shall~~) will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races; and the remainder (~~shall~~) will be added to the carryover.

(b) Method 2, pick (n) with minor pool and carryover: The major share of the net pick (n) pool and the carryover, if any, (~~shall~~) will be distributed to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool (~~shall~~) will be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) races, the minor share of the net pick (n) pool (~~shall~~) will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races; and the major share (~~shall~~) will be added to the carryover.

(c) Method 3, pick (n) with no minor pool and no carryover: The net pick (n) pool (~~shall~~) will be distributed as a single price pool to those who selected the first-place finisher

in the greatest number of pick (n) races, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

(d) Method 4, pick (n) with minor pool and no carryover: The major share of the net pick (n) pool (~~shall~~) will be distributed to those who selected the first place finisher in the greatest number of pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool (~~shall~~) will be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) races, the minor share of the net pick (n) pool (~~shall~~) will be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races. If the greatest number of first-place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(e) Method 5, pick (n) with minor pool and no carryover: The major share of net pick (n) pool (~~shall~~) will be distributed to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool (~~shall~~) will be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all pick (n) races, the entire net pick (n) pool (~~shall~~) will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) races, the minor share of the net pick (n) pool (~~shall~~) will be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the pick (n) races. If there are no winning wagers, the pool is refunded.

(f) Method 6, pick (n) with minor pool, jackpot pool, major carryover and jackpot carryover: Predetermined percentages of the net pick (n) pool (~~shall~~) will be set aside as a major pool, minor pool and jackpot pool. The major share of the net pick (n) pool and the major carryover, if any, (~~shall~~) will be distributed to those who selected the first-place finisher of each of the pick (n) races, based on the official order of finish. If there are no tickets selecting the first-place finisher in each of the pick (n) races, the major net pool (~~shall~~) will be added to the major carryover. If there is only one single ticket selecting the first-place finisher of each of the pick (n) races, based on the official order of finish, the jackpot share of the net pick (n) pool and the jackpot carryover, if any, (~~shall~~) will be distributed to the holder of that single ticket, along with the major net pool and the major carryover, if any. If more than one ticket selects the first-place finisher of each of the pick (n) races the jackpot net pool (~~shall~~) will be added to the jackpot carryover. The minor share of the net pick (n) pool (~~shall~~) will be distributed to those who selected the first-place finisher of the second greatest number of pick (n) races, based on the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) races, the minor net pool of the pick (n) pool

((shall)) will be distributed as a single price pool to those who selected the first-place finisher of the greatest number of pick (n) races.

(3) If there is a dead heat for first in any of the pick (n) races involving:

(a) Horses representing the same betting interest, the pick (n) pool ((shall)) will be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the pick (n) pool ((shall)) will be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(4) Should a betting interest in any of the pick (n) races be scratched:

(a) The racing association may allow patrons the option of selecting an alternate betting interest prior to the running of the first leg of the pick (n). The selected alternate betting interest ((shall)) will be substituted for the scratched betting interest, for all purposes, including pool calculations.

(b) If no alternate betting interest is selected or the selected alternate betting interest is also scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the close of wagering on that race, ((shall)) will be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection ((shall)) will be the betting interest with the lowest program number. The ((totalisator shall)) parimutuel system will produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) The pick (n) pool ((shall)) will be cancelled and all pick (n) wagers for the individual race day ((shall)) will be refunded if:

(a) At least three races included as part of a pick 4, pick 5 or pick 6 are cancelled or declared "no ((raee)) contest."

(b) At least four races included as part of a pick 7, pick 8 or pick 9 are cancelled or declared "no ((raee)) contest."

(c) At least five races included as part of a pick 10 are cancelled or declared "no ((raee)) contest."

(6) If at least one race included as part of a pick (n) is cancelled or declared "no ((raee)) contest", but not more than the number specified in subsection 5 of this rule, the net pool ((shall)) will be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) races for that race day. Such distribution ((shall)) will include the portion ordinarily retained for the pick (n) carryover but not the carryover from previous race days.

(7) The pick (n) carryover may be capped at a designated level approved by the commission so that if, at the close of any race day, the amount in the pick (n) carryover equals or exceeds the designated cap, the pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the pick (n) carryover is frozen, 100 percent of the net pool, part of which ordinarily would be added to the pick (n) carryover, ((shall)) will be distributed to those whose selection finished first in the greatest number of pick (n) races for that race day.

(8) A written request for permission to distribute the pick (n) carryover on a specific race day may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and race day for the distribution.

(9) Should the pick (n) carryover be designated for distribution on a specified date and race day in which there are no wagers selecting the first-place finisher in each of the pick (n) races, the entire pool ((shall)) will be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) races. The pick (n) carryover ((shall)) will be designated for distribution on a specified date and race day only under the following circumstances:

(a) Upon written approval from the commission as provided in subsection 8 of this rule.

(b) Upon written approval from the commission when there is a change in the carryover cap, a change from one type of pick (n) wagering to another, or when the pick (n) is discontinued.

(c) On the closing race day of the meet or split meet.

(10) If, for any reason, the pick (n) carryover must be held over to the corresponding pick (n) pool of a subsequent meet, the carryover ((shall)) will be deposited in an interest-bearing account approved by the commission. The pick (n) carryover plus accrued interest ((shall)) will then be added to the net pick (n) pool of the following meet on a date and race day so designated by the commission.

(11) With the written approval of the commission, the association may contribute to the pick (n) carryover a sum of money up to the amount of any designated cap.

(12) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This ((shall)) will not prohibit necessary communication between ((totalisator)) parimutuel system and parimutuel department employees for processing of pool data.

(13) The association may suspend previously-approved pick (n) wagering with the prior approval of the commission. Any carryover ((shall)) will be held until the suspended pick (n) wagering is reinstated. An association may request approval of a pick (n) wager or separate wagering pool for specific race day.

AMENDATORY SECTION (Amending WSR 06-07-062, filed 3/10/06, effective 4/10/06)

WAC 260-48-925 Group bet wagering. (1) The group bet is a form of parimutuel wagering and part of the win pool in every race in which it is offered. The group bet is a bet to win on every participant in the selected group.

(2) A racing association may not offer a group bet unless the format associated with the particular group bet wagering event is first approved by the executive secretary. The request must be made in writing at least three days prior to the commencement of public wagering on the proposed group bet and the licensee may not offer public wagering on the proposed group bet until written approval of the executive secretary is issued. In approving any request of a racing association related to a group bet, the executive secretary may

impose such conditions as are consistent with the best interests of racing and the interests of the wagering public.

(3) In each race in which the group bet is offered, the association ~~((shall))~~ will designate one horse that ~~((shall))~~ will not be a member of either group (usually the morning line favorite) and designate the remaining horses as members of one of two groups, Group A and Group B. The horses comprising each group ~~((shall))~~ will number two or more horses and the number of horses in each group need not be the same, except as provided in subsection (8)(c) or (d) of this section. Each horse in a race where the group bet is offered must be a member of Group A, a member of Group B, or the sole non-group horse.

(4) In each race in which the group bet is offered, there ~~((shall))~~ will be a win payoff for bettors selecting the winning participant in standard win betting and, in the event a member of one of the groups wins the race, a group-bet win payout for those bettors wagering on the winning group. If the nongroup horse wins the race, there ~~((shall))~~ will be no payout for the group bet.

(5) The identity of the nongroup horse and the members of Group A and Group B ~~((shall))~~ will be disseminated in the track program. This information may also be disseminated by the track announcer, on television monitors and, where applicable, by authorized advance deposit wagering service providers.

(6) The minimum bet for the group bet is the same as the minimum bet to win. The amount bet on Group A and Group B ~~((shall))~~ will be allocated among the members of the respective group in proportion to the amount bet on such member to win in standard win betting. Allocations may be made in fractional amounts less than the minimum permissible bet to win.

(7) The payout for a winning group bet ~~((shall))~~ will be the same regardless of which member of the group is the race winner. The probable and actual payoff for a winning group bet on Group A or Group B ~~((shall))~~ will be displayed in a similar manner as the probable and actual payout for a standard win bet.

(8) In the event of scratches in a race with a group bet, the following procedure will be followed:

(a) In the event that the nongroup horse is scratched or declared a nonstarter, group betting ~~((shall))~~ will cease and all wagers on both groups refunded.

(b) In the event of a scratch or a declaration of nonstarter of all of the members of a group, group betting ~~((shall))~~ will cease and all wagers on both groups ~~((shall))~~ will be refunded.

(c) In the event of a scratch or declaration of nonstarter of a member of a group, moneys previously allocated to the scratched runner or nonstarter ~~((shall))~~ will be reallocated amongst the remaining member or members of that group.

(d) In the event of a scratch or declaration of nonstarter of one or more horses in a group resulting in only one horse remaining in that group, the remaining horse in that group ~~((shall))~~ will remain a valid betting interest and no refund will be granted.

(9) In the event of a dead heat to win involving two or more members of the same group, the group bet payout ~~((shall))~~ will be calculated in the same manner as if there was

one winner of the race and such winner was a member of such group. In the event of a dead heat to win involving the non-group horse and one or more members of either group, or one or more members of different groups, the group bet payout ~~((shall))~~ will be determined in the same manner as the calculation of the win payoff, i.e., by dividing the net win wagering pool.

(10) If circumstances occur which are not addressed by these rules, they ~~((shall))~~ will be resolved by the board of stewards in a manner that is consistent with this rule and in accord with accepted parimutuel practices. Decisions regarding the group bet made by the board of stewards ~~((shall))~~ will be final.

AMENDATORY SECTION (Amending WSR 02-10-100, filed 4/30/02, effective 5/31/02)

WAC 260-48-930 Future wager pool. (1) The future wager requires selection of the first-place finisher in a specified contest.

(2) The association ~~((shall))~~ will apply in writing to the ~~((Washington horse racing))~~ commission for approval to offer the future wager on the specified contest and ~~((shall))~~ will not offer the wager until the commission approval has been granted. The written application ~~((shall))~~ will include the date and time for the pool to be opened and closed, a description of the system for compiling the pool and calculating odds and payout prices, and the time interval for displaying the odds.

(3) The association, or in the case of ~~((interjurisdiction))~~ common pool wagering the host track, ~~((shall))~~ will name the contestants included in each betting interest on which future wagers may be made and ~~((shall))~~ will assign a program number to each betting interest.

(4) The amount wagered on the betting interest which finishes first in the specified race is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered in the future pool on that betting interest.

(5) The net future pool ~~((shall))~~ will be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:

(a) To those whose selection finished first; but if there are no such wagers, then

(b) To those whose selection finished second; but if there are no such wagers, then

(c) To those whose selection finished third; but if there are no such wagers, then

(d) The entire pool ~~((shall))~~ will be refunded on future pool wagers for that contest.

(6) If there is a dead heat for first involving:

(a) Contestants representing the same betting interest, the future pool ~~((shall))~~ will be distributed as if no dead heat occurred.

(b) Contestants representing two or more betting interests, the future pool ~~((shall))~~ will be distributed as a profit split.

(7) No refund ~~((shall))~~ will be issued for future wager pool wagers on betting interests that do not start or finish the

race. If the association becomes aware or is notified that a betting interest is ineligible or unable to start the race and the pool is still open, the association (~~(shall)~~) will immediately close betting on that betting interest.

(8) The entire future wager pool (~~(shall)~~) will be refunded if:

(a) The situation described at subsection 5(d) occurs; or

(b) The specified race is declared no contest by the judges/stewards having jurisdiction over the specified race; or

(c) The specified race does not occur; or

(d) For whatever reason, the future wager pool cannot be determined and the payout price cannot be calculated.

AMENDATORY SECTION (Amending WSR 06-15-091, filed 7/14/06, effective 8/14/06)

WAC 260-48-935 Choose (n) pools. (1) The choose (n) is a form of parimutuel wagering, in which bettors attempt to select the winners of a specific number of races (n). The choose (n) pool (~~(must)~~) will be held separately from all other pools and will in no way be part of a daily double, exacta, trifecta or any other wagering pool. The choose (n) is a pool wherein the bettor is required to select any (n) winning horses from that particular card and is not a parlay (a wager using the proceeds of a previous winning bet).

(2) The association must obtain (~~(written)~~) approval from the executive secretary concerning the format and scheduling of choose (n) contests, the races in which choose (n) wagering will be permitted, and the amount of any cap to be set on the carryover. The choose (n) pool (~~(must)~~) will close after each race but will reopen with respect to subsequent races that have not yet been run provided that there are at least as many races remaining as required to be selected on a winning choose (n) ticket. Once approved, any changes will require approval from the executive secretary.

(3) The number of races in a choose (n) pool is designated by the association, while the specific races wagered on are at the discretion of the bettor. The races need not be consecutive and the first race of a choose (n) ticket may begin at any time provided that there are an adequate number of races left on the program. The bettor may purchase a choose (n) ticket allowing the bettor to select any (n) races from the entire card, unless the association has designated a race not eligible for the choose (n) pool.

(4) The choose (n) pool will be apportioned under one of the following methods:

(a) Method one - Choose (n) no carryover: The choose (n) "net wagering pool" will be equally distributed to the holder or holders of choose (n) tickets which correctly select (n) first place winners from the eligible races comprising the choose (n). If no choose (n) ticket correctly selects (n) first place winners from choose (n) eligible races, the "net wagering pool" of a choose (n) with no carryover amount will be equally distributed to the ticket holder or holders selecting the greatest number of first place winners of the races comprising the choose (n). If there are no winning wagers, the pool is refunded.

(b) Method two - Choose (n) with carryover: The choose (n) "net wagering pool" and carryover, if any, will be distrib-

uted as a single price pool to holders of choose (n) tickets which have correctly selected the winner of (n) races of the races comprising the choose (n). However, if no choose (n) ticket correctly selects the first place winner in (n) races comprising the choose (n), twenty-five percent of the net wagering pool for that particular choose (n) will be equally distributed to the holder or holders of choose (n) tickets correctly selecting the greatest number of first place winners of the races comprising the choose (n) and the remaining seventy-five percent of the net wagering pool for that particular choose (n) will be added as the "carryover amount" portion of the wagering pool for designated subsequent choose (n) offerings by the association. In any choose (n) with a "carryover amount" feature, one hundred percent of the "net wagering pool" for the particular choose (n) plus any accumulated "carryover amount," will be equally distributed to the holder or holders of choose (n) tickets which correctly select the first place winners in (n) races comprising the choose (n).

(5) The association will determine the denominations of the choose (n) tickets. No less than two or more than six races will comprise any choose (n) ticket.

(6) The choose (n) tickets (~~(must)~~) will be clearly and immediately distinguishable from other parimutuel tickets.

(7) Those horses constituting an entry or field, as defined by rule, will race in any choose (n) race as a single wagering interest for purposes of the choose (n) pool calculations. A scratch after wagering has begun of any part of the entry or field selection in a race will have no effect on the status of such entry or field as a wagering interest.

(8) At any time after wagering begins on the choose (n) contest, should a horse, entire betting entry or field be scratched or declared a nonstarter in any choose (n) race, no further tickets selecting such horses, entry or field will be issued, and wagers upon such horse, entry or field for purposes of the choose (n) will be deemed wagers upon the horse, entry or field on which the most money has been wagered in the win pool at the close of win betting for such race. In the event that two horses have the exact amount wagered on them, the horse, entry or field with the lowest program number will be designated.

(9) In the event of a dead heat for win between two or more horses in any of the choose (n) races, all such horses will be considered as the winning horse for the purpose of distributing the choose (n) pool.

(10) The choose (n) pool with a carryover will be calculated as follows:

(a) One hundred percent of the net amount in the choose (n) pool subject to distribution among winning ticket holders (~~(must)~~) will be distributed among holders of choose (n) tickets which have correctly selected the winner of (n) races of the races comprising the choose (n).

(b) In the event there is no choose (n) ticket which correctly designates the winner of (n) races from the races that comprise the choose (n), twenty-five percent of that racing date's net amount available for distribution (~~(must)~~) will be distributed among the holders of choose (n) tickets correctly designating the most winning selections of the races that comprise the choose (n), and the remaining seventy-five percent of said pool (~~(must)~~) will be carried over and added to the pool on the next day that the wager is conducted.

(c) If, on the last day on which the choose (n) is conducted at a horse race meeting, no one selects the winning horse in (n) races, the total amount of the choose (n) pool which exists on that day (~~(must)~~) will be paid to the bettor or bettors selecting the largest number of winning horses in those races. In no event will any part of the pool be carried over to the next year's race meeting, except for reasons beyond the control of the licensee and upon the approval of the executive secretary. If, for any reason, the choose (n) carryover must be held over to the corresponding choose (n) pool of a subsequent meet, the carryover will be deposited in an interest-bearing account approved by the executive secretary. The choose (n) carryover plus accrued interest will then be added to the net choose (n) pool of the following meet on a date and performance (~~(so designated by the executive secretary)~~) approved by the board of stewards.

