

WSR 16-13-001
PROPOSED RULES
NORTHWEST CLEAN
AIR AGENCY

[Filed June 1, 2016, 1:55 p.m.]

Original Notice.

Proposal is exempt under RCW 70.94.141(1).

Title of Rule and Other Identifying Information: Regulation of the Northwest Clean Air Agency (NWCAA).

Hearing Location(s): NWCAA, 1600 South 2nd Street, Mount Vernon, WA 98273, on August 2, 2016, at 9:00 a.m.

Date of Intended Adoption: August 11, 2016.

Submit Written Comments to: Mark Buford, NWCAA, 1600 South 2nd Street, Mount Vernon, WA 98273, e-mail info@nwcleanairwa.gov, fax (360) 428-1620, by August 2, 2016, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Laurie Caskey-Schreiber by July 26, 2016, (360) 428-1617.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:

- Clarify and update the solid fuel burning device (SFB) program to be more consistent with other local agencies within Washington as adapted for local needs. (Amended NWCAA Section 506.)
 - o Added, deleted, or revised certain definitions as necessary to better support the solid fuel burning device regulations. For example, "seasoned wood" was amended to include manufactured pressed wood products such as pellets and logs.
 - o Clarified that devices that did not meet the SFB requirements in effect at the time of installation must be removed or made permanently inoperable.
 - o Added a reference to a test method which allows the use of digital photography in determining opacity from chimneys.
 - o Clarified what fuel types can and cannot be used in a solid fuel burning device.
 - o Deleted NWCAA 506.8 regarding odors and emissions detrimental to persons or property since nuisance provisions are found in WAC 173-433-130 and NWCAA Section 535.
 - o Clarified and added burn ban exemptions that allow people with qualifying situations (e.g., low income) to continue using their solid fuel burning devices during burn bans.
- Update general definition section to add a couple of new definitions as a result of the solid fuel burning device program rule change and clarify a couple of existing definitions. (Amended NWCAA Section 200.)
- Update adoption-by-reference list to allow us to implement the most recent version of the referenced state and federal rules. In addition, adopt by reference the following federal rules so that NWCAA will be the implementing agency rather than EPA within NWCAA jurisdiction: 40 C.F.R. 60 Subpart QQQQ (Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces) and 40 C.F.R. 62 Subpart LLL (Federal Plan Requirements For Sewage Sludge Inciner-

ation Units Constructed On Or Before October 14, 2010). (Amended NWCAA Section 104.)

New/Amended Regulation Section Derivations:
 Amended NWCAA Section 200 - "PM_{2.5}" with definition: New term and definition; amended NWCAA Section 200 - "PM Emissions" with definition: New term and definition; amended NWCAA Section 200 - "Toxic Air Pollutant (TAP) or Toxic Air Contaminant" definition: Replaced definition; amended NWCAA 506.2 - "Certified" definition: Replaced definition; amended NWCAA 506.2 - "Coal Stove" with definition: New term and definition; amended NWCAA 506.2 - "Commercial Establishment" with definition: New term and definition; amended NWCAA 506.2 - "Fireplace" with definition: New term and definition; amended NWCAA 506.2 - "Non-Affected Pellet Stove" with definition: New term and definition; and amended NWCAA 506.8: Renumbered from NWCAA 506.9 with new language.

Distributions for Section Being Replaced: Amended NWCAA 506.2 - "Antique Wood Stove" with definition: Deleted; amended NWCAA 506.2 - "Ecology" with definition: Deleted; amended NWCAA 506.2 - "EPA" with definition: Deleted; former NWCAA 506.8: Deleted; and former NWCAA 506.9: Renumbered as NWCAA 506.8.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141(1).

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

Name of Proponent: NWCAA, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Mark Asmundson, 1600 South 2nd Street, Mount Vernon, WA, (360) 428-1617.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable under RCW 70.94.141.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable under RCW 70.94.141.

June 1, 2016
 Mark Buford
 Deputy Director

AMENDATORY SECTION

SECTION 104 - ADOPTION OF STATE AND FEDERAL LAWS AND RULES

104.1 All provisions of State Law that are in effect as of (~~June 17, 2015~~) June 8, 2016, which are pertinent to the operation of the NWCAA, are hereby adopted by reference and made part of the Regulation of the NWCAA. Specifically, there is adopted by reference the portions pertinent to the operation of the NWCAA of the Washington State Clean Air Act (chapter 70.94 RCW), the Administrative Procedure Act (chapter 34.05 RCW) and chapters 43.21A and 43.21B RCW and the following state rules: chapter 173-400 WAC, (except - -035, -036, -040(1), -075, -099, -100, -101, -102, -103, -104, -105(7), -110, -114, -115, -116, -171, -930), chapter 173-401 WAC, chapter 173-407 WAC, chapter 173-420 WAC, chapter 173-425 WAC, chapter 173-430 WAC, chapter 173-433 WAC, chapter 173-434 WAC, chapter 173-435

WAC, chapter 173-441 WAC, chapter 173-450 WAC, chapter 173-460 WAC, chapter 173-470 WAC, chapter 173-474 WAC, chapter 173-475 WAC, chapter 173-481 WAC, chapter 173-490 WAC, chapter 173-491 WAC, chapter 173-492 WAC, and chapter 173-495 WAC.

104.2 All provisions of the following federal rules that are in effect as of ~~((June 17, 2015))~~ June 8, 2016 are hereby adopted by reference and made part of the Regulation of the NWCAA: 40 CFR Part 50 (National Primary and Secondary Ambient Air Quality Standards); 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans) Appendix M; 40 CFR Part 60 (Standards of Performance For New Stationary Sources) subparts A, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, T, U, V, W, X, Y, Z, AA, AAa, CC, DD, EE, GG, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, AAA, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW, AAAA, CCCC, EEEE, IIII, JJJJ, KKKK, LLLL, OOOO, QQQQ, and Appendix A - I; ~~((and))~~ 40 CFR Part 61 (National Emission Standards For Hazardous Air Pollutants) Subparts A, C, D, E, F, J, L, M, N, O, P, V, Y, BB, FF; 40 CFR Part 62 (Approval and Promulgation of State Plans for Designated Facilities and Pollutants) Subpart LLL; ~~((and))~~ 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) Subparts A, B, C, D, F, G, H, I, L, M, N, O, Q, R, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYYY, ZZZZ, AAAA, BBBB, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, LLLL, MMMM, NNNN, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, WWWW, YYYYY, ZZZZ, BBBB, CCCC, EEEE, FFFF, GGGGG, HHHHH, JJJJJ, MMMMM, NNNNN, QQQQQ, SSSSS, TTTTT, VVVVV, WWWWW, XXXXX, ZZZZZ, AAAAAA, DDDDD, EEEEE, and HHHHHH; 40 CFR Part 65 (Consolidated Federal Air Rule); and 40 CFR Parts 72, 73, 74, 75, 76, 77 and 78 (Acid Rain Program).

PASSED: July 8, 1970 AMENDED: April 14, 1993, September 8, 1993, December 8, 1993, October 13, 1994, May 11, 1995, February 8, 1996, May 9, 1996, March 13, 1997, May 14, 1998, November 12, 1998, November 12, 1999, June 14, 2001, July 10, 2003, July 14, 2005, November 8, 2007, June 10, 2010, June 9, 2011, November 17, 2011, August 9, 2012, March 14, 2013, September 11, 2014, August 13, 2015, August 11, 2016

AMENDATORY SECTION

SECTION 200 - DEFINITIONS

...

COMMENCE((D)) - ~~((a) Commenced a))~~ As applied to construction, ((means that)) the owner or operator has either:

~~((all the necessary preconstruction approvals or permits and either has:))~~

(1) Begun, or caused to begin, a continuous program of actual on-site construction of the stationary source, to be completed within a reasonable time; or

(2) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the stationary source to be completed within a reasonable time.

~~((b) For the purpose of this definition, "necessary preconstruction approvals" means those permits or orders of approval required under federal air quality control laws and regulations, including state, local and federal regulations and orders contained in the SIP.))~~

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PM_{2.5} - Particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix L and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

PM_{2.5} EMISSIONS - Finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 CFR Part 51 or by a test method specified in the SIP.

...

TOXIC AIR POLLUTANT (TAP) or TOXIC AIR CONTAMINANT - ~~((Any Class A or B toxic air pollutant listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.))~~ Any toxic air pollutant listed in WAC 173-460-150. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

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PASSED: January 8, 1969 AMENDED: October 31, 1969, September 3, 1971, June 14, 1972, July 11, 1973, February 14, 1973, January 9, 1974, October 13, 1982, November 14, 1984, October 13, 1994, February 8, 1996, May 9, 1996, March 13, 1997, November 12, 1998, June 14, 2001, July 10, 2003, July 14, 2005, November 8, 2007, November 17, 2011, March 14, 2013, August 13, 2015, August 11, 2016

AMENDATORY SECTION

SECTION 506 - SOLID FUEL BURNING DEVICES

506.1 PURPOSE(-)

This Section establishes emission standards, certification standards and procedures, ~~((curtailment))~~ burn ban rules, and fuel restrictions for solid fuel burning devices in order to maintain compliance with the National Ambient Air Quality Standards (NAAQS) for PM_{2.5} ~~((fine particulates))~~ and to further the policy of the NWCAA as stated in Section 102 of this Regulation.

506.2 DEFINITIONS(-)

~~((Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning as defined in WAC 173-433-030:))~~ All terms not defined herein shall have the meaning given them in WAC 173-433-030 as referenced in NWCAA 104.1 and NWCAA Section 200.

ADEQUATE SOURCE OF HEAT - ((a)) A permanently installed furnace or heating system, connected or disconnected from its energy source, designed to maintain 70°F ((degrees Fahrenheit)) at a point 3 ((three)) feet above the floor in all normally inhabited areas of a residence or commercial establishment. If any part of the heating system has been disconnected, damaged, or is otherwise nonfunctional, NWCAA will base the assessment of the adequacy of the design on the system's capability prior to the disconnection, damage, improper maintenance, malfunction, or occurrence that rendered the system nonfunctional.

~~((ANTIQUÉ WOOD STOVE— a stove manufactured before 1940 which has a current market value substantially greater than a common wood stove manufactured during the same time period:))~~

CERTIFIED - Meeting at least one of the following: ((a solid fuel burning device that meets emission performance standards when tested by an accredited independent laboratory and labeled according to procedures specified by EPA in 40 CFR 60 Subpart AAA – Standards of Performance for Residential Wood Heaters as amended through July 1, 1990; or a solid fuel burning device that has been determined by Ecology to meet emission performance standards, pursuant to RCW 70.94.457:))

(1) Has been determined by Ecology to meet Washington emission performance standards pursuant to RCW 70.94.457 and WAC 173-433-100 as referenced in NWCAA 104.1;

(2) Meets EPA emission performance standards when tested by an accredited independent laboratory and labeled according to procedures specified by EPA in 40 CFR 60 Subpart AAA as referenced in NWCAA 104.2; or

(3) Was manufactured prior to 1989 and meets the "Oregon Department of Environmental Quality Phase 2" emissions standards contained in Subsections (2) and (3) of Section 340-21-115, and certified in accordance with "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984.

COAL STOVE - An enclosed, coal-burning appliance capable of and intended for residential space heating, domestic water heating, or indoor cooking, which has all the following characteristics:

(1) An opening for loading coal which is located near the top or side of the appliance;

(2) An opening for emptying ash which is located near the bottom or the side of the appliance;

(3) A system which admits air primarily up and through the fuel bed;

(4) A grate or other similar device for shaking or disturbing the fuel bed;

(5) Listing by a nationally recognized safety testing laboratory for use of coal only, except for coal ignition purposes; and

(6) Not configured or capable of burning cordwood.

COMMERCIAL ESTABLISHMENT - An establishment possessing a valid business license issued by a governmental entity.

COOKSTOVE - ~~((a wood-fired appliance designed primarily for cooking food and containing an integrally built in oven, with an internal temperature indicator and oven rack, around which the fire is vented, as well as a shaker grate, ash pan and an ash clean-out below the firebox. Any device with a fan or heat channels used to dissipate heat into the room shall not be considered a cookstove:))~~ A wood-fired appliance designed with the primary function of cooking food, which has all of the following characteristics:

(1) An integrally built-in oven with volume of 1 cubic foot or greater and an oven rack;

(2) A cooking surface measured in square inches or square feet that is 1.5 times greater than the firebox measured in cubic inches or cubic feet (e.g., a firebox of 2 cubic feet would require a cooking surface of at least 3 square feet);

(3) A device for measuring oven internal temperatures;

(4) A flame path that is routed around the oven;

(5) A shaker grate ash pan and an ash cleanout below the firebox;

(6) A portion of at least four sides of the oven must be exposed to the flame path during the oven heating cycle, while a flue gas bypass will be permitted for temperature control.

Any device with a fan or heat channels used to dissipate heat into the room is not considered a cookstove. Devices designed or advertised as room heaters that also bake or cook do not qualify as cookstoves.

~~((ECOLOGY—the Washington State Department of Ecology:))~~

~~((EPA—the United States Environmental Protection Agency:))~~

FIREPLACE - A permanently-installed masonry fireplace or a factory-built metal solid fuel burning device designed to be used with an air-to-fuel ratio equal to or greater than 35 to 1 and without features to control the inlet air-to-fuel ratio other than doors or windows such as may be incorporated into the fireplace design for reasons of safety, building code requirements, or aesthetics.

NON-AFFECTED PELLET STOVE - A pellet stove that has an air-to-fuel ratio equal to or greater than 35 to 1 when tested by an accredited laboratory in accordance with methods and procedures specified in EPA Method 28A in 40 CFR 60 Appendix A as referenced in NWCAA 104.2.

SEASONED WOOD - Untreated wood or untreated lumber of any species that has been sufficiently dried so as to contain

20 percent or less moisture by weight. It includes manufactured pressed wood products such as pellets and logs.

SOLID FUEL BURNING DEVICE - ~~((a))~~ A device that burns wood, coal, or any other non-gaseous or non-liquid fuels, and includes ~~((wood stoves or))~~ any device burning any solid fuel except those fuels prohibited by WAC 173-433-120 as referenced in NWCAA 104.1. This ~~((also))~~ includes, but is not limited to, woodstoves, coal stoves, cookstoves, pellet stoves, fireplaces, and wood-burning hydronic heaters. This also includes devices used for aesthetic or space-heating purposes in a private residence or commercial establishment, which have a heat input of less than 1 ~~((one))~~ million British thermal units per hour.

SUBSTANTIALLY REMODELED - ~~((a))~~ Any alteration or restoration of a building the cost of which exceeds ~~((ing))~~ 60 percent of the appraised value of such building within a 12-month period.