(11) When the distance of the race is changed or the condition of the turf course warrants a change of racing surface in any of the races open to choose (n) wagering, and such change has not been made known to the betting public prior to the close of wagering for the first choose (n) race, the stewards will declare the changed races a "no contest" for choose (n) wagering purposes and the pool will be distributed in accordance with subsection (10) of this section. Following the designation of a race as a "no contest," no tickets (~~(may)~~) will be sold selecting a horse in such "no contest" race. Any race that has been canceled or declared a "no contest" (~~(may)~~) will not be considered a contested race for choose (n) purposes.

(12) If, for any reason, one or more races are canceled or declared a "no contest," the choose (n) pool will be paid using the following formula:

(a) Choose two: Any live ticket regardless of its starting point that has not completed at least two contested legs will be refunded. After two or more races have run, one hundred percent of the daily pool plus any carryover will be distributed in accordance with subsection (10) of this section.

(b) Choose three: Any ticket regardless of its starting point that has not completed at least three contested legs will be refunded. After three or more races have run(~~(=)~~) one hundred percent of the daily pool plus any carryover (~~(must)~~) will be distributed in accordance with subsection (10) of this section.

(c) Choose four: Any ticket regardless of its starting point that has not completed at least four contested legs must be refunded. After four or more races have run(~~(=)~~) one hundred percent of the daily pool plus any carryover (~~(must)~~) will be distributed in accordance with subsection (10) of this section.

(d) Choose five: Any ticket regardless of its starting point that has not completed at least four contested legs (~~(must)~~) will be refunded.

(i) In the event that only four choose five races are contested: One hundred percent of that day's net pool (not including any carryover), after refunds, will be paid to tickets with four wins and no losses.

(ii) In the event that at least five races have been contested for the choose five(~~(=)~~) seventy-five percent of that day's net pool (after refunds) plus any carryover will be paid to tickets with five wins and twenty-five percent of the pool

will be paid to tickets with four wins and no losses. In the event no ticket has five wins, seventy-five percent of the daily pool will be paid to tickets with four wins and a selection in the canceled race and twenty-five percent paid to tickets with three wins and a selection in two of the canceled races.

(e) Choose six: Any ticket regardless of its starting point that has not completed at least four contested legs (~~(must)~~) will be refunded.

(i) In the event only four choose six races are contested(~~(=)~~) one hundred percent of the day's net pool (not including any carryover) after refunds, (~~(must)~~) will be paid to tickets with four wins.

(ii) In the event that only five choose six races are contested(~~(=)~~) seventy-five percent of the daily pool (after refunds) will be paid to tickets with five wins and twenty-five percent to tickets with four wins and no losses and a selection in the noncontested race.

(iii) In the event that at least six races have been contested for the choose six and two or more races have not been contested(~~(=)~~) seventy-five percent of the daily pool plus any carryover (~~(must)~~) will be paid to tickets with six wins, eighteen and three-quarter percent of the daily pool to tickets with five wins and a selection in a noncontested race, and six and one-quarter percent of the daily pool will be paid to tickets with four wins and selections in two of the noncontested races. If no ticket has six wins, fifty percent of the daily pool (~~(must)~~) will be paid to tickets with five wins and a selection in a noncontested race, twenty-five percent of the daily pool to tickets with four wins and selections in two noncontested races, and twenty-five percent of the daily pool to tickets with five wins and one loss.

(iv) In the event that at least six races have been contested for the choose six and one race has not been contested(~~(=)~~) seventy-five percent of the daily pool plus any carryover must be paid to tickets with six wins and twenty-five percent of the daily pool to tickets with five wins and a selection in the noncontested race. If no ticket has six wins, seventy-five percent of the daily pool must be paid to tickets with five wins and a selection in the noncontested race and twenty-five percent of the daily pool to tickets with five wins and one loss.

(v) In the event that there is no payable ticket in a category within any of these subsections, that portion of the daily pool will be divided equally between the other categories within that subsection. In the event that there is no payable ticket within a subsection, the entire daily pool will be carried over and added to the choose (n) pool on the next day that the choose (n) wagering is conducted.

(13) When there is a cancellation of the race card or a race is declared a no contest and there are any changes in the calculation of the choose (n) other than provided for in subsection (12) of this section, the change must be approved (~~(in writing by the executive secretary)~~) by board of stewards.

(14) If, for any reason, the race card is canceled, wagering on the choose (n) pool must close immediately and the choose (n) pool must be distributed in accordance with subsection (12) of this section.

(15) The choose (n) carryover may be capped at a designated level if approved by the (~~(executive secretary)~~) board of

stewards so that if at the close of any performance, the amount in the choose (n) carryover equals or exceeds the designated cap, the choose (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the choose (n) carryover is frozen, one hundred percent of the net pool, part of which would ordinarily be added to the choose (n) carryover, must be equally distributed to the ticket holder or holders selecting the greatest number of first place winners of the races comprising the choose (n) for that performance.

(16) A written request for permission to distribute the choose (n) carryover on a specific performance may be submitted to the ~~((executive secretary))~~ board of stewards. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(17) Should the choose (n) carryover be designated for distribution on a specified date and performance in which there are no wagers with (n) wins, the entire pool must be distributed as a single price pool to those whose selection finished first in the greatest number of choose (n) contests. The choose (n) carryover will be designated for distribution on a specified date and performance only under the following circumstances:

(a) Upon ~~((written))~~ approval from the ~~((executive secretary))~~ board of stewards as provided in ~~((subsection (16) of))~~ this section.

(b) Upon ~~((written))~~ approval from the ~~((executive secretary))~~ board of stewards when there is a change in the carryover cap, a change from one type of choose (n) wagering to another, or when the choose (n) is discontinued.

(c) On the closing performance of the meet or split meet.

(18) With the ~~((written))~~ approval of the ~~((executive secretary))~~ board of stewards, the association may contribute to the choose (n) carryover a sum of money up to the amount of any designated cap.

(19) All choose (n) rules and methods of calculations must be available and posted for the bettors by the association.

(20) It is a violation of these rules for any person to provide information to any individual regarding covered combinations or amounts wagered on specific combinations. This rule is not intended to prohibit necessary communication between ~~((totalisator))~~ parimutuel system and parimutuel department employees for processing of pool data. The association may be permitted to provide information regarding number of tickets sold and number of live tickets remaining to the wagering public.

(21) The association may suspend previously approved choose (n) wagering with the prior approval of the ~~((executive secretary))~~ commission. Any carryover will be held until the suspended choose (n) wagering is reinstated. An association may request approval of a choose (n) wager or separate wagering pool for specific performances.

(22) Should circumstances occur which are not addressed by these rules, the stewards will resolve them in accordance with general parimutuel practice. Decisions regarding distribution of the choose (n) pool made by the stewards will be final.

AMENDATORY SECTION (Amending WSR 03-11-017, filed 5/12/03, effective 6/12/03)

WAC 260-48-940 Head-to-head wagering (1) Head-to-head wagering requires the selection of the winning contestant in a designated contest or series of contests, in a competition between two or more equally matched betting interests, or based on the sportsmanship and/or skill of the jockeys and/or trainers, regardless of the official placing of the other betting interests in that contest or series of contests.

(2) The choice of which contestants from a contest ~~((shall))~~ will participate in the head-to-head contest ~~((shall))~~ will be made as follows:

(a) The association must obtain approval from the board of stewards for each head-to-head contest.

(b) The matching of contestants for the head-to-head contest ~~((shall))~~ will be limited to contestant versus contestant, jockey versus jockey, and/or trainer versus trainer.

(c) The contestants chosen for the head-to-head wager ~~((shall))~~ will be conspicuously identified in the official program.

(3) The net head-to-head pool ~~((shall))~~ will be distributed to winning wagers in the following precedence, based on the official order of finish:

(a) As a single price pool to those whose selection finished first in a single head-to-head contest, or first in the greatest number of a series of head-to-head contests; but if there are no such wagers, then

(b) The head-to-head pool ~~((shall))~~ will be refunded.

(4) If there is a dead heat in a contest involving two or more of the contestants in:

(a) A single-contest head-to-head pool, then the entire pool ~~((shall))~~ will be refunded.

(b) One or more contests of a series, then all the contestants involved in the dead heat ~~((shall))~~ will be considered winners and the net pool ~~((shall))~~ will be distributed as a signal price pool, provided that;

(c) In a series of contests, if there is a dead heat in half or more of the contests then the head-to-head pool for those contests ~~((shall))~~ will be refunded.

(5) If any head-to-head contest is canceled or declared no contest:

(a) In a single-contest head-to-head pool, the pool ~~((shall))~~ will be refunded.

(b) In a series of contests, if half or more of the contests are canceled or declared no contest, then the head-to-head pool for those contests ~~((shall))~~ will be refunded.

(6) If any contestant is scratched or declared a nonstarter in any head-to-head contest, then that contest ~~((shall))~~ will be canceled.

(7) If all contestants fail to finish in a head-to-head contest, then that contest ~~((shall))~~ will be canceled.

AMENDATORY SECTION (Amending WSR 05-19-016, filed 9/9/05, effective 10/10/05)

WAC 260-48-960 Handicapping contests. A licensed class 1 racing association may, with the approval of the commission, operate a handicapping contest at which the participants may be charged an entry fee. All paid-entry handicap-

ping contests must be conducted in accordance with the provisions of this rule.

(1) A handicapping contest is defined as a competitive event, where participants, using individual skill to evaluate a variety of factors including the past performance of horses to determine the relative qualities and abilities of horses in a race, attempt to outperform other participants in selecting the finish of horses. Participants who are most successful in selecting horses become eligible to win prizes as prescribed in the official rules of the contest. Prizes and format are pre-defined and at the discretion of the class 1 racing association.

(2) A class 1 racing association desiring to offer a paid-entry handicapping contest must first apply for and receive approval from the commission to conduct a handicapping contest (~~(in Washington)~~). The class 1 racing association must apply to the commission for approval of each and every contest. The class 1 racing association must include with its application the proposed rules for conducting the handicapping contest and the determination of prizes. The class 1 racing association (~~(shall)~~) will obtain written approval to operate the handicapping contest prior to the acceptance of any entry fees regarding said contest.

(3) The class 1 racing association approved to operate a handicapping contest (~~(shall)~~) will distribute at least ninety-five percent of the entry fees as prizes to the winners. Nothing in this section (~~(shall)~~) will preclude an operator from providing additional prizes or promotions.

(4) The entry fee to enter a handicapping contest (~~(shall)~~) will be set by the class 1 racing association. The entry fee and a description of all goods and services to be awarded as part of the handicapping contest must be fully disclosed to each participant prior to paying the entry fee. In addition, all prizes, including amenities such as airfare, meals and lodging, (~~(shall)~~) will also be fully disclosed to each participant prior to paying the entry fee.

(5) Races that are the subject of a handicapping contest must be races on which the class 1 racing association is authorized to conduct parimutuel wagering.

(6) The officers and employees of the class 1 racing association operating a handicapping contest, and their immediate families are prohibited from participating in any handicapping contest. Commissioners and employees of the commission are also prohibited from participating in any handicapping contest in Washington.

(7) The class 1 racing association (~~(shall)~~) will provide the commission a report on every handicapping contest including a record of all entry fees collected, the number of participants for each contest, the amount the class 1 racing association paid in prizes, and the name and address of each winning participant.

(8) Any violation of this section (~~(shall)~~) will be referred to the (~~(commission)~~) executive secretary. The (~~(commission shall)~~) executive secretary will have sole authority to ensure compliance with this rule, conduct hearings on violations, and determine penalties. Any decision of the executive secretary may be challenged as provided in WAC 260-08-675.

WSR 08-11-113
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed May 20, 2008, 4:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-07-113.

Title of Rule and Other Identifying Information: Amending the rules in chapter 208-620 WAC, implementing the Consumer Loan Act, chapter 31.04 RCW.

Hearing Location(s): Department of Financial Institutions, 150 Israel Road S.W., Olympia, WA, on June 26, 2008, at 9-11 a.m.

Date of Intended Adoption: July 22, 2008.

Submit Written Comments to: Elizabeth Stancil, P.O. Box 41200, 150 Israel Road, Olympia, WA 98504-1200, e-mail estancil@dfi.wa.gov, fax (360) 586-5068, by June 24, 2008.

Assistance for Persons with Disabilities: Contact Elizabeth Stancil by June 16, 2008, TTY (360) 664-8126 or (360) 902-8786.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to amend the current rules. Most of the amendments are technical in nature, in that they clarify the rules or make the rules more consistent. Amendments to WAC 208-620-320 and 208-620-630 are substantive in nature.

Reasons Supporting Proposal: Greater clarity, consistency, and reflection of industry practices in the rules that implement the Consumer Loan Act.

Statutory Authority for Adoption: RCW 43.320.040.

Statute Being Implemented: Chapter 31.04 RCW.

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

Name of Proponent: Department of financial institutions, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cindy Fazio, 150 Israel Road S.W., Olympia, WA, (360) 902-8800.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule amendments will not impose more than minor costs on the businesses impacted by the proposed rules.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable to the proposed rules.

May 21 [20], 2008

Deborah Bortner, Director
Division of Consumer Services

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-260 If I (~~(get)~~) am licensed under the Consumer Loan Act, can I broker loans in the state of Washington? (~~((1) As a consumer loan licensee,))~~ Yes. You may broker loans (~~(in the state of Washington provided that those loans are brokered))~~ under (~~(either))~~ the Consumer Loan Act or (~~(the))~~ Mortgage Broker Practices Act.

~~((2))~~ (1) If you broker loans under the Consumer Loan Act, those loans are subject to assessment under WAC 208-620-240 ~~((and must be counted in the calculation of the annual assessment.~~

~~(3) If you broker loans under the Mortgage Broker Practices Act, chapter 19.146 RCW, you must comply with that act).~~

(2) If you broker loans under the Mortgage Broker Practices Act, chapter 19.146 RCW, you must comply with that act.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-320 What is the amount of the bond required for my consumer loan license? (1) Loans not secured by real estate. For licensees making loans not secured by real property, the penal sum of the bond is one hundred thousand dollars for each office up to five locations. For each additional branch office over five, the amount of the bond must be increased by ten thousand dollars.

(2) **Loans secured by real estate.** For a licensee making loans secured by real property, the penal sum of the bond is four hundred thousand dollars for the first ~~((location and one hundred thousand dollars for each branch office up to five licensed))~~ five locations. For each additional branch office over five, the amount of the bond must be increased by ten thousand dollars. For example:

Number of Offices	Penal Sum of Bond - Licensee making non real estate loans	Penal Sum of Bond - Licensee making real estate loans
1	\$100,000	\$400,000
2	\$200,000	\$(500,000)) <u>400,000</u>
3	\$300,000	\$(600,000)) <u>400,000</u>
4	\$400,000	\$(700,000)) <u>400,000</u>
5	\$500,000	\$(800,000)) <u>400,000</u>
6	\$510,000	\$(810,000)) <u>410,000</u>
7	\$520,000	\$(820,000)) <u>420,000</u>
8	\$530,000	\$(830,000)) <u>430,000</u>
9	\$540,000	\$(840,000)) <u>440,000</u>
10	\$550,000	\$(850,000)) <u>450,000</u>

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-350 If I qualify to use a bond substitute in lieu of a surety bond, what documentation do I

have to provide to the department? (1) Semiannual financial statements required. A licensee that maintains a bond substitute must submit semiannually to the director year-to-date financial statements prepared in accordance with generally accepted accounting principles, including at a minimum a statement of assets and liabilities and a profit and loss statement.

(2) **More frequent financial reporting.** The director may require that financial reports be submitted more frequently if past financial reports have been prepared incorrectly or were misleading or if there is substantial risk that the licensee will violate the bond substitute standard.

(3) **Additional information to be filed.** The director may require other documents, agreements and information deemed necessary to properly evaluate and ensure that the licensee remains in compliance with this section.

(4) **Failure to file financial statements as required.** The director may require a licensee that fails to file its financial statements under subsection (1) of this section to obtain a surety bond within thirty days of that failure. ~~((Failure to obtain the bond as required may result in suspension or revocation of the licensee's license.))~~

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-360 What if I choose the bond substitute alternative and my unimpaired capital falls below the minimum? ~~((+))~~ Failure to maintain sufficient unimpaired capital. A licensee that does not maintain a sufficient bond substitute shall notify the director within ten days as required by WAC 208-620-490. The licensee must then obtain and file with the director a surety bond in the amount required by WAC 208-620-320 within twenty days after receiving notice from the director. A licensee that files a surety bond under this section must maintain the surety bond for five years after the date of noncompliance. During this five-year period, the director will not accept a bond substitute.

~~((2) Failure to obtain a surety bond. Failure to file a surety bond as required in this section may result in suspension or revocation of the licensee's license(s).))~~

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-400 Can I share an office with another business? (1) A licensee may conduct its business in a licensed location in which other persons are engaged in business.

(2) ~~((If the licensee has effective control over the person sharing space, or the person sharing space with the licensee has effective control over the licensee or is under common control with the other by a third person or is a corporation related to another corporation as parent to subsidiary and one refers business incident to or a part of a real estate settlement service to the other, the licensee must comply with RESPA Sec. 3500.15, including required disclosures and prohibitions on referral fees.))~~ The licensee must comply with RESPA Sec. 3500.15, including the required disclosures and prohibitions on referral fees if:

(a) The licensee has effective control over the person sharing space; or

(b) The person sharing space has effective control over the licensee; or

(c) The licensee and the person sharing space are under common control by a third person; or

(d) The licensee is a corporation related to another corporation as parent to subsidiary and one refers business incident to or a part of a real estate settlement service to the other.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-425 May I transfer or assign my license? No. A license is given to a specific entity with specific individuals at a specific location. If ~~((all or part))~~ twenty percent or more of the business is transferred or sold to another person, the licensee ~~((is required to notify the department prior to transfer so the department can determine if the new person is qualified to own all or part of the business))~~ and the proposed new licensee(s) must apply to the department for a license.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-430 What are my annual filing requirements as a consumer loan licensee? Each year you are required to file a consolidated annual report on a form provided by the department. You must also pay a fee (assessment) based on your loan portfolio from the prior calendar year end, plus the loan activity conducted during the reporting year.

(1) Annual report and assessment due March 1st. ~~((Each year a licensee is required to file a consolidated annual report on a form provided by the department and pay a fee based upon the amount of business conducted during the prior calendar year under the act. The director will notify each licensee at its official address of the method to calculate the annual fee due along with a worksheet for such purpose and the consolidated annual report form. The licensee will calculate the annual fee on the worksheet. The licensee))~~ You must ((deliver its)) provide the completed consolidated annual report, worksheet, and annual fee to the department by March 1st of ((the following)) each year.

(2) Late penalties. A licensee that fails to submit the required annual report ~~((and)),~~ worksheet, and assessment by ~~((the))~~ March 1st ((due date)) is subject to a penalty of fifty dollars per report for each day of delay. For example, if the department receives the consolidated annual report and worksheet on March 4th, the licensee would have to pay an additional three hundred dollars as a late penalty.

(3) Failure to file. If a licensee fails to pay its annual assessment and file a worksheet by April 1st the director may file a claim against the licensee's surety bond for failing to faithfully conform to and abide by the Consumer Loan Act. The department may make a claim on the licensee's surety bond for the late penalties under subsection (2) of this section and the greater of:

(a) The assessment paid the previous year;

(b) The average annual assessment paid in the previous two years; or

(c) Fifteen hundred dollars.

(4) Minimum assessment. The minimum amount the department will assess is fifteen hundred dollars.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-440 How do I calculate my annual ((fee)) assessment for activity in Washington? (1) Calculation of the annual ((fee)) assessment. ~~((Each licensee will pay an))~~ The annual assessment ((fee)) is based on the "adjusted total loan value" as defined in subsection (2) of this section. The amount of the annual assessment ((fee)) is determined by multiplying the adjusted total loan value of the loans in the year being assessed by .000180271.

(2) All loans counted in ((fee)) assessment calculation. The "adjusted total loan value" is the sum of:

(a) The principal loan balance on Washington loans in your loan portfolio on December 31 of the prior year; plus

(b) The total ((unpaid balance)) principal loan amount of all first and junior lien Washington loans ((as of year end;)) both under and over twelve percent interest, you made ((or)), brokered ((under the act to Washington residents that were retained, brokered)), or purchased ((by the licensee; and

(b) The total unpaid balance of all loans as of year end, both under and over twelve percent, made or brokered under the act to Washington residents that were sold by the licensee with servicing retained (if any); and

(c) The total amount of all loans as of year end, both under and over twelve percent interest, made or brokered under the act to Washington residents that were sold by the licensee during the previous calendar year with servicing released (if any)) during the assessment year.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-460 Must I file my annual report even if I go out of business during the year? (1) A licensee that ceases operations during the year must file the consolidated annual report and pay the annual assessment required in WAC 208-620-430 within thirty days of closure.

(2) Failure to file within thirty days of closure will trigger the bond claim process as described in WAC 208-620-430(3), or other action.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-470 Do I need to notify the department if I move the location of my office? ~~((Before doing business under the act from a new location, either a main office or a branch office, a licensee must file an amendment for a change of address and obtain approval from the director.))~~ Yes. At least ten days prior to changing the location of your main or branch office, you must file an amendment for the change of location with the department, and receive approval from the director.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-475 Must I notify the department if I cease doing business in this state if I am doing business in other states? Yes. You must ~~((either))~~ notify the department within twenty days after you cease doing business in the state of Washington ~~((or continue to file your annual report and worksheet each year)).~~ ~~((In order))~~ Additionally, to end your filing responsibilities, you must file a Consumer Loan Closure Form ~~((along with your)),~~ including the final annual report ~~((and)),~~ worksheet, and submit any fees owed ~~((and)),~~ Finally, you must return your license ~~((certificate)).~~

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-500 What are my reporting requirements if I want to close one or more of my branch offices? ~~((1) Closing a branch office.))~~ If you close a branch office, you must immediately notify the department using the Consumer Loan Office Closure Form ~~((and)).~~ You must also return the original license.

~~((2) Closing the business. If you are going to close your business, you must notify the department using the Consumer Loan Office Closure Form, along with the annual report and worksheet, any fees due and return the original licenses.))~~

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-515 What authority do I have as a licensee? (1) As a licensee you may:

(a) Lend money at a rate that does not exceed twenty-five percent per annum as determined by the simple interest method of calculating interest owed;

(b) In connection with the making of a loan, charge the borrower a nonrefundable, prepaid, loan origination fee not to exceed four percent of the first twenty thousand dollars and two percent thereafter of the principal amount of the loan advanced to or for the direct benefit of the borrower, which fee may be included in the principal balance of the loan;

(c) In connection with the making of a loan secured by real estate, when the borrower actually obtains a loan, agree with the borrower to pay a fee to a mortgage broker that is not owned by the licensee or under common ownership with the licensee and that performed services in connection with the origination of the loan. A licensee may not receive compensation as a mortgage broker in connection with any loan made by the licensee;

(d) The powers listed in (a) ~~((;))~~ and (b) ~~((; and (e)))~~ of this subsection apply only to junior lien mortgage loans, and to lenders that are not "creditors" under the Depository Institutions Deregulatory and Monetary Control Act when making first lien mortgage loans and nonmortgage loans.

(2) Agree with the borrower for the payment of fees to third parties other than the licensee who provide goods or services to the licensee in connection with the preparation of the borrower's loan, including, but not limited to, credit reporting agencies, title companies, appraisers, structural and pest

inspectors, and escrow companies, when such fees are actually paid by the licensee to a third party for such services or purposes and may include such fees in the amount of the loan. However, no charge may be collected unless a loan is made, except for reasonable fees actually and properly incurred in connection with the appraisal of property by a qualified, independent, professional, third-party appraiser selected by the borrower and approved by the lender or in the absence of borrower selection, selected by the lender.

(3) Charge and collect a penalty of not more than ten ~~((cents or less on each dollar))~~ percent of any installment payment delinquent ten days or more.

(4) Collect from the debtor reasonable attorneys' fees, actual expenses, and costs incurred in connection with the collection of a delinquent debt, a repossession, or a foreclosure when a debt is referred for collection to an attorney who is not a salaried employee of the licensee.

(5) Make open-end loans as provided in the act.

(6) In accordance with Title 48 RCW, sell insurance covering real and personal property, covering the life or disability or both of the borrower, and covering the involuntary unemployment of the borrower.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-550 What business practices are prohibited? Under RCW 31.04.027, the following constitute an "unfair or deceptive" act or practice:

(1) **Disclosure of payoff amount.** Failure to provide the exact pay-off amount as of a certain date within five ~~((or fewer))~~ business days after being requested in writing to do so by a borrower of record or their authorized representative;

(2) **Recognition of payment delivery.** Failure to record a borrower's payment as received on the day it is delivered to any of the licensee's locations during its regular working hours;

(3) **Charging a fee for best efforts.** Soliciting or entering into a contract with a borrower that provides in substance that the licensee may earn a fee or commission through its "best efforts" to obtain a loan even though no loan is actually obtained for the borrower;

(4) **False advertising of rates and fees.** Soliciting, advertising, or entering into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time;

(5) **False filing.** Negligently making any false statement or willfully making any omission of material fact in connection with any application or any information filed by a licensee in connection with any application, examination or investigation conducted by the department;

(6) **Influencing appraisers.** Making any payment, directly or indirectly, or withholding or threatening to withhold any payment, to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property;

(7) **Documents with blanks.** ~~((Allowing a borrower to leave))~~ Leaving blanks on a document that is signed by the borrower;

(8) **False advertising.** Soliciting business using advertising that includes:

(a) An envelope or stationery that contains an official-looking emblem, such as an eagle or a crest, or that is otherwise designed to resemble an official government mailing, such as a mailing from the Internal Revenue Service or the U.S. Department of the Treasury;

(b) An envelope or stationery containing warnings or notices citing codes or form numbers made to appear like government codes or form numbers that are not required to be shown on the mailing by the U.S. Postal Service;

(c) Any suggestion or representation that the licensee is, or is affiliated with, a state or federal agency, municipality, bank, savings bank, trust company, savings and loan association, building and loan association, credit union, or other entity that it does not actually represent;

(d) Any suggestion or representation that the solicitation is from an entity other than the licensee;

(e) Any suggestion or representation that the information about a consumer's current loan was provided by any source other than the source disclosed pursuant to WAC 208-620-630;

(9) **Inclusion of taxes and insurance.** Failing to clearly disclose to a borrower whether the payment advertised or offered for a real estate loan includes amounts for taxes, insurance or other products sold to the borrower;

(10) **Force placed insurance.** Purchasing insurance on an asset secured by a loan without first attempting to contact the borrower by mailing one or more notices to the last known address of the borrower in order to verify that the asset is not otherwise insured;

(11) **Filing an inappropriate lien.** Willfully filing a lien on property without a legal basis to do so;

(12) **Threats and coercion.** Coercing, intimidating, or threatening borrowers in any way with the intent of forcing them to complete a loan transaction;

(13) Failure to reconvey title to collateral, if any, within thirty business days when the loan is paid in full unless conditions exist that make compliance unreasonable.

NEW SECTION

WAC 208-620-611 What federal guidance has the director adopted for use by the department in determining if a violation under RCW 31.04.027 has occurred? The director has adopted:

(1) The Conference of State Bank Supervisors and American Association of Residential Mortgage Regulators Guidance on Nontraditional Mortgage Product Risks; and

(2) The Conference of State Bank Supervisors, American Association of Residential Mortgage Regulators, and National Association of Consumer Credit Administrators Statement on Subprime Mortgage Lending.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-630 (~~If I send out a letter referring to a consumer's existing loan, what source information must I disclose?~~) **What are the advertising restrictions, and what are some examples of those restrictions?** (~~When an~~

~~advertisement includes information about a consumer's current loan that did not come from a solicitation, application, or loan made or purchased by the licensee, the licensee shall provide to the consumer the name of the source from which this information was obtained.))~~ **(1) Licensees are prohibited from advertising with envelopes or stationery that contain an official-looking emblem designed to resemble a government mailing or that suggest an affiliation that does not exist. What are some examples of emblems or government-like names, language, or nonexistent affiliations that will violate the state and federal advertising laws?** Some examples include, but are not limited to:

(a) Characterizing products as "government loan programs," "government-supported loans," or other words that may mislead a consumer into believing that the government is guaranteeing, endorsing, or supporting the advertised loan product. Using the words "FHA loan," "VA loan," or words for other products that are in fact endorsed or sponsored by a federal, state, or local government entity is allowed.

(b) An official-looking emblem such as an eagle, the Statue of Liberty, or a crest or seal that resembles one used by any state or federal government agency.

(c) Envelopes designed to resemble official government mailings, such as IRS or U.S. Treasury envelopes, or other government mailers.

(d) Warnings or notices citing government codes or form numbers not required by the U.S. Postmaster to be shown on the mailing.

(e) The use of the term "official business," or similar language implying official or government business, without also including the name of the sender.

(f) Any suggestion or representation that the solicitor is affiliated with any agency, bank, or other entity that it does not actually represent.

(2) When I am advertising interest rates, the act requires me to conspicuously disclose the annual percentage rate (APR) implied by the rate of interest. What does it mean to "conspicuously" disclose the APR? The type size of the APR must be the same size or larger than any other rates stated in the advertisement.

(3) The act prohibits me from advertising an interest rate unless that rate is actually available at the time of the advertisement. How may I establish that an advertised interest rate was "actually available" at the time it was advertised? Whenever a specific interest rate is advertised, the licensee must retain a copy of supporting rate information, and the APR calculation for the advertised interest rate.

(4) Must I quote the annual percentage rate when discussing rates with a borrower? Yes. You must quote the annual percentage rate and other terms of the loan if you give an oral quote of an interest rate to the borrower. TILA's Regulation Z, 12 CFR, part 226.26 provides guidance for using the annual percentage rate in oral disclosures.

(5) May a licensee advertise rates or fees as the "lowest" or "best"? No. Rates described as "lowest," "best," or other similar words cannot be proven to be actually available at the time they are advertised. Therefore, they are a false or deceptive statement or representation prohibited by RCW 19.146.0201(7).

(6) May I solicit using advertising that suggests or represents that I am affiliated with a state or federal agency, municipality, federally insured financial institution, trust company, building and loan association, when I am not; or that I am an entity other than who I am? No. It is an unfair and deceptive act or practice and a violation of the act for you to suggest or represent that you are affiliated with a state or federal agency, municipality, federally insured financial institution, trust company, building and loan association, or other entity you do not actually represent; or to suggest or represent that you are any entity other than who you are.

(7) If I advertise using a borrower's current loan information, what must I disclose about that information? When an advertisement includes information about a borrower's current loan that you did not obtain from a solicitation, application, or loan, you must provide the borrower with the name of the source of the information.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-640 What are ~~((the requirements))~~ some of the federal laws I must comply with when I advertise any loan subject to the Consumer Loan Act? You must comply with all the applicable advertising requirements under the federal statutes and regulations including, but not limited to, the Truth in Lending Act, the Real Estate Settlement Procedures Act, the Federal Trade Act, the Telemarketing and Consumer Fraud and Abuse Act, and the Equal Credit Opportunity Act ~~((and you must conspicuously disclose the annual percentage rate implied by the rate of interest that you are advertising))~~.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

WAC 208-620-650 Will the director waive fees charged under the Consumer Loan Act? The director or designee may waive any or all of the fees and assessments under this chapter when he or she determines that:

(1) The financial services regulation account exceeds the projected minimum fund balance level approved by the office of financial management; and

(2) That the waiver is fiscally prudent(~~and~~

~~(3) Good cause is shown by the applicant for the waiver)).~~

WSR 08-11-116

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF HEALTH

[Filed May 21, 2008, 9:43 a.m.]

The department is withdrawing the CR-102 for WAC 246-830-490 which was filed April 21, 2008, and published in WSR 08-09-101. The original proposal was filed with the wrong rule language. For this reason, the CR-102 for WAC 246-830-490 must be withdrawn and a new proposal needs to be filed.

Individuals requiring information on this rule should contact Kris Waidely, massage therapy program manager, at (360) 236-4847.

Mary C. Selecky
Secretary

WSR 08-11-117

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed May 21, 2008, 9:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-17-036.

Title of Rule and Other Identifying Information: WAC 246-830-490 Intraoral massage training, new section.

Hearing Location(s): Hawthorn Suites, 6329 South 212th Street, Kent, WA 98032, on June 26, 2008, at 9:15 a.m.

Date of Intended Adoption: June 26, 2008.

Submit Written Comments to: Kris Waidely, P.O. Box 47867, Olympia, WA 98504-7867, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 664-9077, by June 19, 2008.