TREATED WOOD - ~~((w))~~ Wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects, weathering, or deterioration.

WOOD(-)STOVE - ~~((a))~~ A wood-fueled appliance, other than a cookstove, capable of and intended for residential space heating and domestic water heating that meets the criteria contained in 40 CFR 60 Subpart AAA ~~((Standards of Performance for Residential Wood Heaters))~~ as referenced in NWCAA 104.2 and has all of the following:

(1) An air-to-fuel ratio in the combustion chamber averaging less than 35 to 1 as determined by EPA Method 28A in 40 CFR 60 Appendix A as referenced in NWCAA 104.2;

(2) A useable firebox volume of less than 20 cubic feet;

(3) A minimum burn rate less than 5 kg/hr as determined by EPA Method 28 in 40 CFR 60 Appendix A as referenced in NWCAA 104.2; and

(4) A maximum weight of 800 kg, excluding fixtures and devices that are normally sold separately, such as flue pipe, chimney, and masonry components not integral to the appliance.

Any combination of parts, typically consisting of, but not limited to, doors, legs, flue pipe collars, brackets, bolts and other hardware, when manufactured for the purpose of being assembled, with or without additional owner-supplied parts, into a wood(-)stove, is considered a wood(-)stove.

506.3 EMISSION PERFORMANCE STANDARDS(-)

(A) Solid Fuel Burning Devices,(-) Except as provided in Sections 506.3 (B) and (C), ~~((A))~~ a person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away any solid fuel burning device ~~((in Washington))~~ unless it ~~((has been certified and labeled in accordance with procedures and criteria specified in 40 CFR 60 Subpart AAA Standards of Performance for Residential Wood Heaters,))~~ complies with WAC 173-433-100~~((, and meets))~~ as referenced in NWCAA 104.1 which includes meeting the following particulate air contaminant emission standards:

(1) 2.5 g/hr ~~((Two and one-half grams per hour))~~ for catalytic wood(-)stoves~~((;))~~ and

(2) 4.5 g/hr ~~((Four and one-half grams per hour))~~ for all other solid fuel burning devices.

(B) Fireplaces. Except as provided in NWCAA 506.3(C), a ~~((A))~~ person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a factory-built fire-

place unless it meets 40 CFR 60 Subpart AAA as referenced in NWCAA 104.2 ~~((the 1990 EPA standards for wood stoves))~~ or equivalent standard that may be established by the state building code council by rule. Particulate emissions from ~~((factors for))~~ factory-built fireplaces shall not exceed 7.3 g/kg.

~~((C))~~ Solid fuel burning devices which have been rendered permanently inoperable are exempt from NWCAA 506.3 (A) and (B).

506.4 INSTALLATION OF SOLID FUEL ~~((HEATING))~~ BURNING DEVICES(-)

(A) No new or used solid fuel burning device shall be installed in new or existing buildings unless such device meets Washington state emission performance standards in WAC 173-433-100 as referenced in NWCAA 104.1. ~~((is either Oregon Department of Environmental Quality Phase II or EPA certified to meet current Washington State standards or a pellet stove either certified or exempt from certification in accordance with 40 CFR 60 Subpart AAA Standards of Performance for Residential Wood Heaters.))~~ Any solid fuel burning device not meeting the applicable standards at the time of installation must be removed or rendered permanently inoperable.

~~((B))~~ No used solid fuel burning device shall be installed in new or existing buildings unless such device has been certified and labeled in accordance with either Oregon Department of Environmental Quality Phase II or US EPA certification standard or is a pellet stove either certified or exempt from certification by the US EPA in accordance with 40 CFR 60 Subpart AAA Standards of Performance for Residential Wood Heaters.))

~~((C))~~ (B) An adequate source of heat other than a solid fuel burning device is required in all new and substantially remodeled residential and commercial construction. The rule shall apply to:

(1) Areas designated by a county to be an urban growth area under chapter 36.70A RCW~~((;))~~ and

(2) Areas designated by the EPA as being in nonattainment for particulate matter.

~~((D))~~ After January 1, 1997, no fireplace, except masonry fireplaces, shall be offered for sale unless such fireplace meets the 1990 EPA standards for wood stoves or equivalent standard established by the state building code council by rule in accordance with RCW 70.94.457.))

506.5 OPACITY STANDARDS(-)

(A) Opacity level. Any person shall not cause or allow emission of a smoke plume from any solid fuel burning device to exceed an average of 20 percent opacity for 6 ~~((six))~~ consecutive minutes in any 1 ~~((one))~~-hour period. This limit ~~((restriction))~~ does not apply during the starting of a new fire for a period not to exceed 20 minutes in any 4 ~~((four))~~-hour period.

(B) Test methods and procedures. EPA ~~((reference m))~~ Method 9 or EPA Alternative Method 082 ~~((Visual Determination of Opacity Emissions of Stationary Sources shall))~~ will be used to determine compliance with this Section.

(C) Enforcement. Smoke visible from a chimney, flue or exhaust duct in excess of the opacity standard shall constitute prima facie evidence of unlawful operation of an applicable

solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by an applicable solid fuel burning device.

506.6 ~~((PROHIBITED))~~ FUEL TYPES

~~((A) A person shall not burn any substance, other than properly seasoned fuel wood, in a solid fuel burning device.~~

~~(B) A person shall not burn paper in a solid fuel burning device other than the amount of colorless paper necessary to start a fire.)~~

(A) A person shall cause or allow only the following materials to be burned in a solid fuel burning device:

(1) Seasoned wood.

(2) An amount of paper necessary for starting a fire, and

(3) Coal with sulfur content less than 1.0% by weight burned in a coal stove.

(B) All other materials are prohibited from being burned in a solid fuel burning device, including, but not limited to: garbage, treated pallets, treated lumber, fencing, treated wood, plastic and plastic products, rubber products, animal carcasses, asphaltic products, waste petroleum products, paints and chemicals, paper (other than an amount necessary to start a fire), or any substance that emits dense smoke or obnoxious odors when burned.

506.7 AIR QUALITY BURN BANS ~~((LIMITATIONS ON BURNING WOOD FOR HEAT))~~

~~((A) Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:~~

~~(1) Not burn wood in any solid fuel burning device whenever the Ecology or NWCAA has determined under RCW 70.94.715 that any air pollution episode exists in that area;~~

~~(2) Not burn wood in any solid fuel burning device except those which are either Oregon Department of Environmental Quality Phase II or US EPA certified or certified by Ecology under RCW 70.94.457(1) or a pellet stove either certified or issued an exemption by the US EPA in accordance with 40 CFR Part 60, in the geographical area and for the period of time that a first stage of impaired air quality has been determined, by NWCAA or Ecology, for that area.)~~

(A) Stage 1 Burn Ban

No person shall operate a solid fuel burning device located in a geographic area for which NWCAA has called a Stage 1 Burn Ban unless the solid fuel burning device is certified or a non-affected pellet stove except as provided in NWCAA 506.8.

~~((a)) (1) A ((first stage of impaired air quality is reached)) Stage 1 Burn Ban may be called when forecasted meteorological conditions are predicted to cause $PM_{2.5}$ ((fine particulate)) levels to reach or exceed 35 micrograms per cubic meter, measured on a 24-hour average, within 48 hours, except for areas of $PM_{2.5}$ ((fine particulate)) nonattainment or areas at risk for $PM_{2.5}$ ((fine particulate)) nonattainment. ((and))~~

~~((b)) (2) For a county containing $PM_{2.5}$ nonattainment areas or areas at risk for $PM_{2.5}$ nonattainment, and, when feasible, only for the necessary portions of the county, a Stage 1 Burn Ban ((A first stage burn ban for impaired air quality)) may be called ((for a county containing fine particulate non-~~

~~attainment areas or areas at risk for fine particulate nonattainment, and when feasible only for the necessary portions of the county.) when forecasted meteorological conditions are predicted to cause $PM_{2.5}$ ((fine particulate)) levels to reach or exceed 30 micrograms per cubic meter, measured on a 24-hour average, within 72 hours.((and))~~

~~((3)(a) Not burn wood in any solid fuel burning device in a geographical area and for the period of time that a second stage of impaired air quality has been determined by NWCAA or Ecology, for that area. A second stage of impaired air quality is reached when:))~~

(B) Stage 2 Burn Ban

No person shall operate a solid fuel burning device located in a geographic area for which NWCAA has called a Stage 2 Burn Ban except as provided in NWCAA 506.8.

(1) A Stage 2 Burn Ban may be called when:

~~((i)) (a) A Stage 1 Burn Ban is already in effect and has not reduced the trend of rising $PM_{2.5}$ levels adequately; ((A first stage of impaired air quality has been in force and has not been sufficient to reduce the increasing fine particulate pollution trend:))~~

~~((ii)) (b) The 24-hour average of $PM_{2.5}$ levels have already reached or exceeded 25 micrograms per cubic meter; and ((Fine particulates are at an ambient level of 25 micrograms per cubic meter measured on a 24 hour average; and))~~

~~((iii)) (c) Forecasted meteorological conditions are not expected to allow levels of $PM_{2.5}$ ((fine particulates)) to decline below 25 micrograms per cubic meter for a period of 24 hours or more from the time that $PM_{2.5}$ is ((the fine particulates are)) measured at the trigger level.~~

~~((b)) (2) A Stage 2 ((second stage b)) Burn ((b)) Ban may be called ((by Ecology or NWCAA)) without first calling a Stage 1 ((first stage b)) Burn ((b)) Ban only when all of the following occur:~~

~~((i)) (a) $PM_{2.5}$ ((Fine particulate)) levels have reached or exceeded 25 micrograms per cubic meter, measured on a 24-hour average;~~

~~((ii)) (b) Meteorological conditions have caused $PM_{2.5}$ ((fine particulate)) levels to rise rapidly;~~

~~((iii)) (c) Meteorological conditions are predicted to cause $PM_{2.5}$ ((fine particulate)) levels to exceed ((the)) 35 micrograms per cubic meter, measured on a 24-hour average, within 24 hours; and~~

~~((iv)) (d) Meteorological conditions are highly likely to prevent sufficient dispersion of $PM_{2.5}$ ((fine particulate)).~~

~~((e)) (3) For a county containing $PM_{2.5}$ nonattainment areas or areas at risk for $PM_{2.5}$ nonattainment and, when feasible, only the necessary portions of the county, ((In fine particulate nonattainment areas or areas at risk for fine particulate nonattainment,)) a Stage 2 ((second stage b)) Burn ((b)) Ban may be called ((for the county containing the nonattainment area or areas at risk for nonattainment, and when feasible only for the necessary portions of the county:)) without first calling a Stage 1 ((first stage b)) Burn ((b)) Ban only when ((3)(b)(i), (ii), and (iv) of this subsection)) NWCAA 506.7 (B)(2)(a), (b), and (d) have been met and meteorological conditions are predicted to cause $PM_{2.5}$ ((fine particu-~~

late)) levels to reach or exceed 30 micrograms per cubic meter, measured on a 24-hour average, within 24 hours.

(C) Air Pollution Episode Declared by Ecology

No person shall operate a solid fuel burning device located in a geographic area for which Ecology has declared an alert, warning, or emergency air pollution episode pursuant to WAC 173-433-150(3), chapter 173-435 WAC, and RCW 70.94.715 as referenced in NWCAA 104.1.

~~((B))~~ (D) Upon declaration and for the duration of a Stage 1 or Stage 2 Burn Ban or an air pollution episode ~~((or a first or second stage burn ban))~~, new solid fuel shall be withheld from any solid fuel burning device that is restricted from operating under NWCAA 506.7 (A), (B), and (C) ~~((subsection (A) of this section))~~.

~~((C))~~ (E) Smoke visible from a chimney, flue, or exhaust duct after 3 ~~((three))~~ hours has elapsed from the time of declaration of a Stage 1 or Stage 2 Burn Ban or an air pollution episode ~~((or a first or second stage burn ban))~~ shall constitute prima facie evidence of unlawful operation of a solid fuel burning device if that solid fuel burning device is restricted from operating under NWCAA 506.7 (A), (B), and (C) ~~((subsection (A) of this section))~~. This presumption may be refuted by demonstration that the smoke was not caused by a restricted solid fuel burning device.

~~((506.8 GENERAL EMISSION STANDARDS:~~

~~(A) Emissions detrimental to persons or property. No person shall cause or permit the emission of any air contaminant from any solid fuel burning device, in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property; or which unreasonably interfere with enjoyment of life and property.~~

~~(B) Odors. Any person who shall cause or allow the generation of any odor from any solid fuel burning device which may interfere with any other property owner's use or enjoyment of his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.))~~

506.8 ~~((9))~~ EXEMPTIONS~~((:))~~

~~((A) The provisions of Section 506.7 shall not apply to any person who possesses a valid written exemption approved by the NWCAA. The NWCAA may allow written exemptions to any person who demonstrates any of the following to the satisfaction of the NWCAA:~~

~~(1) An economic need to burn solid fuel for residential space heating purposes by qualifying for energy assistance under the low income energy assistance program.~~

~~(2) That his/her heating system, other than a solid fuel heating device, is inoperable for reasons other than his/her own actions.~~

~~(a) That there is no adequate source of heat and the structure was constructed or substantially remodeled prior to July 1, 1992.~~

~~(b) That there is no adequate source of heat and the structure was constructed or substantially remodeled after July 1, 1992 and is outside an urban growth area, as defined in chapter 36.70A RCW.~~

~~(B) Written exemptions shall be valid for a period determined by the NWCAA and shall not exceed one year from the date of approval.))~~

(A) The provisions of NWCAA 506.7 do not apply to any person who possesses a valid exemption approved by NWCAA. NWCAA may issue exemptions to any person who demonstrates any of the following to the satisfaction of NWCAA:

(1) One-Time 10-Day Temporary Exemption

NWCAA may issue one-time 10-day temporary solid fuel burning device exemptions for persons making such requests indicate they qualify for an exemption under NWCAA 506.8 (A)(2), (3), or (4) and provide all of the information below. Unless required otherwise by NWCAA, such exemption requests may be taken via telephone.

(a) Full name.

(b) Mailing address.

(c) Telephone number.

(d) The exemption under NWCAA 506.8 (A)(2), (3), or (4) for which the applicant believes they qualify.

(e) Physical address where the exemption applies.

(f) Description of the habitable space for which the exemption is being requested.

(g) A statement that the applicant has not previously requested such an exemption for the same physical address. Exceptions may be allowed for unrelated breakdowns of the primary heat source, and

(h) A statement that all of the information provided is accurate.

(2) Low Income

NWCAA may issue written low income exemptions. The applicant must demonstrate an economic need to burn solid fuel for residential space heating purposes by qualifying under the low income energy assistance program (LIEAP) pursuant to economic guidelines established by the U.S. Office of Management and Budget.

(3) Temporary Breakdown of Primary Heat Source

NWCAA may issue written exemptions for a residence or commercial establishment if all of the following apply:

(a) A person in a residence or commercial establishment does not have an adequate source of heat without using a solid fuel burning device.

(b) The applicant demonstrates that the primary heating system, other than a solid fuel burning device, is temporarily inoperable for reasons other than the applicant's own actions. When applying for this exemption, the applicant must submit a compliance schedule for bringing the primary heating system, other than a solid fuel burning device, back into operation to be used as the primary heating source. Unless otherwise approved by NWCAA, exemptions will be limited to 30 calendar days.

A person's income level is not a determining factor in the approval or denial of an exemption under this provision. Exemptions based on income level are addressed in NWCAA 506.8 (A)(2).

(4) No Adequate Source of Heat

NWCAA may issue written exemptions for a residence if both of the following apply:

(a) The residence was constructed prior to July 1, 1992 and

(b) A person in the residence does not have an adequate source of heat without using a solid fuel burning device.

A person's income level is not a determining factor in the approval or denial of an exemption under this provision. Exemptions based on income level are addressed in NWCAA 506.8 (A)(2).

(B) Exemption Duration and Renewals

Unless otherwise specified, written exemptions will expire June 30th of each year. Exemptions in NWCAA 506.8 (A)(2), (3), and (4) may be renewed by NWCAA, provided the applicant meets the applicable requirements at the time of exemption renewal. For renewals under NWCAA 506.8 (A)(2), the applicant must demonstrate the low income status is met each time application is made. Exemption requests may be denied by NWCAA, regardless of the applicant's exemption history.

(C) Residential and Commercial Exemption Limitations

Except for commercial establishments qualifying under NWCAA 506.8 (A)(3), exemptions are limited to residences. Exemptions are limited to normally inhabited areas of a residence, which includes areas used for living, sleeping, cooking, and eating. Exemptions will not be issued for attached and detached garages, shops, and outbuildings. For commercial establishments, exemptions will be limited to areas identified in the exemption.

PASSED: July 14, 2005 AMENDED: November 8, 2007, October 8, 2015, August 11, 2016

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

WSR 16-13-007
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed June 2, 2016, 10:11 a.m.]

Supplemental Notice to WSR 15-20-113.

Preproposal statement of inquiry was filed as WSR 15-12-084.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-101-3000, 388-101-4190, 388-101-4200, 388-101-4240 and 388-101-4260; repeal WAC 388-101-4210, 388-101-4220 and 388-101-4230; and create WAC 388-101-3202, 388-101-3259, 388-101-4175, 388-101-4180, 388-101-4185, 388-101-4205, 388-101-4215, and 388-101-4225.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>), on July 26, 2016, at 10:00 a.m.

Date of Intended Adoption: Not earlier than July 27, 2016.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAU RulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., July 26, 2016.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by July 12, 2016, phone (360) 664-6092, TTY (360) 664-6178, or e-mail KildaJA@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Changes to chapter 388-101 WAC are needed to align with new or changed legislation to include the following:

- HB 1307 outlines enforcement changes in regards to CCRSS providers.
- Initiative 1163 modifies the law governing background checks, training, and home care aide certification for long-term care and must be implemented in this program by January 1, 2016. This created changes in the definition section of this WAC and long-term care worker requirements (WAC 388-101-3259) and background checks (WAC 388-101-3202).
- SB 5600 modified certain definitions concerning vulnerable adults, including the definitions of abuse and sexual abuse, and also amended RCW 74.35.020 [74.34.020] and 74.34.205. These changes are reflected in the definition section of this WAC.

Reasons Supporting Proposal: Repealing the rules is beneficial to or supported by the regulated entities to prevent duplication of certification rules and supports the health and safety of residents in long-term care settings.

Statutory Authority for Adoption: Chapter 71A.12 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Minor edits per stakeholder feedback.

Name of Proponent: Department of social and health services, Penelope Rarick, policy program manager, ALTSA/RCS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Penelope Rarick, P.O. Box 45600, Olympia, WA 98513, (360) 725-3210.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not impact small businesses or small nonprofits

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules do not meet the definition of a "significant legislative rule" under RCW 34.05.328 (5)(c)(iii).

May 31, 2016
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-10-028, filed 4/28/14, effective 5/29/14)

WAC 388-101-3000 Definitions. "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means:

(1) the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment of a vulnerable adult;

(2) In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish;

(3) Abuse includes sexual abuse, mental abuse, physical abuse, and personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult which have the following meanings:

(a) (1) **"Sexual abuse"** means any form of nonconsensual sexual ~~contact~~ conduct, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. ~~(Sexual contact may include interactions that do not involve touching, including but not limited to sending a client sexually explicit messages, or cuing or encouraging a client to perform sexual acts.)~~ Sexual abuse also includes any sexual ~~contact~~ conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) (2) **"Physical abuse"** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving or prodding ~~or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing and certification requirements, and includes restraints that are otherwise being used inappropriately~~.

(c) (3) **"Mental abuse"** means ~~(any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, regular activity, and verbal assault that includes ridiculing, intimidating;)~~ a willful verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.

(d) (4) **"Personal exploitation"** means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(5) **"Improper use of restraint"** means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that:

(a) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW;

(b) Is not medically authorized; or

(c) Otherwise constitutes abuse under this section.

"Associated with the applicant" means any person listed on the application as a partner, officer, director, or majority owner of the applying entity, or who is the spouse or domestic partner of the applicant.

"Case manager" means the division of developmental disabilities case resource manager or social worker assigned to a client.

"Certification" means a process used by the department to determine if an applicant or service provider complies with the requirements of this chapter and is eligible to provide certified community residential services and support to clients.

"Chaperone agreement" means a plan or agreement that describes who will supervise a community protection program client when service provider staff is not present. This plan or agreement is negotiated with other agencies and individuals who support the client, including the client's legal representative and family.

"Chemical restraint" ~~(means the use of psychoactive medications for discipline or convenience and not prescribed to treat the client's medical symptoms)~~ means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has a temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

"Client" means a person who has a developmental disability as defined in RCW 71A.10.020(4) and who also has been determined eligible to receive services by the division of developmental disabilities under chapter 71A.16 RCW. For purposes of informed consent and decision making requirements, the term "client" includes the client's legal representative to the extent of the representative's legal authority.

"Client services" means instruction and support services that service providers are responsible to provide as identified in the client's individual support plan.

"Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

"Crisis diversion" means temporary crisis residential services and supports provided to clients at risk of psychiatric hospitalization and authorized by the division of developmental disabilities.

"Crisis diversion bed services" means crisis diversion that is provided in a residence maintained by the service provider.

"Crisis diversion support services" means crisis diversion that is provided in the client's own home.

"Department" means the Washington state department of social and health services.

"Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than the vulnerable adult's profit or advantage. Some examples of financial exploitation are given in RCW 74.34.020(6).

"Functional assessment" means a comprehensive evaluation of a client's challenging behavior(s). This evaluation is the basis for developing a positive behavior support plan.

"Group home" means a residence that is licensed as either an assisted living facility or an adult family home by the department under chapters 388-78A or 388-76 WAC. Group homes provide community residential instruction,

supports, and services to two or more clients who are unrelated to the provider.

"Group training home" means a certified nonprofit residential facility that provides full-time care, treatment, training, and maintenance for clients, as defined under RCW 71A.22.020(2).

"Immediate" or **"immediately"** means within twenty-four hours for purposes of reporting abandonment, abuse, neglect, or financial exploitation of a vulnerable adult.

"Immediate risk", "immediate threat", or "imminent danger" means serious physical harm to or death of a client or serious threat to a client's life, health, or safety.

"Individual financial plan" means a plan describing how a client's funds will be managed when the service provider is responsible for managing any or all of the client's funds.

"Individual instruction and support plan" means a plan developed by the service provider and the client. The individual instruction and support plan:

(1) Uses the information and assessed needs documented in the individual support plan to identify areas the client would like to develop;

(2) Includes client goals for instruction and support that will be formally documented during the year; and

(3) Must contain or refer to other applicable support or service information that describes how the client's health and welfare needs are to be met (e.g. individual financial plan, positive behavior support plan, cross system crisis plan, individual support plan, individual written plan, client-specific instructions).

"Individual support plan" means a document that authorizes and identifies the division of developmental disabilities paid services to meet a client's assessed needs.

"Instruction" means goal oriented teaching that is designed for acquiring and enhancing skills.

"Instruction and support services staff" means long-term care workers of the service provider whose primary job function is the provision of instruction and support services to clients. Instruction and support services staff ~~((shall))~~ must also include employees of the service provider whose primary job function is the supervision of instruction and support services staff. In addition, both applicants, prior to initial certification, and administrators, prior to assuming duties, who may provide instruction and support services to clients ~~((shall))~~ must be considered instruction and support services staff for the purposes of the applicable training requirements.

"Legal representative" means a person's legal guardian, a person's limited guardian when the subject matter is within the scope of the limited guardianship, a person's attorney at law, a person's attorney in fact, or any other person who is authorized by law to act for another person.

"Long-term care workers" include all persons who provide paid, hands-on personal care services for the elderly or persons with disabilities, including but not limited to individual providers of home care services, direct care workers employed by home care agencies, providers of home care services to persons with developmental disabilities under Title 71A RCW, all direct care workers in state-licensed assisted living facilities, adult family homes, respite care providers, direct care workers employed by community residential ser-

vice businesses, and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

"Managing client funds" means that the service provider:

(1) Has signing authority for the client;

(2) Disperses the client's funds; or

(3) Limits the client's access to funds by not allowing funds to be spent.

"Mechanical restraint" means ~~((a))~~ any device ((or object, which the client cannot remove, applied to the client's body that restricts his/her free movement)) attached or adjacent to the vulnerable adult's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are medically authorized and used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

"Medication administration" means the direct application of a prescribed medication whether by injection, inhalation, ingestion, or other means, to the body of the client by an individual legally authorized to do so.

"Medication assistance" means assistance with self-administration of medication rendered by a nonpractitioner to a client receiving certified community residential services and supports in accordance with chapter 69.41 RCW and chapter 246-888 WAC.

"Medication service" means any service provided by a certified community residential services and support provider related to medication administration or medication assistance provided through nurse delegation and medication assistance.

"Minimal" means a violation that results in little or no negative outcome or little or no potential harm for a client.

"Moderate" means a violation that results in negative outcome or actual or potential harm for a client.

"Negative outcome" includes any negative effect on the client's physical, mental, or psychosocial well-being, including but limited to the client's safety, quality of life or quality of care.

"Neglect" means:

(1) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or

(2) An act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

"Physical intervention" means the use of a manual technique intended to interrupt or stop a behavior from occurring. This includes using physical restraint to release or escape from a dangerous or potentially dangerous situation.

"Physical restraint" means ~~((physically holding or restraining all or part of a client's body in a way that restricts the client's free movement. This does not include briefly~~

~~holding, without undue force, a client in order to calm him/her, or holding a client's hand to escort the client safely from one area to another)) the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include briefly holding without undue force on a vulnerable adult in order to calm or comfort him or her, or holding a vulnerable adult's hand to safely escort him or her from one area to another.~~

"Psychoactive" means possessing the ability to alter mood, anxiety level, behavior, cognitive processes, or mental tension, usually applied to pharmacological agents.

"Psychoactive medications" means medications prescribed to improve or stabilize mood, mental status or behavior. Psychoactive medications include anti-psychotics/neuroleptics, atypical antipsychotics, antidepressants, stimulants, sedatives/hypnotics, and antimania and antianxiety drugs.

"Qualified professional" means a person with at least three years' experience working with individuals with developmental disabilities and as required by RCW 71A.12.220 (12).

"Recurring" or "repeated" means that the department has cited the service provider for a violation of licensing laws or rules and one or more of the following is present:

(1) The department previously imposed an enforcement remedy for a violation of the same law, rule, or for substantially the same problem within the preceding twenty-four months; or

(2) The department cited a violation of the same law, rule, or for substantially the same problem on two occasions within the preceding twenty-four months.

"Restrictive procedure" means any procedure that restricts a client's freedom of movement, restricts access to client property, requires a client to do something which he/she does not want to do, or removes something the client owns or has earned.

"Risk assessment" means an assessment done by a qualified professional and as required by RCW 71A.12.230.

"Serious" means a violation that results in one or more negative outcomes and significant actual harm to a client that does not constitute imminent danger. It also means there is reasonable predictability of recurring actions, practices, situations or incidents with potential for causing significant harm to a client.

"Severity" means the seriousness of a violation as determined by the actual or potential negative outcomes for clients and subsequent actual or potential for harm. Negative outcomes include any negative effect on the client's physical, mental, or psychosocial well-being (i.e., safety, quality of life, quality of care).

"Service provider" means a person or entity certified by the department who delivers services and supports to meet a client's identified needs. The term includes the state operated living alternative (SOLA) program.

"Support" means assistance a service provider gives a client based on needs identified in the individual support plan.

"Supported living" means instruction, supports, and services provided by service providers to clients living in

homes that are owned, rented, or leased by the client or their legal representative.

"Treatment team" means the program participant and the group of people responsible for the development, implementation, and monitoring of the person's individualized supports and services. This group may include, but is not limited to, the case manager, therapist, the service provider, employment/day program provider, and the person's legal representative and/or family, provided the person consents to the family member's involvement.

"Uncorrected deficiency" means the department has cited a violation of WAC or RCW following any type of certification evaluation or complaint investigation and the violation remains uncorrected at the time the department makes a subsequent inspection for the specific purpose of verifying whether such violation has been corrected.

"Vulnerable adult" includes a person:

(1) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(2) Found incapacitated under chapter 11.88 RCW; or

(3) Who has a developmental disability as defined under RCW 71A.10.020; or

(4) Admitted to any facility; or

(5) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(6) Receiving services from an individual provider.

"Willful" means the deliberate, or nonaccidental, action or inaction by an individual that he/she knew or reasonably should have known could cause a negative outcome, including harm, injury, pain, or anguish.

NEW SECTION

WAC 388-101-3202 Background checks—National fingerprint background checks. (1) Administrators and all caregivers who are hired on or after January 1, 2016, and are not disqualified by the Washington state name and date of birth background check, must complete a national fingerprint background check and follow department procedures.

(2) After receiving the results of the national fingerprint background check the service provider must not employ, directly or by contract, an administrator, employee, volunteer, student or subcontractor who has a disqualifying criminal conviction or pending charge for a disqualifying crime under chapter 388-113, or that is a disqualifying negative action under WAC 388-78A-2470 or WAC 388-76-10180.