Assistance for Persons with Disabilities: Contact Kris Waidely by June 12, 2008, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules identify the training requirements for licensed massage practitioners to apply for an intraoral massage endorsement.

Reasons Supporting Proposal: Rules are required by statute. This rule defines the training requirements for licensed massage practitioners to perform intraoral massage. Without the rule, massage practitioners would not be able to apply for the endorsement and perform intraoral massage.

Statutory Authority for Adoption: Chapter 18.108 RCW.

Statute Being Implemented: Chapter 18.108 RCW, SHB 1397 (chapter 272, Laws of 2007).

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

Name of Proponent: Department of health (DOH), governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kris Waidely, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4847.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Briefly Describe the Proposed Rule: The proposed rules identify the training required for a licensed massage practitioner to apply for an endorsement to perform intraoral massage. Only licensed massage practitioners that perform intraoral massage will be required to apply for this endorsement. The cost for the endorsement is \$25.

2. Is a Small Business Economic Impact Statement (SBEIS) Required for this Rule? No. DOH has reviewed this proposal and has determined that no SBEIS is required because the rule does not impose more than minor costs on affected businesses. Under the Regulatory Fairness Act (chapter 19.85 RCW), an SBEIS is required whenever a regulation imposes "more than minor" costs on a regulated business. The more than minimum cost threshold from "804 Office of Clinics and Other Healthcare Practitioners" is set at \$110.00. The new cost to implement the proposed rule does not exceed the threshold, therefore, an SBEIS is not required.

A copy of the statement may be obtained by contacting Kris Waidely, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4847, fax (360) 664-9077, e-mail kris.waidely@doh.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Kris Waidely, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4847, fax (360) 664-9077, e-mail kris.waidely@doh.wa.gov.

May 21, 2008
Mary C. Selecky
Secretary
Karin Olsen
Board Chair

NEW SECTION

WAC 246-830-490 Intraoral massage training.

Licensed massage practitioners may perform intraoral massage after completing specific intraoral massage training and after receiving an intraoral massage endorsement to their massage practitioner license.

To qualify for an intraoral massage endorsement you must complete the following training:

- (1) Sixteen hours of supervised training must include:
 - (a) Hands-on intraoral massage techniques, cranial anatomy, physiology, and kinesiology; and
 - (b) Hygienic practices, safety and sanitation; and
 - (c) Pathology and contraindications.

Hygienic practices, safety and sanitation includes, but is not limited to: Gloves shall be worn during treatment and training which involves intraoral procedures. Fresh gloves shall be used for every intraoral patient contact. Gloves shall not be washed or reused for any purpose. The same pair of gloves shall not be used, removed, and reused for the same patient at the same visit or for any other purpose. Gloves that have been used for intraoral treatment shall not be reused for any other purpose; and

(2) Supervised training must be obtained from a licensed massage practitioner endorsed in intraoral massage or from an individual who is licensed, certified, or registered and who has performed intraoral massage services within their authorized scope of practice.

**WSR 08-11-122
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Filed May 21, 2008, 10:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-03-102.

Title of Rule and Other Identifying Information: WAC 220-56-105, 220-56-116, 220-56-124, 220-56-195, and 220-56-500, 232-28-619, 232-28-620, and 232-28-621, rules for recreational marine and freshwater salmon fishing.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on Tuesday, June 24, 2008, at 10:00 a.m. - 12:00 p.m.

Date of Intended Adoption: On or after June 25, 2008.

Submit Written Comments to: Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail preuslmp@dfw.wa.gov, fax (360) 902-2155, by June 20, 2008.

Assistance for Persons with Disabilities: Contact Susan Yeager at TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable salmon while protecting species of fish listed as endangered.

Reasons Supporting Proposal: To protect species of fish listed as endangered while supporting recreational marine salmon fishing.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Statute Being Implemented: RCW 77.12.047 and 77.04.020.

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

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

Name of Agency Personnel Responsible for Drafting: Steve Thiesfeld, 1111 Washington Street, Olympia, (360) 902-2715; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rule proposals do not affect small businesses. These rules are for recreational fishers, not commercial.

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

May 21, 2008
Loreva M. Preuss
Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-07-003, filed 3/5/08, effective 4/5/08)

WAC 220-56-105 River mouth definitions. When pertaining to ((~~food fish~~)) angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be con-

strued 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 southwest-erly 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 - 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 220-56-116 Statewide saltwater hook rules. (1) It is unlawful to use more than two hooks to fish in saltwater, except for forage fish jigger gear and squid jig gear, and when fishing from the north jetty of the Columbia River.

(2) It is unlawful to use barbed hooks in Marine Areas 5-13, except for forage fish jigger gear.

(3) It is unlawful to use other than one single barbless hook to fish for sturgeon.

(4) It is unlawful to use other than single barbless hooks to fish for salmon in Marine Areas ~~((1-4))~~ 1-13, except in the Ocean Shores and Westport Boat Basins, and in Marine Area 2-1 from August 1 through January 31, as provided for in this section.

(5) It is unlawful to fish for or possess salmon taken with terminal gear hooks in violation of nonbuoyant lure restrictions in the following saltwater areas during the periods indicated:

(a) Budd Inlet waters south of a line projected true west from the KGY radio station to the mainland and north of the closed zone provided for in WAC 220-56-128 - July 16 through October 31.

~~(b) ((Duwamish waterway downstream from the First Avenue South Bridge to an east-west line through Southwest Hanford Street on Harbor Island parallel to Southwest Spokane Street where it crosses Harbor Island - July 1 through October 31.~~

~~(e))~~ Ocean Shores Boat Basin - August 16 through January 31.

~~((c))~~ (c) Westport Boat Basin - August 16 through January 31.

(6) It is unlawful to use forage fish jig gear or other than one single-point barbless hook, and night closure in effect, in the Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line through Southwest Hanford Street on Harbor Island parallel to Southwest Spokane Street where it crosses Harbor Island - July 1 through October 31.

(7) Use of gear in violation of this section is an infraction, punishable under RCW 77.15.160.

~~((7))~~ (8) It is unlawful to possess fish or shellfish taken with gear in violation of the provisions of this section. Possession of fish or shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the fish or shellfish were taken with such gear. Possession of such fish or shellfish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

AMENDATORY SECTION (Amending Order 02-158, filed 7/16/02, effective 8/16/02)

WAC 220-56-124 Unlawful provisions—Hoodspport Hatchery. During the period July 1 through December 31, those waters of Catch Record Card Area 12 within a 2,000 foot arc seaward of yellow buoys at the mouth of Finch Creek at the Hoodspport Salmon Hatchery are regulated as provided for in this section:

(1) These waters are open to salmon angling regardless of the status of the surrounding waters of Area 12.

(2) Special daily limit of four salmon, of which no more than two salmon may be chinook salmon greater than 24 inches in length, and no more than two may be coho. Release chum salmon July 1 through October 15.

(3) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

AMENDATORY SECTION (Amending WSR 07-16-056, filed 7/26/07, effective 8/26/07)

WAC 220-56-195 Closed areas—Saltwater salmon angling. The following areas shall be closed to salmon angling during the times indicated:

(1) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island thence to Yellow Bluff Reef range marker thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling July 1 through August 15.

(2) Carr Inlet:

~~((a))~~ Those waters north of a line from Green Point to Penrose Point are closed to salmon angling April 16 through July 31.

~~(b))~~ Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling ~~((July 1))~~ April 16 through September 30.

(3) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red Buoy, and then to the Port Williams boat ramp are closed to salmon angling May 1 through September 30 and November 1 through April 30.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 1 through October 15.

(5) Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as an area at the Columbia River mouth bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W) and then along the south jetty to the point of intersection with the Buoy #10 line are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling or the Buoy 10 fishery is open.

(6) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the

Cliff House Restaurant on the north shore of Commencement Bay are closed June 1 through July 31.

(7) Southern Rosario Strait and eastern Strait of Juan de Fuca: Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to Bird Rocks, then westerly from Bird Rocks to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from the Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon July 1 - September 30.

(8) Kydaka Point - waters south of a line from Kydaka Point to Shipwreck Point are closed to fishing for salmon July 1 through September 30.

(9) Port Angeles Harbor - waters westerly of a line from the tip of Ediz Hook to the I.T.T. Rayonier Dock are closed to fishing for salmon from July 1 through August 31.

~~(10) ((Port Susan - waters north of a line from Camano Head to a boundary marker approximately 1.4 miles northwest of Hermosa Point closed to salmon fishing August 1 through August 31.~~

~~((11))~~ Grays Harbor Control Zone: Waters within a line from the lighthouse one mile south of the south jetty, thence to Buoy number 2, thence to Buoy number 3, thence to the tip of the north jetty, thence to the exposed end of the south jetty, thence following the south jetty and shoreline to the lighthouse closed to fishing for salmon August 1 through September ~~((18))~~ 30.

AMENDATORY SECTION (Amending Order 06-135, filed 6/13/06, effective 7/14/06)

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 June 1 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 232-28-619 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 nonbuoyant lure restrictions, 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: 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 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 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 (~~July 4~~) June 14 through July 31 except closed 12:01 a.m. (~~July 5~~) June 30 through 2:00 p.m. July (~~6~~) 2 and 12:01 a.m. July (~~4~~) 9 through 2:00 p.m. July 11. Nonbuoyant lure restriction 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 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 through March 31 season. Nonbuoyant lure restriction 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 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(~~(, and chum~~)). 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 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 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 through October 31 season and all game fish: Release all fish. From mouth to Rodgers Street selective gear rules June 1 through August 15 and closed waters August 16 through October 31. Rodgers Street to the Highway 101 Bridge: Selective gear rules June 1 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 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 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.

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 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 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 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 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 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 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 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: June 1 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 (~~November 30~~) 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, night closure and single point barbless hooks (~~August~~) 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 through last day in February season. Nonbuoyant lure restriction and night closure 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 ((8)) 15. Nonbuoyant lure restriction and night closure. Daily limit ((2)) 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 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 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 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 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. Night closure and nonbuoyant lure restriction.

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. 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 through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: ~~((Open only April 16 through July 31 from mouth to high bridge, October 1 through January 31 from mouth to Porter Bridge, and October 16 through last day in February from Porter Bridge to high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through October 31, the daily limit may contain no more than one adult Chinook, release chum. November 1 through November 30, release adult Chinook, and chum. December 1 through January 31, mouth to Porter Bridge, the daily limit may contain no more than one wild adult coho, and release adult Chinook, and chum. December 1 through last day in February, Porter Bridge to High Bridge, release adult Chinook, wild adult coho, and chum.))~~ 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 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 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit 5. Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit 10, no minimum length. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All 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. Trout: Release all trout.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 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 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 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. ~~((Daily limit 6 fish, of which no more than 2 fish may be adult salmon. Salmon minimum size 8 inches. Release wild coho at all times and release wild Chinook January 1 through July 31.))~~ 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 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: Land-locked 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 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 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 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 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 ((between)) 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. 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: Open only August 1 through March 31. August 1 through September ((30, daily limit 2 salmon. Release Chinook, chum, sockeye, wild coho, Chinook less than 24 inches in length, and coho less than 16 inches in length, except one Chinook may be retained August 22 through September 3)) 1, daily limit 2 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. Release coho less than 16 inches in length. October 1 through December 31, daily limit 6 ((fish)) hatchery coho, of which no more than 2 may be adult ((salmon and not more than one of which may be an adult Chinook salmon. Release chum, sockeye, and wild)) hatchery coho. January 1 through March 31, daily limit 6 fish, of which no more than 2 may be adult salmon. 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 ((the Rocky Point – Tongue Point line)) 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 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: Open only May 16 through March 31. May 16 through June 15 daily limit 6 hatchery jack Chinook. June 16 through ((June 30)) July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. ((Release sockeye. July 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon.)) Release sockeye, chum, wild coho, and adult Chinook, except adult Chinook may be retained June 21 through June 28. August 1 through ((March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho. August 1 through December 31 the daily limit may contain not more than 1 adult Chinook, except release)) August 31, daily limit 6 hatchery coho, of which no more than 2 may be adult hatchery coho. September 1 through September 16, 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 Chinook. Release sockeye, chum, wild coho, and Chinook ((September 5 through September 30)) 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. ((Release wild Chinook January 1 through March 31.)) September 17 through December 31, daily limit 6 hatchery coho, of which no more than 2 may be adult hatchery coho. Janu-

ary 1 through March 31, daily limit 6 fish, of which no more than 2 may be adult salmon. 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: Nonbuoyant lure restriction and night closure from Bonneville Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam (~~and release all cutthroat in the waters of Drano Lake~~). Release all trout April 1 through June 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. 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: 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 (~~June 30, daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye. July 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release adult Chinook, and sockeye. August 1 through December 31, 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 Chinook. Release wild coho, sockeye, and chum~~) July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. 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, of which no more than 2 may be adult hatchery coho. September 1 through September 16, 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 Chinook. Release sockeye, chum, and wild coho. September 17 through December 31, daily limit 6 hatchery coho, of which no more than 2 may be adult hatchery coho. 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. Release sockeye. 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. Release sockeye.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold (~~Hatchery~~) 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 (~~July 31 and August 16 through December 31~~) October 22. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release sockeye (~~June 16 through July 31~~). 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 (~~Spring Rearranging Facility~~) 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(~~to~~) 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 (~~to~~). Fishing allowed only from the bank and only on the hatchery side of the river. Daily limit two

hatchery (~~salmon~~) Chinook. Night closure and nonbuoyant lure restriction.

From the old Hanford townsite (wooden towers) power-line crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): (~~All species~~) 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 (~~July 31 and August 16 through~~) October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon. Release sockeye (~~June 16 through July 31~~).

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 (~~July 31 and August 16 through~~) October 22. Daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye (~~June 16 through July 31~~).

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. All species: Nonbuoyant lure restriction 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. ((Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye.)) 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: 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 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 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 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 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 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Release rainbow trout except rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: ~~((Daily limit 6 fish, of which not more than 2 may be adult salmon. Release wild coho. Release wild Chinook June 1 through July 31-))~~ 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 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 ~~((of which no more than 2 may be adult Chinook))~~. Release all salmon except ~~((Chinook and))~~ hatchery coho and hatchery jack Chinook. ((Mill Creek to Blue Creek — release all Chinook October 1 through December 31. Highway 4 Bridge in Kelso downstream, release Chinook September 5 through September 30-)) 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 Ohanepicosh 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. ((Salmon minimum size 12 inches-)) Release wild coho ~~((Release))~~ and wild Chinook ~~((January 1 through July 31))~~. 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 1 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 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through ~~(November 30)~~ 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 ~~(November 30)~~ 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 through April 30 season in mainstem Dickey outside Olympic National Park and East Fork Dickey upstream to D5200 road and June 1 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 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 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 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 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 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 through March 15 season. Nonbuoyant lure restriction 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 (~~salmon, and of the adult fish, no more than 2 may be adult Chinook~~) coho. Release chum

~~((and)), wild coho, wild Chinook, and hatchery adult Chinook. ((October 1 through October 15 release Chinook upstream of Highway 4 Bridge-))~~ October 16 through December 31, daily limit 6 fish, of which no more than 2 may be adult ~~((salmon)) coho. Release chum ((and)), wild coho, wild Chinook, and hatchery adult Chinook. ((Release Chinook upstream of Highway 4 Bridge-))~~

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 February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to Olympic National Park boundary, including all tributaries 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 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 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 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 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 through October 31 season. Selective gear rules, June 1 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 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction, 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 (~~(hatchery coho)~~) fish, of which no more than four may be adult (~~(coho)~~) salmon, and of the 4 adults, only 2 may be adult Chinook. Release (~~(all salmon except hatchery coho)~~) 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 - August 31 season. Trout: Additional December 15 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, night closure and stationary gear restriction. Daily limit 6 (~~(hatchery coho)~~) fish of which not more than 4 may be adult (~~(coho)~~) salmon, and of the 4 adults, only 2 may be adult Chinook. (~~(Release all salmon except hatchery coho)~~) 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 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 and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All species: When nonbuoyant lure restriction 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 (~~salmon, and of the adult salmon only 2 may be adult Chinook~~) coho. Release chum (~~and~~), wild coho, wild Chinook, and hatchery adult Chinook. (~~Release Chinook October 1 through November 30~~))

From 2800 Bridge to source: Closed waters.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to (~~the northbound Interstate 5 bridge~~) Tukwila International Boulevard/Old Highway 99: June 1 through July 31 and September ~~(+)~~ 16 through February 15 season. Nonbuoyant lure restriction 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 (~~and only 1 may be a Chinook~~). Release Chinook.