(3) The service provider may accept a copy of the national fingerprint background check results letter and any additional information from the department's background check central unit from an individual who previously completed a national fingerprint check through the department's background check central unit, provided the national fingerprint background check was completed after January 7, 2012.

NEW SECTION

WAC 388-101-3259 Long-term care worker requirements. Beginning January 1, 2016, all staff employed as long-term care workers as defined by RCW 74.39A.009(16)

are required to meet all the training requirements in the following:

(1) Chapter 388-112 WAC, if the service provider is also licensed as an adult family home or assisted living facility.

(2) Chapter 388-829 WAC, if the service provider is certified only.

NEW SECTION

WAC 388-101-4175 Remedies—General. (1) The department may take one or more of the following actions in any case which the department finds that a service provider is noncompliant with the requirements of this chapter, the department's residential services contract, the requirements of chapter 74.34 RCW or other relevant federal, state and local laws, requirements or ordinances:

(a) Require a service provider to implement a plan of correction approved by the department and to cooperate with subsequent monitoring of the service provider's progress;

(b) Impose reasonable conditions on a service provider's certification such as correction within a time specified in the statement of deficiency, training, and limits on the type of client the service provider may serve;

(c) Impose civil penalties;

(d) Suspend the service provider from accepting clients with specified needs by imposing a limited suspension of department referrals (stop placement);

(e) Suspend department referrals (stop placement);

(f) Refuse to certify a prospective service provider;

(g) Decertify or refuse to renew the certification of the service provider.

(2) The enforcement actions and penalties authorized in this section are not exclusive or exhaustive and nothing in this section prohibits the department from taking any action authorized in statute or rule or under the terms of a contract with the service provider.

NEW SECTION

WAC 388-101-4180 Remedies—Consideration for imposing remedies. (1) The department may select enforcement actions proportional to the seriousness of harm or threat of harm to clients served by service providers.

(2) The department may select a more severe enforcement action for violations that are:

(a) Uncorrected;

(b) Repeated;

(c) Pervasive; or

(d) Present a serious threat to the health, safety, or welfare of clients served by the service provider.

NEW SECTION

WAC 388-101-4185 Remedies—Circumstances resulting in enforcement remedies. The department may impose the enforcement remedies described in this chapter when the service provider:

(1) Failed or refused to comply with the health and safety related requirements of this chapter, chapter 74.34 RCW or the rules adopted under these chapters;

(2) Failed or refused to cooperate with the certification process;

(3) Prevented or interfered with a certification, inspection, or complaint investigation by the department;

(4) Failed to comply with any applicable requirements regarding vulnerable adults under chapter 74.34 RCW;

(5) Knowingly, or with reason to know, made a false statement of material fact related to certification or contracting with the department, or in any matter under investigation by the department;

(6) Failed to submit a plan of correction for approval by the department;

(7) Failed to implement the plan or plans of correction or failed to make a correction imposed under WAC; or

(8) Failed to cooperate with subsequent monitoring.

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-4190 Remedies—Specific provisional certification. (1) The department may impose a provisional certification, not to exceed one hundred eighty days, if any service provider does not comply with requirements of this chapter, other applicable laws and rules, or the residential services contract.

(2) At the end of provisional certification the department may:

(a) Approve the service provider for regular certification if the service provider has complied with certification requirements; or

(b) ~~((Revoke))~~ Decertify the service provider ~~((s certification))~~ and terminate the residential services contract if the service provider has not complied with all certification requirements.

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-4200 Remedies—Specific—Decertification. The department may ~~((revoke any))~~ decertify a service provider ~~((s certification))~~ at any time for noncompliance with the requirements of this chapter, the department's residential services contract, the requirements of chapter 74.34 RCW, or other relevant federal, state and local laws, requirements or ordinances.

NEW SECTION

WAC 388-101-4205 Remedies—Specific—Suspend department referrals (stop placement). (1) The department may suspend referrals to the service provider for noncompliance with the requirements of this chapter, the department's residential services contract, the requirements of chapter 74.34 RCW, or other relevant federal, state, and local laws.

(2) Once the department suspends referrals, the service provider may not admit new referrals until the department lifts its suspension.

(3) The department may lift its suspension if it finds the following:

(a) The service provider has corrected the deficiencies that necessitated the suspension of the department referrals; and

(b) The service provider has shown the capacity to maintain the corrective action addressed by the suspension of department referrals.

(4) After a department finding of a violation for which a suspension of department referrals has been imposed, the department must make an on-site revisit of the service provider within fifteen working days from the deficiency correction date documented on an acceptable plan of correction. If the deficiency correction date had occurred prior to the department being notified, the department must make an on-site revisit within fifteen working days from the date the department receives the acceptable plan of correction from the service provider.

(5) If during the service provider's suspension period, the department finds a new violation that it reasonably believes will result in a new suspension or limited suspension of department referrals, the service provider's current suspension will remain in effect until the department imposes the new suspension or limited suspension of department referrals.

NEW SECTION

WAC 388-101-4215 Remedies—Specific—Limited suspension of department referrals (stop placement) for clients with specified needs. (1) The department may order a limited suspension of department referrals and prohibit the accepting of clients with specified needs if the service provider is noncompliant with the requirements of this chapter, the department's residential services contract, chapter 74.34 RCW, or other relevant federal, state, and local laws.

(2) Once the department orders a limited suspension, the service provider may not accept any clients with specified needs, or at a specific site, until the department lifts its limited suspension.

(3) The department may lift the limited suspension of department referrals if it finds the following:

(a) The service provider has corrected the deficiencies that necessitated the limited suspension of department referrals; and

(b) The service provider has shown the capacity to maintain the corrective action addressed by the limited suspension of department referrals.

(4) After a department finding of a violation for which a limited suspension of department referrals has been imposed, the department must make an on-site revisit of the service provider within fifteen working days from the deficiency correction date documented on an acceptable plan of correction. If the deficiency correction date had occurred prior to the department being notified, the department must make an on-site revisit within fifteen working days from the date the department receives the acceptable plan of correction from the service provider.

(5) If during the service provider's suspension period, the department finds a new violation that it reasonably believes will result in a new suspension or limited suspension of department referrals, the service provider's current suspension will remain in effect until the department imposes the new suspension or limited suspension of department referrals.

NEW SECTION

WAC 388-101-4225 Remedies—Specific—Civil penalties. (1) The department may impose civil penalties if the service provider:

- (a) Fails to implement the plan or plans of correction;
- (b) Fails to make a correction when conditions have been placed on a service provider's certification; or
- (c) Fails to cooperate with the department's subsequent monitoring.

(2) The department may impose civil penalties from the compliance date identified in the approved plan of correction or the statement of deficiencies of:

- (a) Up to one hundred dollars per day per violation; and
- (b) Up to three thousand dollars per violation.

(3) If the service provider fails to submit a plan of correction for approval by the department, the department may impose civil penalties starting ten days after the service provider received the statement of deficiencies.

NEW SECTION

WAC 388-101-4235 Remedies—Civil fine grid. The department will consider the tiered sanction grid below when imposing civil fine remedies:

NO HARM	MINIMAL or MODERATE HARM		SERIOUS HARM		IMMINENT DANGER and/or IMMEDIATE THREAT
Repeat/Uncorrected	Initial	Repeat/ Uncorrected	Initial	Repeat/ Uncorrected	Any Violation
Civil fine of up to \$100 per violation	Civil fine up to \$100 per day per violation not to exceed \$500 per violation	Civil fine up to \$100 per day per violation not to exceed \$1000 per violation	Civil fine up to \$100 per day per violation not to exceed \$2000 per violation	Civil fine up to \$100 per day per violation not to exceed \$3000 per violation	Civil fine up to \$100 per day per violation not to exceed \$3000 per violation

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-4240 Informal dispute resolution. (1)

When a service provider disagrees with the department's finding of a violation or certification action under this chapter, the service provider may request an informal dispute resolution meeting with the department.

(2) The service provider must make a written request to the department for an informal dispute resolution meeting within ten working days of receipt of the written notice of the department's final report of findings and/or certification action.

(3) The service provider must submit a written statement identifying the challenged action, and include specifically the issues and regulations involved.

(4) Except for the imposition of civil penalties, the effective date of enforcement actions may not be delayed or suspended pending any hearing or informal dispute resolution process.

AMENDATORY SECTION (Amending WSR 08-02-022, filed 12/21/07, effective 2/1/08)

WAC 388-101-4260 Appeal rights. (1) A service provider:

(a) May contest a decision made by the department pursuant to chapter 71A.12 RCW and according to the provisions of chapters 34.05 RCW and 388-02 WAC;

(b) Must file any request for a hearing with the office of administrative hearings at the mailing address specified in the notice of imposition of an enforcement remedy; and

(c) Must make the request within twenty-eight days of receipt of the written notice of the department's certification action.

(2) Except for the imposition of civil penalties, certification actions are effective immediately upon notice and will continue pending any hearing.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-101-4210 Community protection program—Circumstances resulting in enforcement remedies.

WAC 388-101-4220 Community protection program—Authorized enforcement remedies.

WAC 388-101-4230 Community protection program—Considerations for imposing remedies.

WSR 16-13-008

PROPOSED RULES

HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed June 2, 2016, 10:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-10-033.

Title of Rule and Other Identifying Information: WAC 182-500-0005 Definitions.

Hearing Location(s): Health Care Authority (HCA), Cherry Street Plaza Building, Sue Crystal Conference Room 106A, 626 8th Avenue, Olympia, WA 98504 (metered public parking is available street side around building. A map is available at http://www.hca.wa.gov/documents/directions_to_csp.pdf, or directions can be obtained by calling (360) 725-1000), on July 26, 2016, at 10:00 a.m.

Date of Intended Adoption: Not sooner than July 27, 2016.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, delivery 626 8th Avenue, Olympia, WA 98504, e-mail arc@hca.wa.gov, fax (360) 586-9727, by 5:00 p.m. on July 26, 2016.

Assistance for Persons with Disabilities: Contact Amber Lougheed by July 22, 2016, e-mail amber.lougheed@hca.wa.gov, (360) 725-1349, or TTY (800) 848-5429 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is amending this rule to replace outdated references to Title 388 WAC with references to Title 182 WAC, and to expand the applicability of the chapter to other agency health care programs in addition to medical assistance.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Chantelle Diaz, P.O. Box 42716, Olympia, WA 98504-2716, (360) 725-1842; Implementation and Enforcement: Ann Myers, P.O. Box 42716, Olympia, WA 98504-2716, (360) 725-1345.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency has determined that the proposed filing does not impose a disproportionate cost impact on small businesses or nonprofits.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

June 2, 2016

Wendy Barcus

Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-500-0005 (~~(Medical)~~) Definitions. Chapter ~~((388-500))~~ 182-500 WAC contains definitions of words and phrases used in rules for medical assistance and other health care programs. When a term is not defined in this chapter, other agency or agency's designee WAC, or state or federal law, the medical definitions found in the Taber's Cyclopedic Medical Dictionary will apply. For general terms not defined in this chapter, other agency or agency's designee WAC, or state or federal law, the definitions in Webster's New World Dictionary apply. If a definition in this chapter conflicts with a definition in another chapter of Title ~~((388))~~ 182 WAC, the definition in the specific WAC prevails.

WSR 16-13-010

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF REVENUE**

[Filed June 2, 2016, 11:59 a.m.]

Pursuant to RCW 34.05.335, the department of revenue (department) files this notice of agency withdrawal of the repealer for WAC 458-20-102A Resale certificates and 458-20-242A Pollution control exemption and/or credits for single purpose facilities added to existing production plants to meet pollution control requirements and which are separately identifiable equipment principally for pollution control in WSR 16-07-079. The repealer was erroneously filed and neither rule is to be repealed or amended.

The department proceeds with this expedited rule-making process under WSR 16-07-079 to amend WAC 458-20-10001 Adjudicative proceedings—Brief adjudicative proceedings—Certificate of registration (tax registration endorsement) revocation, 458-20-10003 Brief adjudicative proceedings for matters related to suspension, nonrenewal, and nonissuance of licenses to sell spirits, 458-20-10004 Brief adjudicative proceedings for matters related to assessments and warrants for unpaid fees issued under chapter 59.30 RCW for manufactured and mobile home communities, 458-20-10201 Application process and eligibility requirements for reseller permits, 458-20-10202 Brief adjudicative proceedings for matters related to reseller permits, and 458-20-273 Renewable energy system cost recovery.

The department plans to adopt the following [above] six rules by filing a CR-103P on or after the date this notice of agency withdrawal of repealer for WAC 458-20-102A and 458-20-242A is filed.

Kevin Dixon
Rules Coordinator

**WSR 16-13-013
PROPOSED RULES
OFFICE OF THE
STATE TREASURER**

[Filed June 3, 2016, 8:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-09-110.

Title of Rule and Other Identifying Information: Chapter 210-10 WAC, Operations of the local government investment pool (LGIP), this chapter is being amended to permit the contribution and withdrawal of funds into the LGIP by automated clearing house (ACH) as well as by wire, and to set parameters regarding ACH transactions.

Hearing Location(s): Office of the State Treasurer, 1110 Capitol Way South, Room 260, Olympia, WA 98504, on July 26, 2016, at 1:00 p.m.

Date of Intended Adoption: July 26, 2016.

Submit Written Comments to: Johnna Craig, 1110 Capitol Way South, P.O. Box 40200, Olympia, WA 98504, e-mail Johnna.Craig@tre.wa.gov, fax (360) 704-5181, by July 24, 2016.

Assistance for Persons with Disabilities: Contact Johnna S. Craig by July 25, 2016, TTY dial 711 for telecommunications relay services.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The amendments to the existing rules will clarify that electronic funds transfer also includes the contribution and withdrawal of funds, by pool participants by ACH as well as by wire. This change will allow greater flexibility to users of the LGIP.

Reasons Supporting Proposal: The proposed amendment will allow for greater flexibility to users of the LGIP and will clarify a potential inconsistency in the current rules.

Statutory Authority for Adoption: RCW 43.250.060.

Statute Being Implemented: Chapter 43.250 RCW.

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

Name of Proponent: Washington state treasurer, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Doug Extine, 416 Syd Snyder Avenue S.W., Legislative Building, Room 230, Olympia, WA 98504, (360) 902-9012.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules are "rules relating only to internal governmental operations that are not subject to violation by a nongovernmental entity" as stated in RCW 34.05.310 and therefore such requirement is not applicable to these proposed rules. Further, the rules are not being proposed by the state board of education as addressed in section 1, chapter 210, Laws of 2012.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules are "rules relating only to internal governmental operations that are not subject to violation by a nongovernmental entity" as stated in RCW 34.05.328 (5)(b) and therefore such requirement is not applicable to these proposed rules.