From (~~the northbound Interstate 5 bridge to SW 43rd Street/South 180th Street Bridge~~) Tukwila International Boulevard/Old Highway 99 to the Interstate 405 Bridge: June 1 through July 31 and September ~~(+6)~~ 1 through February 15 season. Nonbuoyant lure restriction and night closure September ~~(+6)~~ 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 ~~(+6)~~ 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only September ~~(+6)~~ 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. (~~Release Chinook~~))

From the (~~SW 43rd Street/South 180th Street Bridge~~) Interstate 405 Bridge to South 277th Street Bridge in Auburn: Open only June 1 through July 31 and October 1 through February 15. Nonbuoyant lure restriction 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 through August 15 and October 16 through last day in February. Nonbuoyant lure restriction 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 through last day in February season. Nonbuoyant lure restriction 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 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 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 ~~((+5))~~ 16 through April 15 season. May ~~((+5))~~ 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 through October 15 from Willoughby Creek to Morgan's Crossing Boat Launch, June 1 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 ~~((+5))~~ 16 through August 31 downstream of Willoughby Creek open Wednesday through Sunday only of each week ~~((and))~~, 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 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 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 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 ~~((and chum))~~.

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.

Humptulips River (Grays Harbor County), from mouth to Highway 101 Bridge: June 1 through March 31 season, except closed September 1 through ~~((October 15 mouth to Highway 101 Bridge))~~ 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. (~~October 16 through November 30 the daily limit may contain no more than one adult Chinook and one wild adult coho. Release chum. December 1 through January 31 release adult Chinook, wild adult coho, and chum.~~) Release chum, wild coho, and adult Chinook. From Highway 101 Bridge to forks: June 1 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.

Humptulips River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County), from mouth to Donkey Creek: June 1 through last day in February season. Nonbuoyant lure restriction 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 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 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 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 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 (, and chum).

Ballon Creek upstream, including North and South Forks: June 1 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 through last day in February season. 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 and night closure April 1 through October 31 from the mouth to ~~((the natural gas pipeline at Mahaffey's Campground and April 1 through August 31 from the pipeline to the posted deadline at))~~ the intake ~~((to))~~ 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 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 ~~((from))~~ 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 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 through August 31 season. Juveniles only.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction 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 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. Whitefish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

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 and night closure May 1 through May 31. Nonbuoyant lure restriction 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 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. Whitefish 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 through last day in February season. Trout: Release all fish 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 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 ~~((fish)) hatchery coho~~, of which no more than 4 may be adult ~~((salmon, and of the adult salmon only 2 may be adult Chinook)) hatchery coho~~. ~~((Release chum, sockeye, and wild coho. September 5 through September 30 release Chinook.))~~ 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 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 and night closure April 1 through November 30 from Johnson Creek to Colvin Creek. When nonbuoyant lure restriction 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 ~~((fish)) hatchery coho~~, of which no more than 4 may be adult ~~((salmon, and of the adult salmon only 2 may be adult Chinook. Release chum,~~

~~sockeye, and wild coho. September 5 through September 30 release Chinook downstream of the I-5 bridge)) 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 and night closure April 1 through September 30. When nonbuoyant lure restriction 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 30. 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 ~~((fish)) hatchery coho,~~ of which no more than 4 may be adult ~~((salmon, and of the adult salmon only 2 may be adult Chinook. Release chum and wild coho. Release sockeye August 1 through September 30))~~ 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 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 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 downstream from the refuge headquarters office to Crystal Falls: 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 and night closure May 1 through June 30. Nonbuoyant lure restriction 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 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 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 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) ~~(- from a line 50 feet north of and parallel to the Mud Bay Road Bridge to a line 100 feet upstream and parallel to the south bridge on Highway 101- June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Release game fish November 1 through November 30. Trout: Minimum length fourteen inches upstream from the south bridge. Salmon: Open only September 1~~

~~through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.~~

~~From a line 100 feet upstream and parallel to the south bridge on Highway 101 upstream):~~ Nonbuoyant lure restriction 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.

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 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 through October 31. County Road 1535 (Burma Road) Bridge to Foghorn Dam: June 1 through September 30 season: Selective gear rules. All species: Release all fish. Foghorn Dam to Weeman Bridge: June 1 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 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 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): June 1 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 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 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 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 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 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 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 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 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 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 ~~((1 may be a wild adult coho and not more than))~~ 2 may be adult Chinook. Release ~~((~~chum~~))~~ 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 through last day in February season, except sturgeon. Nonbuoyant lure restriction 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 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 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. ~~((Release chum))~~ 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. ~~((Release chum))~~

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 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 ~~((, and chum, December 1 through last day in February release wild adult coho))~~.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 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 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 ~~((, and chum))~~.

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 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 through last day in February season except closed June 1 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 and night closure ~~((August))~~ June 1 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 ~~((pink and))~~ 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 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 ~~((August))~~ June 1 through ~~((October 31))~~ November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31. Daily limit 2 salmon, except release Chinook ~~((, pink,))~~ 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 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 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 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(~~(-and chum)~~). 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 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 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 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 through last day in February season. Trout: Release all fish 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 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 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(~~(-and chum)~~). 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.

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 through 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 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 through October 31 season.

Purdy Creek (Mason County): June 1 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 and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only ~~(September 1)~~ August 16 through December 31 from mouth to Carbon River. Daily limit 6 fish, of which no more than 2 may be adult salmon ~~(plus 2 additional adult pink 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 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 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 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 through March 15 season. Trout: Release all fish 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 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 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 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 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 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 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 ~~((two))~~ 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 retainurgeon.

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 and night closure August 16 through November 30. Middle and West Forks upstream from Cougar Smith Road nonbuoyant lure restriction and night closure August 16 through October 31.

From mouth to bridge at Schafer Park: June 1 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(~~(, and chum)~~).

Middle Fork (Turnow Branch), from mouth to Cougar Smith Road: June 1 through last day in February season.

West Fork, from mouth to Cougar Smith Road: June 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 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 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.

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 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 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 (~~(and pink)~~).

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: June 1 through March 15 season. Night closure and nonbuoyant lure restriction 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 (~~(and pink)~~).

From Gilligan Creek to ~~((Cascade River))~~ the Dalles Bridge at Concrete: June 1 through March 15 season (~~(except closed June 1 through June 30 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 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 ~~((Gilligan Creek to the Dalles Bridge at Concrete))~~. Daily limit 2 salmon, except release Chinook (~~(and pink)~~).

From the Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport ~~((--))~~: June 1 through March 15 season, except closed June 1 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 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 ~~((July 4))~~ June 14 through July 31, except closed 12:01 a.m. ~~((July 5))~~ June 30 until 2:00 p.m. July ~~((6))~~ 2, and 12:01 a.m. July ~~((40))~~ 9 until 2:00 p.m. July 11, and, except closed from 200 feet above the mouth of the Baker River to the ~~((Cascade River))~~ 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 (~~(and pink)~~). 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.

From the Highway 530 Bridge at Rockport to the Cascade River ~~((--))~~: June 1 through March 15 season. Nonbuoyant lure restriction and night closure June 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit; minimum length twenty inches. Salmon open June 1 through July ~~((8))~~ 15. ~~((Nonbuoyant lure restriction and night closure June 1 through November 30.))~~ Daily limit ~~((two))~~ four hatchery Chinook salmon, of which only two may be adult hatchery

Chinook. (~~Release all salmon except hatchery Chinook.~~) Salmon open September 16 through December 31. Daily limit 2 salmon. Release Chinook (~~and pink~~). Additional season: March 16 through April 30. Selective gear rules, except (~~lawful to~~) 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.

From Cascade River to Gorge Powerhouse: June 1 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 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

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 and single point barbless hooks required August 1 through November 30 mouth to Highway 101. June 1 through July 31 and October 31 through December 15 season from mouth to Highway 101 Bridge. June 1 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 through October 31 season. All species: Release all fish. Selective gear rules.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 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 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 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 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 (~~except December 1 through the last day in February~~). Release chum, wild (~~adult~~) coho (~~Release~~), and adult Chinook (~~and chum~~).

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 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30 mouth to Lewis Street Bridge in Monroe and June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River. Fishing from any floating device prohibited November 1 through 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 through last day in February season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Nonbuoyant lure restriction 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 end-

ing 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 through last day in February season. Nonbuoyant lure restriction 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 through last day in February season. Nonbuoyant lure restriction 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 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 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 through last day in February season, except sturgeon. Nonbuoyant lure restriction 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 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 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 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 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: June 1 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 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 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 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: 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 cutthroat. 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 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 and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only (~~September~~) 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 through last day in February season. Night closure August 1 through November 30. Selective gear rules June 1 through November 30 except fishing from a floating device equipped with an internal combustion motor allowed. Game fish: June 1 through November 30 release all fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches December 1 through last day in February. Salmon: Open only (~~September~~) 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 through last day in February season. Nonbuoyant lure restriction 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 through November 30: All species: Release all fish except hatchery steelhead. June 1 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 through last day in February season. Nonbuoyant lure restriction 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 through November 30 season. Nonbuoyant lure restriction 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 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 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 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 through August 31 season. Juveniles only.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Selective gear rules June 1 through October 31. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County): Closed waters: Spillway channel and within 400' of Clear Lake Dam. From Rimrock Lake to Clear Lake Dam including that portion of the river that flows through the dry lakebed. June 1 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 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 through December 31. Minimum length eight inches. June 1 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 ((fish)) 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. 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. 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 through last day in February season. June 1 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 through August 31 season.

South Fork: Upstream from Griffin Creek June 1 through August 31 season.

Wolf Fork: Upstream from Coates Creek June 1 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 through November 30 season. Nonbuoyant lure restriction 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 (~~salmon and of the adult salmon only 2 may be adult Chinook~~) coho. Release chum (~~and~~), wild coho, wild Chinook, and hatchery adult Chinook. (~~Release all Chinook October 1 through November 30 in North Fork upstream from Kidd Valley Bridge.~~)

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 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 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 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 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 through August 15 season. 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 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 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: Land-locked 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: Land-locked 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: 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 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 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, mini-

imum 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 (~~two~~) 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 through March 15 season. Nonbuoyant lure restriction and stationary gear restriction July 1 through October 31. When nonbuoyant lure restriction 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 (~~and~~), 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 through March 15 season. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Waughop Lake (Pierce County): Salmon: Landlocked salmon rules apply.

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 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 through October 31 season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction 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 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 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 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 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. 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 coho and))~~ 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 ~~((from))~~ 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 ~~((30))~~ 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 coho and))~~ 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 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 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. ~~((Release chum))~~

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 and night closure. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork: June 1 through last day in February season. Selective gear rules June 1 through October 31. Nonbuoyant lure restriction 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 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.

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 and night closure. August 1 through October 31: Nonbuoyant lure restric-

tion and night closure. When nonbuoyant lure restriction 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 coho and))~~ 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 and night closure. When nonbuoyant lure restriction 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 ~~((dam))~~ weir at Wishkah Rearing Ponds ~~((formerly Mayr Bros.))~~, downstream ~~((to))~~ 200 feet ~~((below dam))~~. Trout: Minimum length fourteen inches. Mouth to mouth of the West Fork: June 1 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 ~~((only))~~ 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 ~~((-and chum))~~.

From the mouth of the West Fork to ~~((four))~~ two hundred feet below ~~((outlet))~~ the weir at the Wishkah Rearing Ponds: June 1 through March 31 season. ~~((Selective gear rules.))~~ All species: March 1 through March 31, release all fish, except up to two hatchery steelhead may be retained per day ~~((March 1 through March 31))~~, and selective gear rules. Salmon: Open ~~((only))~~ 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 ~~((to 200 feet below the weir at the Long Live the Kings/Mayr Brothers facility.))~~, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook ~~((-and chum))~~.

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 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 ~~((-except daily limit may contain no more than 1 wild adult coho December 1 through January 31))~~. Release chum, wild coho, and adult Chinook ~~((-and chum))~~.

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 through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries. Channel catfish: No daily limit.

From mouth to 400 feet below Prosser Dam: March 1 through October 22 season. Closed waters: From the WDFW white markers 200 feet downstream of the USBR Chandler Powerhouse/Pumping Station spillway chute to the power-line crossing immediately upstream of the powerhouse September 1 through October 22. Chumming permitted. Trout: Release all trout. Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. All species: Nonbuoyant lure restriction 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 and night closure September 1 through October 22.

From ~~((mouth))~~ Sunnyside Dam to thirty-five hundred feet below Roza Dam: Year-round season. Closed waters:

From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. (~~March 1 through November 30, closed from thirty-five hundred feet below Roza Dam to Roza Dam.~~) Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31.

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.

AMENDATORY SECTION (Amending WSR 07-16-056, filed 7/26/07, effective 8/26/07)

WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, for the sizes provided in WAC 220-56-180, and for the species designated in this section. Open when a daily limit is provided:

(1) **Catch Record Card Area 1:**

(a) May 1 through ~~((June 30))~~ May 31 - Closed.

(b) ~~((July 1))~~ June 1 through June 28 - Daily limit of 1 Chinook.

(c) June 29 through September 30 - Open Sundays through Thursdays only - Daily limit of 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho.

~~((e))~~ (d) October 1 through April 30 - Closed.

~~((d))~~ (e) Closed in the Columbia River Mouth Control Zone 1 during all open periods, see WAC 220-56-195.

(2) **Catch Record Card Area 2** ~~((and Catch Record Card Area 2-2 west of the Buoy 13 line))~~:

(a) May 1 through ~~((June 30))~~ May 31 - Closed.

(b) ~~((Area 2 July 1 through September 16 except closed to salmon fishing August 1 through September 16 in the Grays Harbor Control Zone described in WAC 220-56-195(11) and Area 2-2 west of the Buoy 13 line))~~ June 1 through June 28 - Open Sundays through Thursdays only. Daily limit 1 Chinook.

(c) June 29 through September 13 - Open Sundays through Thursdays only. Daily limit 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho.

~~((e) Area 2))~~ (d) September ~~((47))~~ (14) through April 30 ~~((and Area 2-2 west of Buoy 13 September 17 through April 30))~~ - Closed.

(e) Closed to salmon fishing August 1 through September 13 in the Grays Harbor Control Zone described in WAC 220-56-195(11).

(3) **Willapa Bay (Catch Record Card Area 2-1):**

(a) May 1 through June 30 - Closed.

(b) July 1 through July 31 - Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 1 through August 15 - Daily limit of six salmon, not more than two of which may be adult salmon.

(d) August 16 through January 31 - Daily limit 6 salmon, not more than 3 of which may be adult salmon, and of the adult salmon, not more than 2 may be Chinook.

(e) February 1 through April 30 - Closed.

(4) **Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):**

(a) May 1 through September ~~((30))~~ 15 - Closed.

(b) ~~((October 1))~~ September 16 through November 30 - Daily limit of 2 salmon, of which only 1 may be a wild adult coho. ~~((Release Chinook salmon November 1 through November 30. October 1 through October 31 the daily limit may contain no more than one Chinook and no more than one wild adult coho.))~~ Release chum and Chinook. Open only east of a line drawn from the mouth of O'Leary Creek to Buoy 35, then to the westernmost tip of Moon Island.

(c) December 1 through April 30 - Closed.

(d) Notwithstanding the provisions of this subsection, Westport Boat Basin and Ocean Shores Boat Basin: Open only August 16 through January 31 - Daily limit of six salmon not more than four of which may be adult salmon.

~~((4) Willapa Bay (Catch Record Card Area 2-1):~~

~~(a) May 1 through June 30 - Closed.~~

~~(b) July 1 through July 31 - Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.~~

~~(c) August 1 through August 15 - Daily limit of six salmon, not more than two of which may be adult salmon.~~

~~(d) August 16 through January 31 - Daily limit 6 salmon, not more than 3 of which may be adult salmon, and of the adult salmon not more than 2 may be Chinook. Release chum.~~

~~(e) February 1 through April 30 - Closed.)~~

(5) **Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line) - Closed.**

(6) **Catch Record Card Area 3:**

(a) May 1 through ~~((July 2))~~ May 31 - Closed.

(b) ~~((July 3))~~ June 1 through June 28 - Open Tuesdays through Saturdays only. Daily limit 1 Chinook.

(c) June 29 through September ~~((15))~~ 13 - Open Tuesday through Saturday only. Daily limit of 2 salmon, of which not

more than one may be a Chinook salmon. Release wild coho. ~~((Beginning August 1, daily limit may include 1 additional pink.~~

~~((e))~~ (d) September ~~((46))~~ 14 through April 30 - Closed.