June 3, 2016
Douglas D. Extine
Deputy Treasurer

AMENDATORY SECTION (Amending WSR 13-03-043, filed 1/9/13, effective 2/9/13)

WAC 210-10-050 Contribution procedures. (1) Contribution procedures for the money market fund:

(a) All contributions will be effected by electronic funds transfer to an account in the money market fund designated by the state treasurer. It is the responsibility of each pool participant to pay any bank charges associated with such electronic transfers to the state treasurer.

(b) Funds transmitted by automated clearing house (ACH) will be held for a period of time as designated by the state treasurer in the prospectus.

(c) Failure to ~~((wire))~~ transmit funds by a pool participant after notification to the state treasurer of an intended transfer will result in penalties. Penalties for failure to timely ~~((wire))~~ transmit funds will be assessed to the account of the pool participant responsible. Reversal of an ACH transmission will constitute a failure to transmit funds.

(d) Contribution requests received in good order will receive the net asset value per unit of the money market fund next determined after the order is accepted by the state treasurer.

(2) Contribution procedures for the extended asset fund:

Direct investments into the extended asset fund are not permitted. Contributions to the extended asset fund may only be effected by means of a contribution from the money market fund. Contributions will take place monthly, on the 10th calendar day of the month (or on the next business day, if the 10th does not fall on a business day).

Pool participants must notify the state treasurer of any contribution on the business day prior to a permitted contribution date no later than the time on that day specified in the prospectus. The state treasurer may allow contributions with less than the required notice in its sole discretion.

Contributions to the extended asset fund will be effected by way of a corresponding withdrawal from the pool participant's specified money market fund account. On the contribution date, shares will be sold from the specified money market fund account at the net asset value determined as of the order acceptance date. Shares of the extended asset fund will be purchased using the extended asset fund's net asset value determined as of the order acceptance date.

AMENDATORY SECTION (Amending WSR 13-03-043, filed 1/9/13, effective 2/9/13)

WAC 210-10-060 Contribution limits and earnings credit. (1) Contribution limits and earnings credit for the money market fund:

To ensure same day credit, a pool participant must inform the state treasurer of any contribution over one million dollars, except for funds transmitted by ACH, no later than 9 a.m. on the same day the contribution is made. Contributions for one million dollars or less, other than those funds transmitted by ACH, can be requested at any time prior to 10 a.m. on the day of contribution.

For all other contributions over one million dollars that are requested prior to 10 a.m., a pool participant may receive same day credit at the sole discretion of the state treasurer. Contributions that receive same day credit will count, for earning rate purposes, as of the day in which the contribution was made. Contributions for which no notice is received prior to 10 a.m. will be credited as of the following business day.

Participants transmitting a contribution via ACH must notify the state treasurer no later than 2 p.m. the business day prior to the contribution date.

(2) Earnings credit:

Income earnings credit on funds contributed to a subpool will be credited to each subpool in the timing and manner described in the prospectus.

AMENDATORY SECTION (Amending WSR 13-03-043, filed 1/9/13, effective 2/9/13)

WAC 210-10-070 Withdrawal procedures. (1) Withdrawal procedures for the money market fund:

Each pool participant shall file with the state treasurer a letter designating the financial institution at which funds withdrawn from the money market fund shall be deposited. This letter shall contain the name of the financial institution, the location of the financial institution, the account name, and the account number to which funds will be deposited. This letter shall be signed by local officials authorized to receive and disburse funds, as described in WAC 210-10-020. Disbursements from the subpool will be effected by electronic funds transfer. Failure by the state treasurer to ~~((wire))~~ transmit funds to a pool participant after proper notification to the state treasurer to disburse funds to a pool participant may result in a bank overdraft in the pool participant's bank account. The state treasurer will reimburse a pool participant for such bank overdraft penalties charged to the pool participant's bank account.

In order to withdraw funds from the money market fund, a pool participant must notify the state treasurer of any withdrawal over one million dollars no later than 9 a.m. on the same day the withdrawal is made except for funds transmitted by ACH. Withdrawals for one million dollars or less, other than those funds transmitted by ACH, can be requested at any time prior to 10 a.m. on the day of withdrawal.

For all other withdrawals from the money market fund over one million dollars that are requested prior to 10 a.m., a pool participant may receive such withdrawal on the same day it is requested at the sole discretion of the state treasurer.

Participants requesting withdrawals via ACH must notify the state treasurer no later than 2 p.m. the business day prior to the requested withdrawal date. Funds contributed by ACH will not be available for withdrawal for a period of time as designated by the state treasurer in the prospectus.

Withdrawal requests with respect to the money market fund received in good order will receive the net asset value per unit of the money market fund next determined after the order is accepted by the state treasurer.

(2) Withdrawal procedures for the extended asset fund.

Withdrawal orders will be accepted on a quarterly basis and must be received two business days prior to the intended withdrawal date. Withdrawals will occur on the 10th calendar

day of the months so designated in the prospectus. If the 10th is not a business day, the withdrawal will occur on the following business day. Other withdrawals may be permitted due to necessity, if the governing body of a pool participant sets forth, by resolution or other appropriate official action, that a withdrawal is necessary to meet the cash flow needs of the pool participant.

Withdrawals from the extended asset fund will be effected by way of a corresponding contribution into the pool participant's specified money market fund account. On the withdrawal date, shares will be sold from the specified extended asset fund account at the net asset value determined as of the next business day after the order acceptance date. Shares of the money market fund will be purchased using the money market fund's net asset value determined as of the next business day after the order acceptance date.

Pool participants must notify the state treasurer of any withdrawal two business days prior to a permitted withdrawal date no later than the time on that day specified in the prospectus. The state treasurer may allow withdrawals with less than the required notice in its sole discretion.

AMENDATORY SECTION (Amending WSR 13-03-043, filed 1/9/13, effective 2/9/13)

WAC 210-10-080 Transfer procedures. A pool participant may transfer funds from one money market fund account to another. To ensure same day credit, a pool participant must inform the state treasurer of any transfer no later than 10 a.m. on the same day the transfer is made. Contributions to the money market fund through ACH will not be available for transfer for a period of time as designated by the state treasurer in the prospectus.

WSR 16-13-030
PROPOSED RULES
HEALTH CARE AUTHORITY
(Washington Apple Health)
[Filed June 6, 2016, 2:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-09-011.

Title of Rule and Other Identifying Information: Chapter 182-50 WAC, Prescription drug program.

Hearing Location(s): Health Care Authority (HCA), Cherry Street Plaza Building, Sue Crystal Conference Room 106A, 626 8th Avenue, Olympia, WA 98504 (metered public parking is available street side around building. A map is available at http://www.hca.wa.gov/documents/directions_to_csp.pdf or directions can be obtained by calling (360) 725-1000), on July 26, 2016, at 10:00 a.m.

Date of Intended Adoption: Not sooner than July 27, 2016.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, delivery 626 8th Avenue, Olympia, WA 98504, e-mail arc@hca.wa.gov, fax (360) 586-9727, by 5:00 p.m. on July 26, 2016.

Assistance for Persons with Disabilities: Contact Amber Lougheed by July 22, 2016, e-mail amber.lougheed@hca.wa.gov, (360) 725-1349, or TTY (800) 848-5429 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is amending chapter 182-50 WAC to clarify rules regarding therapeutic alternatives and therapeutic interchange.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160, 69.41.190.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Chantelle Diaz, P.O. Box 42716, Olympia, WA 98504-2716, (360) 725-1842; Implementation and Enforcement: Ryan Pistorosi, P.O. Box 45502, Olympia, WA 98504-5502, (360) 725-0473.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency has determined that the proposed filing does not impose a disproportionate cost impact on small businesses or nonprofits.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

June 6, 2016
Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 04-06-021, filed 2/23/04, effective 3/25/04)

WAC 182-50-001 Authority and purpose. RCW 41.05.021 (1)((~~a~~)) (~~b~~)(iii) and 70.14.050 authorize the ((~~administrator~~)) director to establish an independent Washington state pharmacy and therapeutics committee within the health care authority to evaluate available evidence of the relative safety, efficacy and the effectiveness of prescription drugs within a class of prescription drugs, in the development of an evidence-based prescription drug program for participating state purchased health care programs. This section requires the ((~~administrator~~)) director to adopt rules governing practitioner endorsement and use of ((~~any~~)) the Washington preferred drug list developed as part of the prescription drug program.

AMENDATORY SECTION (Amending WSR 07-19-031, filed 9/12/07, effective 10/13/07)

WAC 182-50-005 Definitions. When used in this chapter:

(1) "Appointing authority" ((~~shall~~)) means the following ((~~persons~~)) people acting jointly: The ((~~administrator~~)) director of the health care authority((~~, the secretary of the department of social and health services,~~)) and the director of the department of labor and industries.

(2) "Committee" means the independent Washington state pharmacy and therapeutics committee created by RCW 41.05.021 (1)(~~(a)~~) (b)(iii) and 70.14.050. At the election of the (~~department of social and health services~~) health care authority, the committee may serve as the drug use review board provided for in WAC (~~(388-530-1850)~~) 182-530-4000.

(3) "Drug" means the term as it is defined in RCW 69.41.010 (~~(9) and (12)~~).

(4) "Endorsing practitioner" means a practitioner who (~~has reviewed the preferred drug list and~~) has notified the health care authority that he or she (~~has agreed~~) agrees to allow therapeutic interchange (~~(of a preferred drug for any nonpreferred drug in a given therapeutic class)~~).

(5) "Practitioner" means a health care provider, except a veterinarian, as defined at RCW 18.64.011(~~(9)~~).

(6) "Preferred drug" means a drug selected by the appointing authority for inclusion in the Washington preferred drug list used by applicable state agencies for state purchased health care programs.

(7) (~~"Preferred drug list" or "PDL" means the list of drugs selected by the appointing authority to be used by applicable state agencies as the basis for the purchase of drugs in state purchased health care programs.~~)

(~~8~~) "Prescription" has the meaning set forth in RCW 18.64.011(~~(8)~~).

(~~9~~) (8) "Refill" means the continuation of therapy with the same drug, (~~(c)~~) including the renewal of a previous prescription or adjustments in dosage (~~(b)~~) when a prescription is for an antipsychotic, antidepressant, chemotherapy, antiretroviral, or immunosuppressive drug, or for the refill of an immunomodulator/antiviral treatment for hepatitis C for which an established, fixed duration of therapy is prescribed for at least twenty-four weeks but no more than forty-eight weeks).

(~~10~~) (9) "State purchased health care" has the meaning set forth in RCW 41.05.011(~~(2)~~).

(~~11~~) "Therapeutic alternatives" are drug products of different chemical structure within the same pharmacologic or therapeutic class and that are expected to have similar therapeutic effects and safety profiles when administered in therapeutically equivalent doses.

(~~12~~) (10) "Therapeutic interchange" means to dispense (~~(b)~~) a preferred drug in place of a prescribed nonpreferred drug within the same therapeutic class listed on the Washington preferred drug list.

(11) "Washington preferred drug list" or "WPDL" means the list of drugs selected by the appointing authority to be used by applicable state agencies as the basis for the purchase of drugs in state purchased health care programs.

AMENDATORY SECTION (Amending WSR 04-06-021, filed 2/23/04, effective 3/25/04)

WAC 182-50-010 Purpose of the pharmacy and therapeutics committee. The purpose of the committee is to evaluate the available evidence of the relative safety, efficacy, and effectiveness of prescription drugs within a class of prescription drugs and make recommendations to the appointing authority for its deliberation in the development

of the Washington preferred drug list established in RCW 70.14.050.

AMENDATORY SECTION (Amending WSR 04-06-021, filed 2/23/04, effective 3/25/04)

WAC 182-50-015 Open Public Meetings Act and Administrative Procedure Act; exception as technical review committee. (1) Meetings of the pharmacy and therapeutics committee (~~shall in all respects~~) comply with the provisions of the Open Public Meetings Act, chapter 42.30 RCW, and (~~shall be~~) are subject to the provisions of the Administrative Procedure Act, chapter 34.05 RCW, as applicable.

(2) The pharmacy and therapeutics committee (~~shall~~) constitutes a technical review committee created to facilitate the development, acquisition, or implementation of (~~(a)~~) the Washington preferred drug list, for the purposes of state purchased health care under RCW 41.05.026, and (~~as such~~) may hold an executive session in accordance with chapter 42.30 RCW during any regular or special meeting to discuss information submitted in accordance with RCW 41.05.026 (~~(1) through (5)~~).

AMENDATORY SECTION (Amending WSR 04-06-021, filed 2/23/04, effective 3/25/04)

WAC 182-50-025 Membership and qualifications of pharmacy and therapeutics committee. (1) The committee (~~shall~~) consists of no fewer than ten members appointed by the appointing authority.

(2) The appointing authority has the sole right to appoint committee members and may terminate appointment of any member at any time during the term.

(3) The appointing authority (~~will~~) makes appointments to the committee from a pool of interested applicants. Interested (~~persons will be~~) people are provided an opportunity to submit applications to the appointing authority.

(4) Members (~~shall~~) enter into an agreement with the health care authority at the time of their appointment to the committee and (~~shall~~) act in accordance with all of its terms and conditions. Failure to do so may result in termination of the appointment.

(5) The membership composition at all times (~~shall be~~) is consistent with applicable federal requirements (~~(under the federal Social Security Act, Title 19 § 1927 and the requirements of the department of social and health services medical assistance administration)~~) for its drug utilization review board (~~(Therefore,)~~) under the federal Social Security Act, Title 19 Sec. 1927 and the requirements of the health care authority. Pharmacists and physicians each (~~shall~~) represent at least thirty-one percent, but no more than fifty-one percent of committee membership respectively.

(6) Members must be actively practicing in their clinical area of expertise throughout the entire term of their appointments.

(7) Members must have knowledge and expertise in one or more of the following:

(a) Clinically appropriate prescribing of covered outpatient drugs;

- (b) Clinically appropriate dispensing and monitoring of covered outpatient drugs;
- (c) Drug use review;
- (d) Medical quality assurance;
- (e) Disease state management; or
- (f) Evidence-based medicine.

(8) Members of the committee ~~((shall))~~ must not be employed by a pharmaceutical manufacturer, a pharmacy benefits management company, or by any state agency administering state purchased health care programs during their terms ~~((shall))~~ and must not have been so employed ~~((and))~~ for eighteen months prior to their appointment.

(9) A member ~~((shall))~~ must not have a substantial financial conflict of interest including any interest in any pharmaceutical company, including the holding of stock options or the receipt of honoraria or consultant moneys. The appointing authority in its sole discretion may disqualify any potential member if it determines that a substantial conflict of interest exists.

(10) As part of the application process, prospective committee members ~~((shall))~~ must complete a conflict of interest disclosure form, provided by the appointing authority, and after appointment, annually by July 1st of each year. Members must keep their disclosure statements current and provide updated information whenever circumstances change.

(11) Committee members must agree to keep all proprietary information confidential.

AMENDATORY SECTION (Amending WSR 04-06-021, filed 2/23/04, effective 3/25/04)

WAC 182-50-030 Period of appointment. (1) Members ~~((shall be))~~ are appointed to a term of three years and ~~((shall))~~ serve until a successor is ~~((duty))~~ appointed. A member may be reappointed to one additional three-year term for a total of six years. One year after the end of a six-year term, a person is eligible for appointment to one additional three-year term.

(2) Committee members serve staggered three-year terms. Of the initial appointees, in order to provide for staggered terms, some members may be appointed initially for less than three years. If the initial appointment is for less than twenty-four months, that period of time ~~((shall not be))~~ is not counted toward the limitation of years of appointment described in subsection (1) of this section.

(3) Vacancies on the committee will be filled for the balance of the unexpired term from nominee lists for the appropriate committee category as provided under WAC 182-50-025.

(4) Members of the committee ~~((will be))~~ are compensated for participation in the work of the committee in accordance with a personal services contract executed after appointment and prior to commencement of activities related to the work of the committee.

AMENDATORY SECTION (Amending WSR 04-06-021, filed 2/23/04, effective 3/25/04)

WAC 182-50-035 Duties. Committee members ~~((shall))~~:

(1) Select a chair and a vice-chair from among the committee membership.

(2) Meet at least quarterly and may meet at other times at the discretion of the chair.

(3) Adopt a plan of operation that sets forth the policies and procedures established by the committee to develop an evidence-based prescription drug program as authorized by state law for approval by the appointing authority.

(4) Operate according to the plan of operation as approved by the appointing authority.

AMENDATORY SECTION (Amending WSR 07-19-031, filed 9/12/07, effective 10/13/07)

WAC 182-50-200 Endorsing practitioner therapeutic interchange program; effect of practitioner's endorsing status; dispense as written instructions. (1) When filling prescriptions for participating state purchased health care programs, pharmacists ~~((shall dispense a preferred drug in place of a drug not included in the preferred drug list in a given therapeutic class whenever pharmacists receive a prescription from))~~ must make a therapeutic interchange if the prescription is prescribed by an endorsing practitioner except:

(a) If the endorsing practitioner ~~((determines the nonpreferred drug is medically necessary by indicating))~~ indicates "dispense as written" on the nonpreferred prescription; ~~((or))~~

(b) If the prescription is a refill of an antipsychotic, antidepressant, antiepileptic, chemotherapy, antiretroviral, ~~((or))~~ immunosuppressive drug, or ~~((for the refill of a))~~ an immunomodulator/antiviral treatment for hepatitis C ~~((for which an established, fixed duration of therapy is prescribed for at least twenty-four weeks but no more than forty-eight weeks)); or~~

(c) If the pharmacy and therapeutics committee has determined that therapeutic interchange is not clinically appropriate for a specific drug or drug class on the Washington preferred drug list.

(2) When a therapeutic interchange is made, the pharmacist ~~((shall))~~ must notify the endorsing practitioner of the specific drug and dose dispensed.

~~((3) When a nonendorsing practitioner issues a prescription for a drug not included in the preferred drug list, the pharmacist shall dispense the prescribed drug in accordance with the requirements of RCW 69.41.100 through 69.41.180.))~~

WSR 16-13-057

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed June 10, 2016, 3:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-03-083.

Title of Rule and Other Identifying Information: Chapter 246-338 WAC, Medical test site rules, proposing amendments to rules to comply with federal regulations and statutory requirements.

Hearing Location(s): Department of Health (DOH), Town Center 2 Building, Conference Room 145, 111 Israel Road S.E., Tumwater, WA 98501, on August 2, 2016, at 1:30 p.m.

Date of Intended Adoption: August 9, 2016.

Submit Written Comments to: Susan Walker, Lab Quality Assurance Supervisor, 20425 72nd Avenue South, Suite 310, Kent, WA 98032, e-mail <https://fortress.wa.gov/doh/policyreview>, fax (253) 395-6365, by August 2, 2016.

Assistance for Persons with Disabilities: Contact Susan Walker by July 28, 2016, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to add the Centers for Medicaid and Medicare (CMS) clinical laboratory improvement amendments (CLIA) new regulation regarding patients having access to laboratory results per 42 C.F.R. 493.1291(l) and to clarify existing medical test site (MTS) regulations. In addition, a directed or partial plan of correction is proposed for any laboratory with deficiencies pursuant to 42 C.F.R. 493.1832 and RCW 43.05.100. Finally, other proposed revisions updating and clarifying existing MTS federal requirements are in response to RCW 43.70.143 that requires DOH to review rules every five years.

Reasons Supporting Proposal: The proposal enables DOH to adhere to state and federal standards for all United States facilities that test human specimens for health assessment to diagnose, prevent, and/or treat disease. The proposal ensures: (1) Standards for laboratory testing meet state and federal requirements; (2) standards for laboratory testing and provision of laboratory results are maintained per 42 C.F.R. 493.1291(l); (3) existing regulations are clarified in response to RCW 43.70.041 and 42 C.F.R. 493; and (4) directed corrective action requirements are added per federal regulations and state law.

Statutory Authority for Adoption: RCW 70.42.220.

Statute Being Implemented: RCW 43.05.100, 43.70.041, 70.42.005, and 70.42.060.

Rule is necessary because of federal law, 42 C.F.R. 493.1291(l), 42 C.F.R. 493.1832, 42 C.F.R. 493.1241(b), 42 C.F.R. 493.1299, 42 C.F.R. 493.1256 (2)(iv)(v), 42 C.F.R. 493.1273(a).

Name of Proponent: DOH, governmental.

Name of Agency Personnel Responsible for Drafting: Maura Craig, 111 Israel Road S.E., Tumwater, WA 98504, (360) 236-4997; Implementation and Enforcement: Susan Walker, 20425 72nd Avenue South, Suite 310, Kent, WA 98032, (253) 395-6745.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement (SBEIS) was not prepared. Under RCW 19.85.025 and 34.05.310 (4)(c), an SBEIS is not required for proposed rules that adopt or incorporate by reference - without material change - federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards; [no further information supplied by agency].

A cost-benefit analysis is not required under RCW 34.05.328. The agency did not complete a cost-benefit analy-

sis under RCW 34.05.328. RCW 34.05.328 (5)(b)(iii) exempts rules that adopt or incorporate by reference without material change federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish ind [no further information supplied by agency].

June 10, 2016

John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 05-04-040, filed 1/27/05, effective 3/19/05)

WAC 246-338-010 Definitions. For the purposes of this chapter, the following words and phrases have these meanings unless the context clearly indicates otherwise.

(1) "Accreditation organization" means a public or private organization or agency approved by CMS as having standards which are consistent with federal law and regulation, and judged by the department to be equivalent to this chapter.

(2) "Authorized person" means any individual allowed by Washington state law or rule to order tests or receive test results.

(3) "Biannual verification" means a system for verifying the accuracy of test results, at least twice a calendar year, for those tests for which proficiency testing is not required by the department.

(4) "Calibration" means a process of testing and adjusting an instrument, kit, or test system to provide a known relationship between the measurement response and the value of the substance that is being measured by the test procedure.

(5) "Calibration verification" means the assaying of materials of known concentration in the same manner as patient samples to confirm that the calibration of the instrument, kit, or test system has remained stable throughout the laboratory's reportable range for patient test results.

(6) "Calibrator" means a material, solution, or lyophilized preparation designed to be used in calibration. The values or concentrations of the analytes of interest in the calibration material are known within limits ascertained during its preparation or before use.

(7) "Case" means any slide or group of slides, from one patient specimen source, submitted to a medical test site, at one time, for the purpose of cytological or histological examination.

(8) "CDC" means the federal Centers for Disease Control and Prevention.

(9) "CMS" means the federal Centers for Medicare and Medicaid Services.

(10) "CLIA" means Section 353 of the Public Health Service Act, Clinical Laboratory Improvement Amendments of 1988, and regulations implementing the federal amendments, 42 C.F.R. Part 493-Laboratory Requirements in effect on September 22, 2003.

(11) "Control" means a material, solution, lyophilized preparation, or pool of collected serum designed to be used in the process of quality control. The concentrations of the analytes of interest in the control material are known within limits ascertained during its preparation or before routine use.

(12) "Control slide" means a preparation of a material known to produce a specific reaction which is fixed on a glass slide and is used in the process of quality control.

(13) "Days" means calendar days.

(14) "Deemed status" means recognition that the requirements of an accreditation organization have been judged to be equal to, or more stringent than, the requirements of this chapter and the CLIA requirements, and the accreditation organization has agreed to comply with all requirements of this chapter and CLIA.

(15) "Deficiency" means a finding from an inspection or complaint investigation that is not in compliance with this chapter and requires corrective action.

(16) "Department" means the department of health.

(17) "Direct staff time" means all state employees' work time; travel time; telephone contacts and staff or management conferences; and expenses involved with a complaint investigation or an on-site follow-up visit.

(18) "Director," defined as the designated test site supervisor in RCW 70.42.010, means the individual responsible for the technical functions of the medical test site. This person must meet the qualifications for Laboratory Director, listed in 42 C.F.R. Part 493 Subpart M - Personnel for Non-waived Testing.

(19) "Disciplinary action" means license or certificate of waiver denial, suspension, condition, revocation, civil fine, or any combination of the preceding actions, taken by the department against a medical test site.

(20) "Facility" means one or more locations within one campus or complex where tests are performed under one owner.

(21) "Forensic" means investigative testing in which the results are never used for clinical diagnosis, or referral to a health care provider for treatment of an individual.

(22) "HHS" means the federal Department of Health and Human Services.

(23) "High complexity" means a test system, assay, or examination that is categorized under CLIA as a high complexity test.

(24) "May" means permissive or discretionary.

(25) "Medical test site" or "test site" means any facility or site, public or private, which analyzes materials derived from the human body for the purposes of health care, treatment, or screening. A medical test site does not mean:

(a) A facility or site, including a residence, where a test approved for home use by the Federal Food and Drug Administration is used by an individual to test himself or herself without direct supervision or guidance by another and where this test is not part of a commercial transaction; or

(b) A facility or site performing tests solely for forensic purposes.

(26) "Moderate complexity" means a test system, assay, or examination that is categorized under CLIA as a moderate complexity test.

(27) "Must" means compliance is mandatory.

(28) "Nonwaived" means all tests categorized under CLIA as:

(a) Moderate complexity tests, including provider-performed microscopic procedures; or

(b) High complexity tests.

(29) "Owner" means the person, corporation, or entity legally responsible for the business requiring licensure or a certificate of waiver as a medical test site under chapter 70.42 RCW.

(30) "Patient's personal representative" means a person legally authorized to make health care decisions on an individual's behalf.

(31) "Performance specification" means a value or range of values for a test that describe its accuracy, precision, analytical sensitivity, analytical specificity, reportable range and reference range.

~~((31))~~ (32) "Person" means any individual, public organization, private organization, agent, agency, corporation, firm, association, partnership, or business.

~~((32))~~ (33) "Physician" means an individual with a doctor of medicine, doctor of osteopathy, doctor of podiatric medicine, or equivalent degree who is a licensed professional under chapter 18.71 RCW Physicians; chapter 18.57 RCW Osteopathy—Osteopathic medicine and surgery; or chapter 18.22 RCW Podiatric medicine and surgery.

~~((33))~~ (34) "Provider-performed microscopic procedures" means only those moderate complexity tests listed under WAC 246-338-020 (2)(b)(i) through (x), when the tests are performed in conjunction with a patient's visit by a licensed professional meeting qualifications specified in WAC 246-338-020 (2)(a)(i) through (vi).

~~((34))~~ (35) "Provisional license" means an interim approval issued by the department to the owner of a medical test site.

~~((35))~~ (36) "Records" means books, files, reports, or other documentation necessary to show compliance with the quality control and quality assurance requirements under this chapter.

~~((36))~~ (37) "Reference material" means a material or substance, calibrator, control, or standard where one or more properties are sufficiently well established for use in calibrating a process or for use in quality control.

~~((37))~~ (38) "Specialty" means a group of similar subspecialties or tests. The specialties for a medical test site are as follows:

- (a) Chemistry;
- (b) Cytogenetics;
- (c) Diagnostic immunology;
- (d) Immunohematology;
- (e) Hematology;
- (f) Histocompatibility;
- (g) Microbiology;
- (h) Pathology; and
- (i) Radiobioassay.

~~((38))~~ (39) "Standard" means a reference material of fixed and known chemical composition capable of being prepared in essentially pure form, or any certified reference material generally accepted or officially recognized as the unique standard for the assay regardless of level or purity of the analyte content.

~~((39))~~ (40) "Subspecialty" means a group of similar tests. The subspecialties of a specialty for a medical test site are as follows, for:

(a) Chemistry, the subspecialties are routine chemistry, urinalysis, endocrinology, and toxicology;

(b) Diagnostic immunology, the subspecialties are syphilis serology and general immunology;

(c) Immunohematology, the subspecialties are ABO grouping and Rh typing, antibody detection, antibody identification, and compatibility testing;

(d) Hematology, the subspecialties are routine hematology and coagulation;

(e) Microbiology, the subspecialties are bacteriology, mycology, parasitology, virology, and mycobacteriology; and

(f) Pathology, the subspecialties are histopathology (including dermatopathology), diagnostic cytology, and oral pathology.

~~((40))~~ (41) "Supervision" means authoritative procedural guidance by an individual qualified under 42 C.F.R. Part 493 Subpart M - Personnel for Non-waived Testing, assuming the responsibility for the accomplishment of a function or activity by technical personnel.

~~((41))~~ (42) "Technical personnel" means individuals employed to perform any test or part of a test.

~~((42))~~ (43) "Test" means any examination or procedure conducted on a sample taken from the human body.

~~((43))~~ (44) "Validation inspection" means an on-site inspection by the department of an accredited medical test site to determine that the accreditation organization's regulations are equivalent to this chapter and are enforced.

~~((44))~~ (45) "Waived test" means a test system that is:

(a) Cleared by the Food and Drug Administration for home use; or

(b) A simple laboratory examination or procedure that has an insignificant risk of an erroneous result.