~~((d))~~ (e) Notwithstanding the provisions of this subsection, waters north of 47°50'00"N latitude and south of 48°00'00"N latitude open September ~~((22))~~ 20 through October ~~((7))~~ 5 - Daily limit two salmon, of which not more than one may be a Chinook salmon. Release wild coho.

~~((6))~~ (7) **Catch Record Card Area 4:**

(a) May 1 through ~~((July 2))~~ May 31 - Closed.

(b) ~~((July 3))~~ June 1 through June 28 - Open Tuesdays through Saturdays only. Daily limit 1 Chinook. Waters east of a true north-south line through Sail Rock closed.

(c) June 29 through September ~~((15))~~ 13 - Open Tuesdays through Saturdays only. Daily limit of 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho salmon. Waters east of a true north-south line through Sail Rock closed July 1 through July 31. Release Chinook salmon caught east of the Bonilla-Tatoosh line beginning August 1 ~~((through September 15))~~. Release chum salmon beginning August 1. ~~((Beginning August 1, daily limit may include 1 additional pink.))~~

~~((e))~~ (d) September ~~((46))~~ 14 through April 30 - Closed.

AMENDATORY SECTION (Amending WSR 07-16-056, filed 7/26/07, effective 8/26/07)

WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits. It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, and for the species designated in this section and sizes as defined in WAC 220-56-180. Open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 232-28-620.

(1) **Catch Record Card Area 5:**

(a) May 1 through June 30 - Closed.

(b) July 1 through August ~~((31))~~ 2 - Daily limit 2 salmon ~~((plus 2 additional pink)).~~ Release chum, wild Chinook and wild coho. ~~((Single-point barbless hooks required.))~~

(c) ~~((September 4))~~ August 10 through September 15 - Daily limit of 2 salmon ~~((plus 2 additional pink)).~~ Release chum, Chinook and wild coho. ~~((Single-point barbless hooks required.))~~

(d) September 16 through September 30 - Daily limit of 2 salmon. Release chum and Chinook.

(e) October 1 through October 31 - Closed.

(f) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(g) December 1 through February ~~((15))~~ 13 - Closed.

(h) February ~~((46))~~ 14 through April 10 - Daily limit 1 salmon.

(i) April 11 through April 30 - Closed.

(2) **Catch Record Card Area 6:**

(a) May 1 through June 30 - Closed.

(b) July 1 through August ~~((31))~~ 2 - Daily limit 2 salmon ~~((plus 2 additional pink)).~~ Release chum, wild Chinook and wild coho. Release all Chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook. ~~((Single-point barbless hooks required.))~~

(c) ~~((September 4))~~ August 10 through September 30 - Daily limit of 2 salmon ~~((plus 2 additional pink)).~~ Release chum, Chinook and wild coho. ~~((Single-point barbless hooks required.))~~

(d) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through October 31.

(e) October 1 through October 31 - Daily limit of 2 salmon not more than 1 of which may be a Chinook salmon, except waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy then to the Port Williams Boat Ramp are open with a daily limit of 2 coho salmon. Release all other salmon. Waters inside the line described in this subsection are closed at all times except during October.

(f) November 1 through February ~~((15))~~ 13 - Closed.

(g) February ~~((46))~~ 14 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

(3) **Catch Record Card Area 7:**

(a) May 1 through June 30 - Closed.

(b) July 1 through July 31 - Daily limit of 2 salmon ~~((plus 2 additional pink)),~~ not more than one of which may be a Chinook salmon. Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(c) August 1 through September 30 - Daily limit of 2 salmon ~~((plus 2 additional pink)),~~ not more than one of which may be a Chinook salmon. Release chum and wild coho. ~~((Single-point barbless hooks required.))~~ Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(d) Waters of Bellingham Bay described in WAC 220-56-195(1) closed July 1 through August 15. August 16 through October 31 - Daily limit 4 salmon, not more than 2 of which may be Chinook salmon. ~~((Release pink.))~~ November 1 through June 30 - Same rules as Area 7.

(e) October 1 through October 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(f) Waters of Samish Bay described in WAC 220-56-195(4) closed July 1 through October 15.

(g) November 1 through January 31 - Closed.

(h) February 1 through ~~((February 29))~~ April 15 - Daily limit 2 salmon. Release wild Chinook. ~~((Single-point barbless hooks required.))~~

~~((i))~~ March 1 through April 15 - Daily limit of 1 salmon.

~~((j))~~ (i) April 16 through April 30 - Closed.

(4) **Catch Record Card Area 8-1:**

(a) May 1 through July 31 - Closed.

(b) August 1 through September 30 - Daily limit of 2 salmon. Release Chinook ~~((and pink)).~~

(c) October 1 through ~~((October))~~ December 31 - Closed, except October 1 through October 31, waters west of

a line from Forbes Point to Bowers Bluff - Open for salmon fishing: daily limit 2 coho.

~~((November))~~ January 1 through April 30 - Daily limit 2 salmon. Release wild Chinook. ~~((Single-point barbless hooks required.))~~

(5) Catch Record Card Area 8-2:

(a) May 1 through July 31 - Closed, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - June ~~((+))~~ 15 through ~~((June 22 and June 24 through))~~ July 31, open only Friday through 11:59 a.m. Monday of each week - Daily limit of 2 salmon ~~((plus 2 additional pink)).~~

(b) August 1 through September 30 - Daily limit 2 salmon ~~((plus 2 additional pink and))~~; release Chinook, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort, to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - August 1 through September ~~((24))~~ 1, open only Friday through 11:59 a.m. Monday of each week; ~~and September 6 through September 28, open only Saturday and Sunday of each week~~ - Daily limit of 2 salmon ~~((plus 2 additional pink)).~~

(c) October 1 through ~~((October))~~ December 31 - Closed, except October 1 through October 31, waters south of a line true east from Randall Point at 49°59'N - Open for salmon fishing: daily limit 2 salmon. Release Chinook.

~~((November))~~ January 1 through April 30 - Daily limit 2 salmon. Release wild Chinook. ~~((Single-point barbless hooks required.))~~

(6) Catch Record Card Area 9:

(a) May 1 through July 15 - Closed.

(b) July 16 through August 15 - Daily limit of 2 salmon ~~((plus 2 additional pink)).~~ Release chum, wild coho, and wild Chinook. Closed south of a line from Foulweather Bluff to Olele Point. ~~((Single-point barbless hooks required.))~~

(c) August 16 through September ~~((30))~~ 15 - Daily limit of 2 salmon ~~((plus 2 additional pink)).~~ Release chum, wild coho, and Chinook.

(d) September 16 through September 30 - Daily limit of 2 salmon. Release chum and Chinook.

(e) October 1 through October 31 - Daily limit of 2 salmon. Release Chinook.

~~((e))~~ ~~((f))~~ (f) November 1 through November 30 - Daily limit 2 salmon ~~((, of which not more than one may be a Chinook)).~~ Release wild Chinook.

~~((f))~~ ~~((g))~~ (g) December 1 through January 15 - Closed.

~~((g))~~ ~~((h))~~ (h) January 16 through April 15 - Daily limit 2 salmon. Release wild Chinook. ~~((Closed south of a line from Foulweather Bluff to Olele Point. Single-point barbless hooks required.))~~

~~((h))~~ ~~((i))~~ (i) April 16 through April 30 - Closed.

~~((i))~~ ~~((j))~~ (j) Edmonds Fishing Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. Release chum August 1 through September 30. ~~((July 1 through September 30, the daily limit may include 2 additional pink salmon.))~~

(7) Catch Record Card Area 10:

(a) May 1 through May 31 - Closed.

(b) June 1 through June 30 - Open only north of a line from Point Monroe to Meadow Point. Catch and release. ~~((Single-point barbless hooks required.))~~

(c) July 1 through July 15 - Daily limit 2 salmon ~~((plus 2 additional pink)).~~ Release Chinook.

(d) July 16 through August 15 - Daily limit 2 salmon ~~((plus 2 additional pink)).~~ Release wild Chinook and beginning August 1 release chum. ~~((Single-point barbless hooks required.))~~

(e) August 16 through September 30 - Daily limit 2 salmon ~~((plus 2 additional pink)).~~ Release chum August 16 through September 15. Release Chinook.

(f) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point closed July 1 through August 31. Waters of Elliott Bay east of a line from West Point to Alki Point closed July 1 through August ~~((2+))~~ 26, except waters east of a line from Pier 91 to Duwamish Head open July ~~((6))~~ 4 through ~~((11:59 a.m.))~~ August ~~((20))~~ 25, and open only on Friday through Monday of each week - Daily limit 2 salmon ~~((plus 2 additional pink)).~~ Release chum August 1 through August ~~((20))~~ 25.

(g) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White - Daily limit 2 salmon ~~((plus 2 additional pink))~~ July 1 through September 30. Release chum August 1 through September 15.

(h) October 1 through October 15 - Daily limit of 2 salmon. Release Chinook salmon.

(i) October 16 through November 30 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(j) December 1 through January 31 - Daily limit of 2 salmon. Release wild Chinook. ~~((Single-point barbless hooks required.))~~ Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point fly fishing only, lead core lines prohibited and catch and release January 1 through January 31.

(k) February 1 through April 30 - Closed.

(l) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. Release chum August 1 through September 15. ~~((July 1 through September 30, the daily limit may include 2 additional pink salmon.))~~

(m) Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line projected through Southwest Hanford Street on Harbor Island, July 1 through October 31, night closure, only 1 single-point barbless hook may be used, and only fish hooked inside the mouth may be retained.

(8) Catch Record Card Area 11:

(a) May 1 through May 31 - Closed.

(b) June 1 through June 30 - Daily limit of 2 salmon. Release wild Chinook. ~~((Single-point barbless hooks required.))~~ Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed.

(c) July 1 through September 30 - Daily limit of 2 salmon ~~((plus 2 additional pink)).~~ Release wild Chinook. ~~((Single-point barbless hooks required.))~~ Waters of Commencement

Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed July 1 through July 31.

(d) October 1 through October 31 - Daily limit of 2 salmon.

(e) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(f) January 1 through February ~~((45))~~ 13 - Closed.

(g) February ~~((46))~~ 14 through April 10 - Daily limit of 1 salmon.

(h) April 11 through April 30 - Closed.

(i) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier and Point Defiance Boathouse Dock: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. ~~((July 1 through September 30, the daily limit may include 2 additional pink salmon.))~~

(9) Catch Record Card Area 12:

(a) May 1 through June 30 - Closed.

(b) July 1 through October 15 in waters south of Ayock Point - Daily limit 4 salmon, of which no more than two may be Chinook salmon and no more than two may be coho salmon. Release chum.

(c) July 1 through August 31 in waters north of Ayock Point except waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Closed.

(d) September 1 through October 15 in waters north of Ayock Point and August 16 through October 15 in waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Daily limit ~~((4))~~ 2 coho salmon. Release all salmon except coho.

(e) October 16 through December 31 - Daily limit 4 salmon, of which no more than one may be a Chinook salmon and no more than two may be coho salmon.

(f) January 1 through February ~~((45))~~ 13 - Closed.

(g) February ~~((46))~~ 14 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

(i) July 1 through December 31 the Hoodspout Hatchery Zone is managed separately from the remainder of Area 12. See WAC 220-56-124.

(10) Catch Record Card Area 13:

(a) May 1 through June 30 - Daily limit 2 salmon. Release wild Chinook. ~~((Single point barbless hooks required. Carr Inlet north of a line from Penrose Point to Green Point - Closed.))~~

(b) July 1 through September 30 - Daily limit 2 salmon. Release wild coho and wild Chinook. ~~((Single point barbless hooks required. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed July 1 through July 31, except open to fly fishing only for hatchery coho.))~~

(c) October 1 through October 31 - Daily limit 2 salmon. Release wild coho. ~~((Single point barbless hooks required.))~~

(d) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed ~~((July 1))~~ April 16 through September 30.

(e) Waters of Budd Inlet south of the Fourth Avenue Bridge are closed. Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 16

through October 31. Waters north of the Thriftway Market-railroad bridge line and south of a line projected due west from the KGY radio tower - night closure and nonbuoyant lure restriction July 16 through October 31.

(f) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(g) January 1 through January 31 - Daily limit 1 salmon.

(h) February 1 through last day in February - Closed.

(i) March 1 through April 30 - Daily limit 1 salmon.

~~((Waters of Carr Inlet north of a line from Penrose Point to Green Point closed April 16 through April 30.))~~

(j) Fox Island Public Fishing Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. Release wild coho ~~((and single point barbless hooks required))~~, July 1 through October 31.

WSR 08-11-123

PROPOSED RULES

**DEPARTMENT OF
FISH AND WILDLIFE**

[Filed May 21, 2008, 10:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-03-102.

Title of Rule and Other Identifying Information: WAC 220-47-301, 220-47-303, 220-47-307, 220-47-311, 220-47-325, 220-47-401, and 220-47-411, rules for commercial salmon fishing in Puget Sound.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on Tuesday, June 24, 2008, at 1:00 p.m. - 4:30 p.m.

Date of Intended Adoption: On or after June 25, 2008.

Submit Written Comments to: Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail preuslmp@dfw.wa.gov, fax (360) 902-2155, by June 20, 2008.

Assistance for Persons with Disabilities: Contact Susan Yeager at TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable salmon while protecting species of fish listed as endangered.

Reasons Supporting Proposal: To protect species of fish listed as endangered while supporting commercial salmon fishing in Puget Sound.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Statute Being Implemented: RCW 77.12.047 and 77.04.020.

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: Jeremy Jording, 1111 Washington Street, Olympia, (360) 902-2717; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: These rules incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable salmon while protecting species of fish listed as endangered. They include legal gear requirements, area restrictions, and open periods for commercial salmon fisheries occurring in Puget Sound.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None - these rule changes clarify dates for anticipated open periods, areas closed in Puget Sound to commercial harvest methods, and legal gear requirements.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: None anticipated.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. Cost per one hundred dollars of sales.

There are no anticipated costs of compliance.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: The department issues an annual pamphlet and mail out to all license holders to alert them to anticipated open periods, closed areas, and gear requirements.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The department cosponsors the annual North of Falcon process, which are a series of public meetings over a period of several months during February through April that allow constituents to supply input on the rules contained in this filing.

8. A List of Industries That Will Be Required to Comply with the Rule: All licensed fishers using legal commercial gear types seeking to harvest salmon in the all-citizen commercial salmon fisheries occurring in Puget Sound.

A copy of the statement may be obtained by contacting Lori Preuss, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail preuslmp@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

May 21, 2008
Loreva M. Preuss
Rules Coordinator

AMENDATORY SECTION (Amending Order 04-202, filed 8/4/04, effective 9/4/04)

WAC 220-47-301 Puget Sound—Lawful gear—Purse seine. (1) Lawful purse seine salmon nets in Puget Sound ~~((shall))~~ must not exceed 1,800 feet in length along the cork line while wet, and purse seine and lead combined ~~((shall))~~ must not exceed 2,200 feet. Neither ~~((shall))~~ type can contain meshes of a size less than 3-1/2 inches ~~((, nor shall the))~~. Meshes of the seine and lead cannot be lashed together to form one continuous piece of webbed gear. ~~((It shall be lawful))~~ A person may have, as part of the purse seine ~~((to have))~~, a bunt not more than 10 fathoms long ~~((which may contain))~~. However, the mesh ~~((of a))~~ size must not be less than 3-1/2 inches.

(2) It ~~((shall be))~~ is unlawful to take or fish for salmon in Puget Sound with purse seine gear ~~((in Puget Sound which))~~ that contains mesh webbing constructed of a twine-size smaller than 210/30d nylon, 12-thread cotton, or the equivalent diameter in any other material.

(3) It ~~((shall be))~~ is unlawful for any purse seine vessel to carry an extra lead or portion thereof unless stowed below decks during the fishing operation ~~((, nor may))~~. It is also unlawful to carry an extra lead or portion thereof ~~((be carried))~~ aboard ~~((its))~~ the skiff of the purse seine vessel.

(4) Purse seine mesh size ~~((shall be))~~ is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh. Minimum mesh size is met if a wedge of legal size can be passed without undue force through the mesh while the mesh is wet.

(5) A purse seine ~~((will))~~ is not ~~((be))~~ considered to be fishing once both ends of the seine are attached to the primary vessel.

(6) It ~~((shall be))~~ is unlawful to take or fish for salmon with purse seine gear in Puget Sound unless at least four sections, each measuring no less than 12 inches in length ~~((,))~~ along the ~~((corkline))~~ cork line in the bunt, and within 75 fathoms of the bunt, have no corks or floats attached. These four sections must be spaced such that one section is along the ~~((corkline))~~ cork line in the bunt, within 5 fathoms of the seine net, and the other three sections ~~((must be))~~ are spaced at least 20 fathoms apart along the ~~((corkline))~~ cork line within 75 fathoms of the bunt.