In order for a test system to be waived, it must be approved for waiver under CLIA.

~~((45))~~ (46) "Will" means compliance is mandatory.

AMENDATORY SECTION (Amending WSR 05-04-040, filed 1/27/05, effective 3/19/05)

WAC 246-338-028 On-site inspections. (1) The department may conduct an on-site review of a licensee or applicant at any time to determine compliance with chapter 70.42 RCW and this chapter as described in Table 020-1.

(2) The department may at any time examine records of the medical test site to determine compliance with chapter 70.42 RCW and this chapter.

(3) The department will:

(a) Provide written notice of deficiencies to the medical test site; ~~((and))~~

(b) Allow the owner a reasonable period of time, not to exceed sixty days after department approval of the written plan of correction, to correct a deficiency unless the deficiency is an immediate threat to public health, safety, or welfare; and

(c) Impose a directed plan of correction or a partial directed plan of correction as an alternative sanction for any laboratory that has serious deficiencies per 42 C.F.R. 493.1832 and RCW 43.05.100.

(4) The medical test site must:

(a) Present a written plan of correction to the department within fourteen days following the date of postmark of the notice of deficiencies;

(b) Comply with the written plan of correction within a specified time, not to exceed sixty days, after department approval of the written plan of correction which must detail how and when the medical test site will correct the deficiencies;

(c) Submit to inspections by CMS or CMS agents as a condition of licensure for the purpose of validation or in response to a complaint against the medical test site;

(d) Authorize the department to release all records and information requested by CMS to CMS or CMS agents;

(e) Cooperate with any on-site review conducted by the department; and

(f) Authorize the accreditation organization to submit, upon request of the department:

(i) On-site inspection results;

(ii) Reports of deficiencies;

(iii) Plans of corrections for deficiencies cited;

(iv) Any disciplinary or enforcement action taken by the accreditation organization against the medical test site and results of any disciplinary or enforcement action taken by the accreditation organization against the medical test site; and

(v) Any records or other information about the medical test site required for the department to determine whether or not standards are consistent with chapter 70.42 RCW and this chapter.

AMENDATORY SECTION (Amending WSR 14-09-001, filed 4/2/14, effective 5/3/14)

WAC 246-338-070 Records. Medical test sites must maintain records as described in this section.

(1) REQUISITIONS must include the following information, in written or electronic form:

(a) Patient name, identification number, or other method of patient identification;

(b) Name and address or other suitable identifiers of the authorized person ordering the test. The laboratory may accept oral requests for laboratory tests if it solicits a written or electronic authorization within thirty days of the oral request and maintains the authorization or documentation of its efforts to obtain the authorization;

(c) Date of specimen collection, and time, if appropriate;

(d) Source of specimen, if appropriate;

(e) Type of test ordered;

(f) Sex, and age or date of birth, of the patient; and

(g) For cytology and histopathology specimens:

(i) Pertinent clinical information; and

(ii) For Pap smears:

(A) Date of last menstrual period; and

(B) Indication whether the patient had a previous abnormal report, treatment, or biopsy.

(2) TEST RECORD SYSTEMS must:

(a) Consist of instrument printouts, worksheets, accession logs, corrective action logs, and other records that ensure reliable identification of patient specimens as they are pro-

cessed and tested to assure that accurate test results are reported; and

(b) Include:

- (i) The patient's name or other method of specimen identification;
- (ii) The date and time the specimen was received;
- (iii) The reason for specimen rejection or limitation;
- (iv) The date of specimen testing; and
- (v) The identification of the personnel who performed the test.

(3) TEST REPORTS must:

(a) Be maintained in a manner permitting identification and reasonable accessibility;

(b) Except as provided in WAC 246-338-070 (3)(c) be released only to authorized persons or designees;

(c) Upon a request by a patient or patient's personal representative, the laboratory may provide patients, their personal representatives, and those persons specified under 45 C.F.R. 164.524 (c)(3)(ii), with access to completed test reports that, using the laboratory's authentication process, can be identified as belonging to that patient;

(d) Include:

- (i) Name and address of the medical test site, or where applicable, the name and address of each medical test site performing each test;
- (ii) Patient's name and identification number, or a unique patient identifier and identification number;
- (iii) Date reported;
- (iv) Time reported, if appropriate;
- (v) Specimen source, when appropriate, and any information regarding specimen rejection or limitation; and
- (vi) Name of the test performed, test result, and units of measurement, if applicable.

(4) CYTOLOGY REPORTS must:

(a) Distinguish between unsatisfactory specimens and negative results;

(b) Provide narrative descriptions for any abnormal results, such as the 2001 Bethesda system of terminology as

published in the *Journal of the American Medical Association*, 2002, Volume 287, pages 2114-2119; and

(c) Include the signature or initials of the technical supervisor, or an electronic signature authorized by the technical supervisor, for nongynecological preparations and gynecological preparations interpreted to be showing reactive or reparative changes, atypical squamous or glandular cells of undetermined significance, or to be in the premalignant (dysplasia, cervical intraepithelial neoplasia or all squamous intraepithelial neoplasia lesions including human papilloma-virus-associated changes) or malignant category.

(5) HISTOPATHOLOGY REPORTS must include the signature or initials of the technical supervisor or an electronic signature authorized by the technical supervisor on all reports. Reports must be signed by the same qualified individual who performs the diagnostic interpretation and evaluation, and must utilize appropriate terminology such as the SnoMed system.

(6) CYTOGENETICS REPORTS must:

(a) Use the International System for Human Cytogenetic Nomenclature on final reports;

(b) Include the number of cells counted and analyzed; and

(c) Include a summary and interpretation of the observations.

(7) If a specimen is referred to another laboratory for testing, the medical test site must:

(a) Report the essential elements of the referred test results without alterations that could affect the clinical interpretation of the results; and

(b) Retain or be able to produce an exact duplicate of each testing report from the referral laboratory.

(8) The medical test site must retain records, slides, and tissues as described in Table 070-1, under storage conditions that ensure proper preservation.

(9) If the medical test site ceases operation, it must make provisions to ensure that all records and, as applicable, slides, blocks and tissue are retained and available for the time frames specified in Table 070-1.

Table 070-1 Record/Slide/Tissue Retention Schedule

	Two Years	Five Years	Ten Years
(a) General Requirements for all Laboratory Specialties	<ul style="list-style-type: none"> • Test requisitions or equivalent; • Test records, including instrument printouts if applicable; • Test reports; • Quality control records; • Quality assurance records; • Proficiency testing records; • Hard copy of report, or ability to reproduce a copy, for all specimens referred for testing; and 		

	Two Years	Five Years	Ten Years
	<ul style="list-style-type: none"> Discontinued procedures for all specialty areas 		
(b) Transfusion Services		<ul style="list-style-type: none"> Test requisitions or equivalent; Test records; Test reports; Quality control records; and Quality assurance records 	<ul style="list-style-type: none"> Individual product records*
(c) Cytology		<ul style="list-style-type: none"> All cytology slides, from date of examination of the slide 	<ul style="list-style-type: none"> All cytology reports
(d) Histopathology/Oral Pathology	<ul style="list-style-type: none"> Specimen blocks, from date of examination 		<ul style="list-style-type: none"> All histopathology and oral pathology reports; and Stained slides, from date of examination of the slide
(e) Histopathology/Oral Pathology-Tissues	Retain remnants of tissue specimens in an appropriate preserved state until the portions submitted for microscopic examination have been examined and diagnosed		
(f) Instrument/method Validation Studies	For life of instrument/method plus two years		

* Must be retained for no less than ten years in accordance with 21 C.F.R. 606.160(7)(d).

AMENDATORY SECTION (Amending WSR 05-04-040, filed 1/27/05, effective 3/19/05)

WAC 246-338-090 Quality control. The medical test site must use quality control procedures, providing and assuring accurate and reliable test results and reports, meeting the requirements of this chapter.

(1) The medical test site must have and follow written procedures and policies available in the work area for:

(a) Analytical methods used by the technical personnel including:

- (i) Principle;
- (ii) Specimen collection and processing procedures;
- (iii) Equipment/reagent/supplies required;
- (iv) Preparation of solutions, reagents, and stains;
- (v) Test methodology;
- (vi) Quality control procedures;
- (vii) Procedures for reporting results (normal, abnormal, and critical values);
- (viii) Reference range;
- (ix) Troubleshooting guidelines - limitations of methodology;
- (x) Calibration procedures; and
- (xi) Pertinent literature references; and

(b) Alternative or backup methods for performing tests including the use of a reference facility if applicable.

(2) The medical test site must establish written criteria for and maintain appropriate documentation of:

- (a) Temperature-controlled spaces and equipment;

- (b) Preventive maintenance activities;
 - (c) Equipment function checks;
 - (d) Procedure calibrations; and
 - (e) Method/instrument validation procedures.
- (3) The medical test site must maintain documentation of:
- (a) Expiration date, lot numbers, and other pertinent information for:
 - (i) Reagents;
 - (ii) Solutions;
 - (iii) Culture media;
 - (iv) Controls;
 - (v) Calibrators;
 - (vi) Standards;
 - (vii) Reference materials; and
 - (viii) Other testing materials; and
 - (b) Testing of quality control samples.
 - (4) For **quantitative tests**, the medical test site must perform quality control as follows:
 - (a) Include two reference materials of different concentrations each day of testing unknown samples, if these reference materials are available; or
 - (b) Follow an equivalent quality testing procedure that meets federal CLIA regulations.
 - (5) For **qualitative tests**, the medical test site must perform quality control as follows:
 - (a) Use positive and negative reference material each day of testing unknown samples; or

- (b) Follow an equivalent quality testing procedure that meets federal CLIA regulations.
- (6) The medical test site must:
 - (a) Use materials within their documented expiration date;
 - (b) Not interchange components of kits with different lot numbers, unless specified by the manufacturer;
 - (c) Determine the statistical limits for each lot number of unassayed reference materials through repeated testing;
 - (d) Use the manufacturer's reference material limits for assayed material, provided they are:
 - (i) Verified by the medical test site; and
 - (ii) Appropriate for the methods and instrument used by the medical test site;
 - (e) Make reference material limits readily available;
 - (f) Report patient results only when reference materials are within acceptable limits; ~~(and)~~
 - (g) Rotate control material testing among all persons who perform the test;
 - (h) Use calibration material from a different lot number than that used to establish a cut-off value or to calibrate the test system, if using calibration material as a control material; ~~(and)~~
 - (i) For each test system that has an extraction phase, include two control materials, including one that is capable of detecting errors in the extraction process;
 - (j) For each molecular amplification procedure, include two control materials and, if reaction inhibition is a significant source of false negative results, a control material capable of detecting the inhibition is required; and
 - (k) Comply with general quality control requirements as described in Table 090-1, unless otherwise specified in subsection (9)(a) through (l) of this section.
- (7) The medical test site must perform, when applicable:
 - (a) Calibration and calibration verification for **moderate and high complexity testing** as described in Table 090-2;

- (b) Validation for **moderate complexity testing** by verifying the following performance characteristics when the medical test site introduces a new procedure classified as moderate complexity:
 - (i) Accuracy;
 - (ii) Precision;
 - (iii) Reportable range of patient test results; and
 - (iv) If using the reference range provided by the manufacturer, that it is appropriate for the patient population;
- (c) Validation for **high complexity testing**:
 - (i) When the medical test site introduces a new procedure classified as high complexity;
 - (ii) For each method that is developed in-house, is a modification of the manufacturer's test procedure, or is an instrument, kit or test system that has not been cleared by FDA; and
 - (iii) By verifying the following performance characteristics:
 - (A) Accuracy;
 - (B) Precision;
 - (C) Analytical sensitivity;
 - (D) Analytical specificity to include interfering substances;
 - (E) Reference ranges (normal values);
 - (F) Reportable range of patient test results; and
 - (G) Any other performance characteristic required for test performance.
 - (8) When patient values are above the maximum or below the minimum calibration point or the reportable range, the medical test site must:
 - (a) Report the patient results as greater than the upper limit or less than the lower limit or an equivalent designation; or
 - (b) Use an appropriate procedure to rerun the sample allowing results to fall within the established linear range.

Table 090-1 General Quality Control Requirements

	Control Material	Frequency
(a) Each batch or shipment of reagents, discs, antisera, and identification systems	<ul style="list-style-type: none"> • Appropriate control materials for positive and negative reactivity 	<ul style="list-style-type: none"> • When prepared or opened, unless otherwise specified
(b) Each batch or shipment of stains	<ul style="list-style-type: none"> • Appropriate control materials for positive and negative reactivity 	<ul style="list-style-type: none"> • When prepared or opened; and • Each day of use, unless otherwise specified
(c) Fluorescent and immunohistochemical stains	<ul style="list-style-type: none"> • Appropriate control materials for positive and negative reactivity 	<ul style="list-style-type: none"> • Each time of use, unless otherwise specified
(d) Quality control for each specialty and subspecialty	<ul style="list-style-type: none"> • Appropriate control materials; or • Equivalent mechanism to assure the quality, accuracy, and precision of the test if reference materials are not available 	<ul style="list-style-type: none"> • At least as frequently as specified in this section; • More frequently if recommended by the manufacturer of the instrument or test procedure; or • More frequently if specified by the medical test site

	Control Material	Frequency
(e) Direct antigen detection systems without procedural controls	<ul style="list-style-type: none"> Positive and negative controls that evaluate both the extraction and reaction phase 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number; and Each day of use

Table 090-2 Calibration and Calibration Verification—Moderate and High Complexity Testing

	Calibration Material	Frequency
CALIBRATION	<ul style="list-style-type: none"> Calibration materials appropriate for methodology 	<ul style="list-style-type: none"> Initial on-site installation/implementation of instrument/method; At the frequency recommended by the manufacturer; and Whenever calibration verification fails to meet the medical test site's acceptable limits for calibration verification.
CALIBRATION VERIFICATION	<ul style="list-style-type: none"> Use assayed material, if available, at the lower, mid-point, and upper limits of procedure's reportable range; or Demonstrate alternate method of assuring accuracy at the lower, mid-point, and upper limits of procedure's reportable range 	<ul style="list-style-type: none"> At least every six months; When there is a complete change of reagents (i.e., new lot number or different manufacturer) is introduced; When major preventive maintenance is performed or there is a replacement of critical parts of equipment; or When controls are outside of the medical test site's acceptable limits or exhibit trends.

(9) The medical test site must perform quality control procedures as described for each specialty and subspecialty in (a) through (l) of this subsection.

(a) Chemistry.

Perform quality control procedures for chemistry as described in Table 090-3 or follow an equivalent quality testing procedure that meets federal CLIA regulations.