(7) When brailing is required, it is unlawful to take or fish for salmon with purse seine gear unless the purse seine vessel has aboard and uses operable recovery boxes as described in this subsection.

(a) Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers per box if one box is used, or one chamber per box if two boxes are used.

(ii) Each recovery box chamber must have an inside length measurement of 48 inches, an inside width measurement of 10 inches, and an inside height measurement of 16 inches.

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter. The inlet hole must be centered horizontally across the door or wall of the chamber, and the bottom of the hole must be located 1-3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1-1/2 inches in diameter, with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute, nor more than 20 gallons per minute.

(b) Each box and chamber must be operating during any time that the net is in the water.

(c) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

(d) All salmon that will not be retained must be released immediately with care and with the least possible injury to the fish, or placed into the operating recovery box.

(e) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

(f) All fish placed in the recovery boxes must be released within the same catch area as the area of capture, and the release must occur prior to landing or docking.

(8) It is unlawful to fish for salmon with purse seine gear in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in immediate possession of a department-issued certification card.

AMENDATORY SECTION (Amending Order 04-202, filed 8/4/04, effective 9/4/04)

WAC 220-47-303 Puget Sound—Lawful gear—Reef nets. (1) Lawful reef net salmon nets in Puget Sound ~~((shall))~~ must not exceed 300 meshes on any side nor contain meshes of a size less than 3-1/2 inches nor utilize more than two leads. Each of ~~((said))~~ the leads ~~((shall))~~ must not exceed 200 feet in length, measured from the bows of the reef net boats to the nearest end of the head buoys. The use of any false, detached, or auxiliary lead ~~((shall be))~~ is unlawful.

(2) It is unlawful to retain Chinook salmon with reef net gear unless the vessel operator is in immediate possession of a department-issued Puget Sound reef net logbook. Completed logs must be submitted and received within six working days to the department.

(3) It is unlawful to fish for salmon with reef net gear in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in immediate possession of a department-issued certification card.

AMENDATORY SECTION (Amending Order 04-202, filed 8/4/04, effective 9/4/04)

WAC 220-47-307 Closed areas—Puget Sound salmon. It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section ~~((shall))~~ do not apply to reef net fishing areas listed in RCW 77.50.050:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within 1/4-mile of each mouth of the Dungeness River.

Area 7 - (1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point, thence west to a point intercepting a line projected from the northernmost point of Jones Island, thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island to the Williamson Rocks Light, thence to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwestern-most point of Fidalgo Head, and including those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwestern-most point of Fidalgo Head northerly to Shannon Point.

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker northerly to Biz Point.

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville northerly to Lopez Pass, and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land northerly to Fauntleroy Point, and including those waters within 1,500 feet of the shore of James Island.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - (1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlinn Island.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

Area 8A - (1) Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area

8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

(2) Additional pink and coho seasonal closure prior to October 3: Those waters southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock.

Area 8D - Those waters easterly of a line projected from Mission Point to Hermosa Point.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy, thence to Forbes Landing wharf east of Hansville.

Area 10 - (1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison (~~((northwest))~~ westerly of a line ((from the Agate Pass entrance light to the light on the end of the Indianola dock)) projected from Point Jefferson to the northernmost portion of Point Monroe.

(3) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Four-mile Rock, and those waters northerly of a line projected from Point Wells to "SF" Buoy, then west to President's Point.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - (1) Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor, and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

(2) Additional coho seasonal closure: Those waters south of a line projected from the light at the mouth of Gig Harbor to the Tahlequah ferry dock, then south to the Point Defiance ferry dock, and those waters south of a line projected from the Point Defiance ferry dock to Dash Point.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4-mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

Areas 12, 12A, and 12B - Additional Chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Areas 12, 12B and 12C - Those waters within 1,000 feet of the eastern shore.

Area 12C - (1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodspport marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

(3) Those waters within 1/4-mile of the mouth of the Dewatto River.

Areas 12 and 12D - Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Area 12D.

Area 13A - Those waters of Burley Lagoon north of State Route 302; those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay, including all waters of Minter Creek Bay; those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove; and those waters within 1/4-mile of Green Point.

AMENDATORY SECTION (Amending WSR 07-20-006, filed 9/20/07, effective 10/21/07)

WAC 220-47-311 Purse seine—Open periods. It is unlawful to take, fish for, or possess salmon taken with purse seine gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas and during the periods provided for in each respective Management and Catch Reporting Area:

AREA	TIME	DATE
7, 7A:	7AM - 7PM ((with use of recovery box; 7AM - 4:00PM without use of recovery box))	= 10/((42)) 10
	7AM - 6PM ((with use of recovery box; 7AM - 3:15PM without use of recovery box))	= ((10/17, 10/18, 10/19, 10/22, 10/23, 10/24, 10/25, 10/26, 10/29, 10/30, 10/31, 11/1, 11/2)) 10/15, 10/16, 10/17, 10/20, 10/21, 10/22, 10/23, 10/24, 10/27, 10/28, 10/29, 10/30, 10/31
	7AM - 5PM ((with use of recovery box; 7AM - 2:30PM without use of recovery box))	= ((11/5, 11/6, 11/7, 11/8, 11/9, 11/12, 11/13, 11/14, 11/15, 11/16)) 11/3, 11/4, 11/5, 11/6, 11/7, 11/10, 11/11, 11/12, 11/13, 11/14

Note: In Areas 7 and 7A, it is unlawful to fail to brail when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).

7B, 7C:	6AM - 8PM	= ((8/22, 8/29, 9/5)) 8/20, 8/27, 9/3
7B:	7AM - 8PM	= ((9/12)) 9/10
	7AM - 7PM	= ((9/17, 9/18, 9/19)) 9/15, 9/16, 9/18
	7AM 9/((23)) 21	= 6PM 11/((3)) 1
	7AM 11/((5)) 3	= 4PM 11/((9)) 7
	7AM 11/((42)) 10	= 4PM 11/((46)) 14
	7AM 11/((49)) 17	= 4PM 11/((23)) 21
	7AM 11/((26)) 24	= 4PM 11/((30)) 28
	8AM 12/((3)) 1	= 4PM 12/((7)) 5

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to purse seines beginning at 12:01 a.m. on the last Monday in October and until 4:00 p.m. on the first Friday in December.

8:	7AM - 5PM	= 11/((6)) 4, 11/11, 11/18
	((7AM - 5PM	11/13
	7AM - 5PM	11/20))

AREA	TIME	DATE
	7AM - 4PM	= 11/((27)) 25
8A:	7AM - 7PM	= Limited participation - two boats ((+4+)) <u>9/29</u> , 10/((8)) 6.
	7AM - 6PM	= 10/((+5)) 13, 10/((22)) 20, 10/((30)) 27, ((+4)) <u>10/29</u>
	7AM - 5PM	= 11/((7)) 5, 11/((+2)) 11, 11/((+4)) 13, 11/((20)) 19
	7AM - 4PM	= <u>11/24</u> , 11/26((+1+28))
8D:	7AM - 7PM	= 9/((24)) 22, ((+4)) <u>9/29</u> , 10/((8)) 6
	7AM - 6PM	= 10/((+5)) 13, 10/((22)) 20, 10/((30)) 27, ((+4)) <u>10/29</u>
	7AM - 5PM	= 11/((7)) 5, 11/((+2)) 11, 11/((+4)) 13, 11/((20)) 19
	7AM - 4PM	= <u>11/24</u> , 11/26((+1+28))
10, 11:	7AM - 6PM	= 10/((22)) 20, 10/((29)) 27, 10/((3+)) 29
	7AM - 5PM	= 11/((5)) 3, 11/((+2)) 10, 11/((+4)) 12, 11/((+9)) 17
	7AM - 4PM	= 11/((26)) 24
12, 12B:	7AM - 6PM; <u>use of recovery box required</u>	= 10/((22)) 20, 10/((29)) 27, 10/((3+)) 29
	7AM - 5PM	= 11/((5)) 3, 11/((+2)) 10, 11/((+9)) 12, 11/17
Note:	In Areas 12 and 12B, it is unlawful to take or fish for salmon during any open period occurring from 10/19 through 11/1 with purse seine gear unless purse seine fishers are using a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).	
12C:	7AM - 5PM	= 11/((+3)) 10, 11/((20)) 17
	7AM - 4PM	= 11/((27)) 24

It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

Chinook salmon - at all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C, and after October ~~((27))~~ 26 in Area 7B.

Coho salmon - at all times in Areas 7, 7A, 10, and 11, and prior to September ~~((9))~~ 7 in Area 7B, and wild coho in Areas 12, 12B, and 12C.

Chum salmon - prior to ~~((September 30))~~ October 1 in Areas 7 and 7A.

All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending WSR 07-20-006, filed 9/20/07, effective 10/21/07)

WAC 220-47-325 Purse seine—Release of incidentally caught fish. (1) It is unlawful for any purse seine vessel operator landing salmon to do so directly into the hold. All salmon must be landed onto the deck or sorting tray or table of the harvesting vessel(~~(s)~~) with the hold hatch cover(s) closed(~~(s)~~) until ~~((the release of))~~ all salmon that ~~((may not)) cannot be retained ~~((is complete)) are released;~~~~ and additionally:

(2) In Areas 7 and 7A, and prior to September ~~((+6))~~ 14 in Areas 7B and 7C, it is unlawful for any purse seine vessel operator to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using

a brailer or dip net meeting the specifications in this section prior to the seine net being removed from the water, unless otherwise provided for in this section.

(3) The brailer ~~((shall))~~ must be constructed in the following manner and with the following specifications:

(a) A bag of web hung on a rigid hoop attached to a handle;

(b) The bag ~~((shall))~~ must be opened by releasing a line running through rings attached to the bottom of the bag; and

(c) The web ~~((shall))~~ must be of soft knotless construction, and the mesh size ~~((may not))~~ cannot exceed 57 mm (2.25 inches) measured along two contiguous sides of a single mesh.

(4) Hand-held dip nets ~~((shall))~~ must be constructed of a shallow bag of soft, knotless web attached to a handle.

(5) Fish may be brought on board without using a brailer or dip net as specified in this section if the number of fish in the net is small enough that the crew can hand-pull the bunt onto the vessel without the use of hydraulic or mechanical assistance.

(6) In order for fishers ~~((using)) to participate in openings where brailing is required, fishers must use~~ a recovery box ~~((must have))~~ and operate the box in compliance with the provisions of WAC ~~((220-47-302-5))~~ 220-47-301 (7)(a) through (f)~~((, and))~~. It is unlawful to fail to do so.

AMENDATORY SECTION (Amending WSR 07-20-006, filed 9/20/07, effective 10/21/07)

WAC 220-47-401 Reef net open periods. (1) It is unlawful to take, fish for, or possess salmon taken with reef net gear for commercial purposes in Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for in each respective area:

AREA	TIME	(-)	DATE(S)
7, 7A	((7AM)) <u>5AM</u> - ((7PM)) <u>9PM</u> Daily		9/((+6)) 14 - 11/((+7)) 15

(2) It is unlawful at all times to retain wild Chinook salmon taken with reef net gear ~~((at all times))~~, and it is unlawful prior to October 1 to retain chum or wild coho salmon taken with reef net gear ~~((prior to September 30))~~.

(3) It is unlawful to retain marked Chinook after September 30.

(a) It is unlawful to retain marked Chinook with reef net gear if the fisher does not have in his or her immediate possession a department-issued Puget Sound Reef Net Logbook with all retained Chinook accounted for in logbook. Marked Chinook are those with a clipped adipose fin and a healed scar at the site of the clipped fin.

(b) Completed logs must be submitted and received within six working days to: Jeromy Jording, Puget Sound Commercial Salmon Manager, Department of Fish & Wildlife, 600 Capitol Way N, Olympia WA, 98501-1091.

(4) All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending WSR 07-20-006, filed 9/20/07, effective 10/21/07)

WAC 220-47-411 Gill net—Open periods. It is unlawful to take, fish for, or possess salmon taken with gill net gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas(;) during the (~~seasons~~) periods provided for in each respective fishing area:

AREA	TIME		DATE(S)	MINIMUM MESH
6D: Skiff gill net only.	7AM	-	7PM 9/22, 9/23, 9/24, 9/25, 9/26, ((9/27, 9/28;)) 9/29, 9/30, 10/1, 10/2, 10/3, ((10/4, 10/5;)) 10/6, 10/7, 10/8, 10/9, 10/10, ((10/11, 10/12;)) 10/13, 10/14, 10/15, 10/16, 10/17, ((10/18, 10/19;)) 10/20, 10/21, 10/22, 10/23, 10/24((, 10/25, 10/26))	5"

Note: In Area 6D, it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain Chinook taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any Chinook or chum salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	((Noon)) <u>7AM</u>	-	Midnight; use of recovery box required	10/((12)) 10, 10/15, 10/16, 10/17((, 10/18, 10/19))	6 1/4"
	((Noon)) <u>7AM</u>	-	Midnight	10/20, 10/21, 10/22, 10/23, 10/24, ((10/25, 10/26;)) 10/27, 10/28, 10/29, 10/30, 10/31, ((11/1, 11/2;)) 11/3, 11/4, 11/5, 11/6, 11/7, ((11/8, 11/9;)) 11/10, 11/11, 11/12, 11/13, 11/14((, 11/15, 11/16))	6 1/4"

Note: In Areas 7 and 7A after September (~~(30)) 28~~ but prior to October (~~(20)) 19~~, coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water, until the gill net is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-47-302 (5)(a) through (f).

7B, 7C: ((7B/7C:))	8PM <u>7PM</u>	=	7AM <u>8AM</u>	NIGHTLY 8/10 NIGHTLY 8/18, 8/19, 8/((20)) 21, 8/25, 8/26, 8/28, ((8/30, 9/3)) 9/1, 9/2, 9/4((, 9/6))	7" 7"
7B:	((7PM)) <u>12:01AM</u>	-	((8AM)) <u>Midnight</u>	((NIGHTLY)) 9/7, 9/9, 9/11, 9/((13)) 14, 9/16, 9/18	5"
((7B:))	6PM 7AM	-	8AM ((8PM)) <u>Midnight</u>	NIGHTLY 9/16, 9/18, 9/21 10/((27)) 25	5") 5"
	((7AM)) <u>12:01AM</u>	-	((8PM)) <u>Midnight</u>	11/((3)) 1	6 1/4"
	10/((28)) 26	-	4PM 11/((9)) 7		6 1/4"
	11/((5)) 3	-	4PM 11/((16)) 14		6 1/4"
	7AM 11/((12)) 10	-	4PM 11/((23)) 21		6 1/4"
	7AM 11/((19)) 17	-	4PM 11/((30)) 28		6 1/4"
	7AM 11/((26)) 24	-	4PM 12/((7)) 5		6 1/4"
	8AM 12/((3)) 1	-			6 1/4"

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to gill nets using 6 1/4-inch minimum mesh beginning 12:01 AM on the last day in October and until 6:00 PM on the first Friday in December.

8:	7AM	-	7PM	11/3, 11/5, 11/7, 11/((9)) 10, 11/12, 11/14, 11/((16)) 17, 11/19, 11/21((, 11/23))	6 1/4"
	7AM	-	6PM	11/24, 11/26, 11/28((, 11/30))	6 1/4"
8A:	6PM	-	8AM	NIGHTLY 10/((9)) 7	5"
	7AM	-	8 PM	10/14, 10/16((, 10/18, 10/19))	5"
	<u>7AM</u>	=	<u>4PM</u>	<u>10/17</u>	<u>5"</u>
	8AM	-	8PM	10/21, 10/23, 10/((25)) 28, 10/((26, 10/29, 10/31, 11/2)) 30	6 1/4"
	<u>8AM</u>	=	<u>4PM</u>	<u>10/24, 10/31</u>	<u>6 1/4"</u>
	7AM	-	7PM	11/4, 11/6, 11/((8)) 10, 11/((9)) 12, 11/((13)) 18, 11/((15, 11/16, 11/21, 11/22, 11/23)) 20	6 1/4"
	7AM	-	6PM	11/25, 11/27((, 11/29, 11/30))	6 1/4"

AREA	TIME		DATE(S)	MINIMUM MESH	
	<u>7AM</u>	-	<u>4PM</u>	<u>11/7, 11/14, 11/21, 11/28</u>	<u>6 1/4"</u>
8D:	6PM	-	8AM	NIGHTLY <u>9/21, 9/23, 9/25, 9/((27)) 28,</u> <u>9/30, 10/2, 10/((4)) 5, 10/7, 10/9((-10/11))</u>	5"
	7AM	-	8 PM	<u>10/((18, 10/19)) 16</u>	5"
	<u>7AM</u>	=	<u>4PM</u>	<u>10/17</u>	<u>5"</u>
	8AM	-	8PM	<u>10/((25, 10/26, 11/1, 11/2)) 23</u>	5"
	<u>8AM</u>	=	<u>4PM</u>	<u>10/24</u>	<u>5"</u>
	<u>8AM</u>	=	<u>8PM</u>	<u>10/30</u>	<u>6 1/4"</u>
	<u>8AM</u>	=	<u>4PM</u>	<u>10/31</u>	<u>6 1/4"</u>
	((7AM	-	7PM	<u>11/8, 11/9</u>	5")
	7AM	-	7PM	<u>11/((15)) 6, 11/((16)) 13, 11/((21, 11/23))</u> <u>11/19</u>	6 1/4"
	7AM	-	6PM	<u>11/((29, 11/30)) 27</u>	6 1/4"
	<u>7AM</u>	=	<u>4PM</u>	<u>11/7, 11/14, 11/21, 11/28</u>	<u>6 1/4"</u>
9A:	7PM	-	7AM	NIGHTLY <u>8/26, 8/27, 8/28((-8/30))</u>	5"
	6AM	-	((7)) 8PM 11/((3)) 1		5"
	((9/26)) 8/31				

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1, and it is unlawful to retain Chinook salmon at any time. Any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

10, 11:	4PM	-	7AM	NIGHTLY <u>10/((21)) 19, 10/28, 11/2</u>	6 1/4"
	((5PM	-	9AM	NIGHTLY <u>10/23</u>	6-1/4"
	3PM	-	7AM	NIGHTLY <u>10/28, 10/30</u>	6-1/4")
	5PM	-	9AM	NIGHTLY <u>10/((31)) 30</u>	6 1/4"
	3PM	-	7AM	NIGHTLY <u>11/((4)) 9, 11/16</u>	6 1/4"
	((4PM	-	8AM	NIGHTLY <u>11/6</u>	6-1/4")
	((3)) 2PM	-	7AM	NIGHTLY <u>11/((11, 11/13)) 23</u>	6 1/4"
	4PM	-	((8AM)) <u>Midnight</u>	NIGHTLY <u>((11/14)) 10/22, 11/5, 11/13,</u> <u>11/19, 11/26</u>	6 1/4"
	((3PM	-	7AM	NIGHTLY <u>11/18</u>	6-1/4"
	4PM	-	8AM	NIGHTLY <u>11/20</u>	6-1/4"
	2PM	-	7AM	NIGHTLY <u>11/25</u>	6-1/4"
	3PM	-	8AM	NIGHTLY <u>11/27</u>	6-1/4")
12A: Skiff gill net only.	7AM	-	7PM	<u>9/2, 9/((4)) 9, 9/((11)) 16, 9/((18)) 23,</u> <u>9/((25, 10/2)) 30</u>	5"

Note: In Area 12A, it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain Chinook or chum salmon taken in Area 12A at any time, and any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

12, 12B:	8AM	-	8PM	<u>10/((24)) 22, 10/((25)) 23, 10/28, 10/30((-</u> <u>11/1, 11/2))</u>	6 1/4"
	7AM	-	7PM	<u>11/((7)) 5, 11/((8)) 6, 11/((14)) 11,</u> <u>11/((15)) 13, 11/((20)) 19, 11/20</u>	6 1/4"
12C:	7AM	-	7PM	<u>11/11, 11/13, 11/((15)) 18, 11/20((-11/22))</u>	6 1/4"
	7AM	-	6PM	<u>11/((26)) 25, 11/27</u>	6 1/4"

All other saltwater and freshwater areas - closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

WSR 08-11-124
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 21, 2008, 10:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-03-102.

Title of Rule and Other Identifying Information: WAC 220-36-023 and 220-40-027, rules for commercial salmon fishing in Grays Harbor and Willapa Bay.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on Tuesday, June 24, 2008, at 8:00 a.m.

Date of Intended Adoption: On or after June 24, 2008.

Submit Written Comments to: Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail

preuslmp@dfw.wa.gov, fax (360) 902-2155, by June 17, 2008.

Assistance for Persons with Disabilities: Contact Susan Yeager at TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable salmon while protecting species of fish listed as endangered.

Reasons Supporting Proposal: To protect species of fish listed as endangered while supporting commercial salmon fishing.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Statute Being Implemented: RCW 77.12.047 and 77.04.020.

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

Name of Proponent: Department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Barbara McClellan, 48 Devonshire Road, Montesano, WA 98563, (360) 249-4628; Implementation: Lew Atkins, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2373.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: These rules incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable salmon while protecting species of fish listed as endangered. The rules include legal gear requirements, area restrictions, and open periods for commercial salmon fisheries occurring in Willapa Bay and Grays Harbor.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None - these rule changes clarify dates for anticipated open periods, areas that are closed in Grays Harbor and Willapa Bay to commercial harvest methods, and legal gear requirements.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: None anticipated.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. Cost per one hundred dollars of sales.

There are no anticipated costs of compliance.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not

Doing So: The department issues an annual pamphlet and mailer to all license holders to alert them to anticipated open periods, closed areas, and gear requirements.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The department cosponsors the annual North of Falcon process, which is a series of public meetings over a period of several months from February through April each year, and which allows constituents to supply input on the rules contained in this filing.

8. A List of Industries That Will Be Required to Comply with the Rule: All licensed fishers using legal commercial gear types seeking to harvest salmon in the all-citizen commercial salmon fisheries occurring in Grays Harbor and Willapa Bay.

A copy of the statement may be obtained by contacting Lori Preuss, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail preuslmp@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

May 21, 2008

Loreva M. Preuss

Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-17-010, filed 8/3/07, effective 9/3/07)

WAC 220-36-023 ~~Salmon~~—Grays Harbor ((salmon—)) fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon and sturgeon according to the chart below. All nonlegal sturgeon and nonlegal steelhead must be handled with care to minimize injury and must be released immediately to the river/bay:

Time:	Areas:
((5:30 p.m. through 1:30 a.m. October 8, 2007;	<u>Area 2C</u>
9:00 p.m. through 5:00 a.m. October 15, 2007;))	
<u>6:00 p.m. October 11 through 6:00 p.m. October 12, 2008;</u>	
<u>AND</u>	
<u>6:00 p.m. October 15 through 6:00 p.m. October 16, 2008.</u>	
((6:00 a.m. through 6:00 p.m. October 11, 2007;	That portion of Area 2A upstream from the Highway 101 Bridge at Aberdeen, to a line projected from the Lakeside Industries asphalt plant tower at a right angle to the thread
6:00 a.m. through 6:00 p.m. October 12, 2007;	
6:00 a.m. through 6:00 p.m. October 13, 2007;))	
<u>7:00 a.m. October 8 through 7:00 p.m.</u>	

Time: Areas:
October 8, 2008: of the stream to the oppo-
7:00 a.m. October 9 through site shore.
7:00 p.m. October 9, 2008: AND
7:00 a.m. October 10 through That portion of Area 2D
7:00 p.m. October 10, 2008. ~~((north and east of a line~~
~~projected due south from~~
~~the 28th street boat~~
~~launch)) lying easterly of a~~
north-south line from the
confluence of the Hoquiam
and Chehalis rivers to Ren-
ney Island, then ((south-
~~easterly)) easterly to Range~~
Marker G, then to the east-
ern boundary of Area 2D at
the Highway 101 Bridge.

~~((1) Drift gill net gear only. It is unlawful to use set net gear.))~~

Gear

(2) ~~((Six-inch))~~ Gill net gear restrictions: All areas:

(a) ~~Drift gill net gear only. It is unlawful to use set net gear.~~

(b) 6-inch maximum mesh restriction, and nets may be
no more than 55 meshes deep.

~~((3))~~ (c) Soak time ((shall) must not exceed ((one hour)) 45 minutes. Soak time((;) is defined as the time
elapsed from when the first of the gill net web is deployed
into the water until the gill net web is fully retrieved from the
water((, must not exceed one hour)).

~~((4))~~ (d) Each boat must have two operable recovery
boxes or one box with two chambers on board when fishing
Area 2A/2D on October 8, 9, and 10, 2008. Each box must
be operating during any time the net is being retrieved or
picked. The flow in the recovery box must be a minimum of
16 gallons per minute in each chamber of the box, not to
exceed 20 gallons per minute. Each chamber of the recovery
box must meet the following dimensions as measured from
within the box: The inside length measurement must be at or
within 39 1/2 inches to 48 inches, the inside width measure-
ments must be at or within 8 to 10 inches, and the inside
height measurement must be at or within 14 to 16 inches.

Each chamber of the recovery box must include a water
inlet hole between 3/4 inch and 1 inch in diameter, centered
horizontally across the door or wall of the chamber and 1 3/4
inches from the floor of the chamber. Each chamber of the
recovery box must include a water outlet hole opposite the
inflow that is at least 1 1/2 inches in diameter. The center of
the outlet hole must be located a minimum of 12 inches above
the floor of the box or chamber. The fisher must demonstrate
to department employees, fish and wildlife enforcement
officers, or other peace officers, upon request, that the pump-
ing system is delivering the proper volume of fresh river/bay
water into each chamber.

(e) All Chinook, nonlegal sturgeon, and ~~((nonlegal))~~
steelhead must be handled with care to minimize injury to the

fish and must be released immediately to the river/bay or to
 an operating recovery box.

~~((5))~~ (f) Any fish that is bleeding or lethargic must be
placed in the recovery box prior to being released to the
river/bay.

(g) All fish placed in recovery boxes must be released to
the river/bay prior to landing or docking.

Other

(3) Quick reporting is required for wholesale dealers and
 fishers retailing their catch under a "direct retail endorse-
 ment." According to WAC 220-69-240(12), reports must be
 made by 10:00 a.m. the day following landing ~~((or within 3~~
~~hours of the close of that particular fishery, whichever hap-~~
~~pens first)).~~

~~((6))~~ (4) Fishers must take department observers if
 requested by department staff((;) when participating in these
 openings. Pursuant to WAC 220-69-240, fishers also must
provide notice of intent to participate by contacting quick
reporting by phone, fax or e-mail. Notice of intent must be
given prior to 10:00 a.m. on October 6 for the October 8-10
openings in Areas 2A/2D.

~~((7))~~ (5) NOAA Fisheries has listed the southern popu-
lation of green sturgeon ((has been listed by NOAA Fisher-
ies)) as threatened under the Endangered Species Act, effec-
tive July 6, 2006. Most of the green sturgeon taken in Wash-
ington fisheries are from the southern population. Therefore,
the retention of green sturgeon is prohibited, to protect this
federally listed stock.

AMENDATORY SECTION (Amending WSR 07-17-010,
 filed 8/3/07, effective 9/3/07)

WAC 220-40-027 Salmon—Willapa Bay fall fishery.

August 16 through December 31 of each year, it is unlawful
 to fish for salmon in Willapa Bay for commercial purposes or
 to possess salmon taken from those waters for commercial
 purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon and stur-
 geon as shown below. All nonlegal sturgeon and nonlegal
 steelhead must be handled with care to minimize injury to the
 fish and must be released immediately to the river/bay:

Time:	Area:
6:00 p.m. September ((46)) <u>15 through 6:00 p.m. Sep-</u> <u>tember ((21, 2007)) 17,</u> <u>2008.</u>	Areas 2G east of a line ((drawn)) <u>projected true</u> <u>south from the most water-</u> <u>ward exposed end of the</u> <u>rock jetty located near</u> <u>Washaway Beach((;), 2H</u> <u>west of Willapa Channel</u> <u>Marker 40((; 2M; and)), 2J</u> <u>north of a true east-west line</u> <u>drawn through the North</u> <u>Entrance Marker to the Nah-</u> <u>cotta Boat Basin (RF #2),</u> <u>and 2M.</u>

Time: 6:00 p.m. September ~~((19))~~ 21 through 6:00 p.m. September ~~((20, 2007))~~ 22, 2008;

AND

6:00 p.m. September ~~((27))~~ 28 through 6:00 p.m. September ~~((28, 2007))~~ 29, 2008.

6:00 p.m. September ~~((23))~~ 21 through 6:00 p.m. September ~~((28, 2007))~~ 26, 2008.

AND

6:00 p.m. September 28 through 6:00 p.m. October 5, 2008.

~~6:00 ((a.m.)) p.m. October 7 through 6:00 p.m. October ((1, 2007))~~ 10, 2008;

AND

~~6:00 ((a.m. though)) p.m. October 12 through 6:00 p.m. October ((2, 2007; 6:00 a.m. though 6:00 p.m. October 3, 2007; 6:00 a.m. though 6:00 p.m. October 4, 2007; 6:00 a.m. though 6:00 p.m. October 5, 2007; 6:00 a.m. though 6:00 p.m. October 6, 2007; and 6:00 a.m. though 6:00 p.m. October 7, 2007))~~ 14, 2008.

~~((7:00 a.m. though 7:00 p.m. October 8, 2007; 7:00 a.m. though 7:00 p.m. October 9, 2007; 7:00 a.m. though 7:00 p.m. October 10, 2007; and 7:00 a.m. though 7:00 p.m. October 11, 2007;))~~ Noon, November 6, through 6:00 p.m. November 14, 2008.

Area: Area 2K

Areas 2G east of a line ~~((drawn))~~ projected true south from the most water-ward exposed end of the rock jetty located near Washaway Beach ~~((; Area))~~, 2H ~~((; Area))~~, 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2) ~~((;))~~, and ~~((Area))~~ 2M.

Areas 2G east of a line projected true south from the most water-ward exposed end of the rock jetty located near Washaway Beach ~~((;))~~, 2H ~~((; 2M; and))~~, 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and 2M.

Areas 2G ~~((west of a line drawn true north south through Willapa Channel Marker 10 and east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, but excluding the area southerly and easterly of a line from Island Sands Light to Ramsey Point; 2M; and))~~ east of a line projected true south from the most water-ward exposed end of the rock jetty located near Washaway

Time:

6:00 p.m. November ~~((12-2007))~~ 14, 2008, through ~~((6:00 p.m.))~~ noon, November ~~((16, 2007))~~ 30, 2008.

~~((Noon, November 5, 2007, through noon, November 30, 2007;))~~

Area:

Beach, 2H west of the Willapa Channel Marker 40, 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and 2M.

~~((Area 2G east of a line drawn true south from the most waterward exposed end of the rock jetty located near Washaway Beach; Area 2H west of Willapa Channel Marker 40; Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2); and Area 2M;))~~

Areas 2G, 2H, 2J, and 2M.

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in Salmon Management and Catch ~~((Record))~~ Reporting Area (SMCRA) 2G, described in this section. The Tokeland Boat basin ~~((means the))~~ is that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall, and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-seconds), to Tokeland Channel Marker "4," to the tip of the seawall.

Gear

(3) Gill net gear restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) September 1 through October ~~((7, 2007))~~ 5, 2008: Six-inch maximum mesh, and net may be no more than ~~((55))~~ fifty-five meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure ~~((break-away))~~ break away panels.

(c) October ~~((8))~~ 7 through October 31, ~~((2007))~~ 2008: Six and one-half inch maximum mesh.

(d) November ~~((1))~~ 6 through November 30, ~~((2007))~~ 2008: Nine-inch minimum mesh; except ~~((that))~~ from 6:00 p.m. November ~~((12))~~ 10 through 6:00 p.m. November ~~((16; 2007))~~ 14, 2008 (coho directed), there are two alternatives:

(i) Use ((either 6-inch)) six-inch maximum mesh ~~((or 9-inch maximum));~~ and net may be no more than fifty-five meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break-away panels; or

(ii) Use nine-inch minimum mesh ~~((choose only one),~~ no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break-away panels)). Only one net of either six-inch or nine-inch config-

uration, not exceeding fifteen hundred feet, may be on board the vessel when in the act of fishing.

Other

(4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(12), reports must be made by 10:00 a.m. the day following landing (~~(or within 3 hours of the close of that particular fishery, whichever happens first)~~).

(5) ~~NOAA Fisheries has listed~~ the southern population of green sturgeon (~~(has been listed by NOAA Fisheries)~~) as threatened under the Endangered Species Act, effective July 6, 2006. Most of the green sturgeon taken in Washington fisheries are from the southern population. Therefore, the retention of green sturgeon is prohibited, to protect this federally listed stock.