Table 090-3 Quality Control Procedures—Chemistry

Subspecialty/Test	Qualitative		Quantitative	
	Control Material	Frequency	Control Material	Frequency
Routine Chemistry	<ul style="list-style-type: none"> Positive and negative reference material 	<ul style="list-style-type: none"> Each day of use 	<ul style="list-style-type: none"> Two levels of reference material in different concentrations 	<ul style="list-style-type: none"> Each day of use
Toxicology				
<ul style="list-style-type: none"> GC/MS for drug screening 	<ul style="list-style-type: none"> Analyte-specific control 	<ul style="list-style-type: none"> With each run of patient specimens 	<ul style="list-style-type: none"> Analyte-specific control 	<ul style="list-style-type: none"> With each analytical run
<ul style="list-style-type: none"> Urine drug screen 	<ul style="list-style-type: none"> Positive control containing at least one drug representative of each drug class to be reported; must go through each phase of use including extraction 	<ul style="list-style-type: none"> With each run of patient specimens 		

Subspecialty/Test	Qualitative		Quantitative	
	Control Material	Frequency	Control Material	Frequency
Urinalysis	<ul style="list-style-type: none"> • Nonwaived instrument • Refractometer for specific gravity 		<ul style="list-style-type: none"> • Two levels of control material • Calibrate to zero with distilled water • One level of control material 	<ul style="list-style-type: none"> • Each day of use • Each day of use
Blood Gas Analysis			<ul style="list-style-type: none"> • Calibration • One level of control material • One-point calibration or one control material 	<ul style="list-style-type: none"> • Follow manufacturer's specifications and frequency • Each eight hours of testing, using both low and high values on each day of testing • Each time patient specimen is tested, unless automated instrument internally verifies calibration every thirty minutes
Electrophoresis	<ul style="list-style-type: none"> • One control containing fractions representative of those routinely reported in patient specimens 	<ul style="list-style-type: none"> • In each electrophoretic cell 	<ul style="list-style-type: none"> • One control containing fractions representative of those routinely reported in patient specimens 	<ul style="list-style-type: none"> • In each electrophoretic cell

(b) Hematology.

- (i) Run patient and quality control samples in duplicate for manual cell counts;
- (ii) If reference material is unavailable, document the mechanism used to assure the quality, accuracy, and precision of the test; and
- (iii) Perform quality control procedures for hematology as described in Table 090-4 or follow an equivalent quality testing procedure that meets federal CLIA regulations.

Table 090-4 Quality Control Procedures—Hematology

	Control Material	Frequency
Automated	<ul style="list-style-type: none"> • Two levels of reference material in different concentrations 	<ul style="list-style-type: none"> • Each day that patient samples are tested
Manual Blood Counts	<ul style="list-style-type: none"> • One level of reference material 	<ul style="list-style-type: none"> • Every eight hours that patient samples are tested
Qualitative Tests	<ul style="list-style-type: none"> • Positive and negative reference material 	<ul style="list-style-type: none"> • Each day of testing

(c) Coagulation.

- (i) Run patient and quality control samples in duplicate for manual coagulation test (tilt tube);
- (ii) If reference material is unavailable, document the mechanism used to assure the quality, accuracy, and precision of the test; and
- (iii) Perform quality control procedures for coagulation as described in Table 090-5 or follow an equivalent quality testing procedure that meets federal CLIA regulations.

Table 090-5 Quality Control Procedures—Coagulation

	Control Material	Frequency
Automated	<ul style="list-style-type: none"> Two levels of reference material in different concentrations 	<ul style="list-style-type: none"> Every eight hours that patient samples are tested; and Each time reagents are changed
Manual Tilt Tube Method	<ul style="list-style-type: none"> Two levels of reference material in different concentrations 	<ul style="list-style-type: none"> Every eight hours that patient samples are tested; and Each time reagents are changed

(d) General immunology.

- (i) Employ reference materials for all test components to ensure reactivity;
- (ii) Report test results only when the predetermined reactivity pattern of the reference material is observed; and
- (iii) Perform quality control procedures for general immunology as described in Table 090-6 or follow an equivalent quality testing procedure that meets federal CLIA regulations.

Table 090-6 Quality Control Procedures—General Immunology

	Control Material	Frequency
Serologic tests on unknown specimens	<ul style="list-style-type: none"> Positive and negative reference material 	<ul style="list-style-type: none"> Each day of testing
Kits with procedural (internal) controls	<ul style="list-style-type: none"> Positive and negative reference material (external controls) Procedural (internal) controls 	<ul style="list-style-type: none"> When kit is opened; and Each day of testing, or follow an equivalent quality testing procedure that meets federal CLIA regulations Each time patient sample is tested

(e) Syphilis serology.

- (i) Use equipment, glassware, reagents, controls, and techniques that conform to manufacturer's specifications;
- (ii) Employ reference materials for all test components to ensure reactivity; and
- (iii) Perform serologic tests on unknown specimens each day of testing with a positive serum reference material with known titer or graded reactivity and a negative reference material.

(f) Microbiology.

- (i) Have available and use:
 - (A) Appropriate stock organisms for quality control purposes; and
 - (B) A collection of slides, photographs, gross specimens, or text books for reference sources to aid in identification of microorganisms;
- (ii) Document all steps (reactions) used in the identification of microorganisms on patient specimens;
- (iii) For antimicrobial susceptibility testing:
 - (A) Record zone sizes or minimum inhibitory concentration for reference organisms; and
 - (B) Zone sizes or minimum inhibitory concentration for reference organisms must be within established limits before reporting patient results; and
 - (C) Perform quality control on antimicrobial susceptibility testing media as described in Table 090-8;
- (iv) For noncommercial media, check each batch or shipment for sterility, ability to support growth and, if appropriate, selectivity, inhibition, or biochemical response;
- (v) For commercial media:
 - (A) Verify that the product insert specifies that the quality control checks meet the requirements for media quality control as outlined by the ((NCCLS)) Clinical Laboratory Standards Institute (CLSI), Quality Assurance for Commercially Prepared Microbiological Culture Media((~~Second Edition, Approved Standard (1996))~~));
 - (B) Keep records of the manufacturer's quality control results;
 - (C) Document visual inspection of the media for proper filling of the plate, temperature or shipment damage, and contamination before use; and
 - (D) Follow the manufacturer's specifications for using the media; and
- (vi) For microbiology subspecialties:
 - (A) **Bacteriology:** Perform quality control procedures for bacteriology as described in Tables 090-7 and 090-8.

Table 090-7 Quality Control Procedures—Bacteriology

	Control Material	Frequency
Reagents, disks, and identification systems Catalase, coagulase, oxidase, and Beta-lactamase Cefinase™ reagents Bacitracin, optochin, ONPG, X and V disks or strips	<ul style="list-style-type: none"> Positive and negative reference organisms, unless otherwise specified 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number unless otherwise specified
Stains, unless otherwise specified; DNA probes; and all beta-lactamase methods other than Cefinase™	<ul style="list-style-type: none"> Positive and negative reference organisms 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number; and Each day of use
Fluorescent stains	<ul style="list-style-type: none"> Positive and negative reference organisms 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number; and Each time of use
Gram stains	<ul style="list-style-type: none"> Positive and negative reference organisms 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number; and Each week of use
Direct antigen detection systems without procedural controls	<ul style="list-style-type: none"> Positive and negative controls that evaluate both the extraction and reaction phase 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number; and Each day of use
Test kits with procedural (internal) controls	<ul style="list-style-type: none"> Positive and negative reference material (external) controls Procedural (internal) controls 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number; and Each day of testing, or follow an equivalent quality testing procedure that meets federal CLIA regulations Each time patient sample is tested
Antisera	<ul style="list-style-type: none"> Positive and negative reference material 	<ul style="list-style-type: none"> Each batch, shipment, and new lot number; and Every six months

Table 090-8 Quality Control Procedures—Bacteriology - Media for Antimicrobial Susceptibility Testing

	Control Material	Frequency
Check each new batch of media and each new lot of antimicrobial disks or other testing systems (MIC)	<ul style="list-style-type: none"> Approved reference organisms (ATCC organisms) 	<ul style="list-style-type: none"> Before initial use and each day of testing; or May be done weekly if the medical test site can meet the quality control requirements for antimicrobial disk susceptibility testing as outlined by ((NCCLS)) CLSI M100 Performance Standards for Antimicrobial Disk Susceptibility Tests((Eighth Edition; Approved Standard (2003)))

(B) **Mycobacteriology:** Perform quality control procedures for mycobacteriology as described in Table 090-9.

Table 090-9 Quality Control Procedures—Mycobacteriology

	Control Material	Frequency
All reagents or test procedures used for mycobacteria identification unless otherwise specified	<ul style="list-style-type: none"> Acid-fast organism that produces a positive reaction and an acid-fast organism that produces a negative reaction 	<ul style="list-style-type: none"> Each day of use

	Control Material	Frequency
Acid-fast stains	<ul style="list-style-type: none"> Acid-fast organism that produces a positive reaction and an organism that produces a negative reaction 	<ul style="list-style-type: none"> Each day of use
Fluorochrome acid-fast stains	<ul style="list-style-type: none"> Acid-fast organism that produces a positive reaction and an acid-fast organism that produces a negative reaction 	<ul style="list-style-type: none"> Each time of use
Susceptibility tests performed on <i>Mycobacterium tuberculosis</i> isolates	<ul style="list-style-type: none"> Appropriate control organism(s) 	<ul style="list-style-type: none"> Each batch of media, and each lot number and shipment of antimycobacterial agent(s) before, or concurrent with, initial use Each week of use

(C) **Mycology:** Perform quality control procedures for mycology as described in Table 090-10.

Table 090-10 Quality Control Procedures—Mycology

	Control Material	Frequency
Susceptibility tests: Each drug NOTE: Establish control limits and criteria for acceptable control results prior to reporting patient results	<ul style="list-style-type: none"> One control strain that is susceptible to the drug 	<ul style="list-style-type: none"> Each day of use
Lactophenol cotton blue stain	<ul style="list-style-type: none"> Appropriate control organism(s) 	<ul style="list-style-type: none"> Each batch or shipment and each lot number
Acid-fast stains	<ul style="list-style-type: none"> Organisms that produce positive and negative reactions 	<ul style="list-style-type: none"> Each day of use
Reagents for biochemical and other identification test procedures	<ul style="list-style-type: none"> Appropriate control organism(s) 	<ul style="list-style-type: none"> Each batch or shipment and each lot number
Commercial identification systems utilizing two or more substrates	<ul style="list-style-type: none"> Organisms that verify positive and negative reactivity of each media type 	<ul style="list-style-type: none"> Each batch or shipment and each lot number

(D) Parasitology:

(I) Have available and use:

- Reference collection of slides or photographs and, if available, gross specimens for parasite identification; and
- Calibrated ocular micrometer for determining the size of ova and parasites, if size is a critical parameter.

(II) Check permanent stains each month of use with reference materials.

(E) Virology:

(I) Have available:

- Host systems for isolation of viruses; and
- Test methods for identification of viruses that cover the entire range of viruses that are etiologically related to the clinical diseases for which services are offered; and

(II) Simultaneously culture uninoculated cells or cell substrate as a negative control when performing virus identification.

(g) **Histopathology:** Fluorescent and immunohistochemical stains must be checked for positive and negative reactivity each time of use. For all other differential or special stains, include a control slide of known reactivity with each slide or group of slides ((for differential or special stains)) and document reactions.

(h) Cytology.

(i) Processing specimens:

(A) Stain all gynecological smears using a Papanicolaou or a modified Papanicolaou staining method;

(B) Have methods to prevent cross-contamination between gynecologic and nongynecologic specimens during the staining process; and

(C) Stain nongynecological specimens that have a high potential for cross-contamination separately from other nongynecological specimens, and filter or change the stains following staining.

(ii) Performing specimen examinations:

(A) All cytology preparations must be evaluated on the premises of the medical test site;

(B) Technical personnel must examine, unless federal law and regulation specify otherwise, no more than one hundred cytological slides (one patient specimen per slide; gynecologic, nongynecologic, or both) in a twenty-four-hour period and in no less than an eight-hour work period;

(C) Previously examined negative, reactive, reparative, atypical, premalignant or malignant gynecological cases and previously examined nongynecologic cytology preparations and tissue pathology slides examined by a technical supervisor are not included in the one hundred slide limit;

(D) Each nongynecologic slide preparation made using liquid-based slide preparatory techniques that result in cell dispersion over one-half or less of the total available slide may be counted as one-half slide; and

(E) Records of the total number of slides examined by each individual at all sites during each twenty-four-hour period must be maintained.

(iii) Establish and implement a quality assurance program that ensures:

(A) There is criteria for submission of material;

(B) All providers submitting specimens are informed of these criteria;

(C) All samples submitted are assessed for adequacy;

(D) Records of initial examinations and rescreening results are available and documented;

(E) Rescreening of benign gynecological slides is:

(I) Performed by an individual who meets the personnel requirements for technical or general supervisor in cytology as defined under 42 C.F.R. Part 493 Subpart M;

(II) Completed before reporting patient results on those selected cases;

(III) Performed and documented on:

- No less than ten percent of the benign gynecological slides; and

- Includes cases selected at random from the total case-load and from patients or groups of patients that are identified as having a high probability of developing cervical cancer, based on available patient information;

(F) The technical supervisor:

(I) Confirms all gynecological smears interpreted to be showing reactive or reparative changes, atypical squamous or glandular cells of undetermined significance, or to be in the premalignant (dysplasia, cervical intraepithelial neoplasia or all squamous intraepithelial neoplasia lesions including human papillomavirus-associated changes) or malignant category;

(II) Reviews all nongynecological cytological preparations; and

(III) Establishes, documents, and reassesses, at least every six months, the workload limits for each cytotechnologist;

(G) All cytology reports with a diagnosis of high-grade squamous intraepithelial lesion (HSIL), adenocarcinoma, or other malignant neoplasms are correlated with prior cytology reports and with histopathology reports if available, and the causes of any discrepancies are determined;

(H) Review of all normal or negative gynecological specimens received within the previous five years, if available in the laboratory system, or records of previous reviews, for each patient with a current high grade intraepithelial lesion or moderate dysplasia of CIN-2 or above;

(I) Notification of the patient's physician if significant discrepancies are found that would affect patient care and issuance of an amended report;

(J) An annual statistical evaluation of the number of cytology cases examined, number of specimens processed by specimen type, volume of patient cases reported by diagnosis, number of cases where cytology and histology are discrepant, number of cases where histology results were unavailable for comparison, and number of cases where rescreen of negative slides resulted in reclassification as abnormal; and

(K) Evaluation and documentation of the performance of each individual examining slides against the medical test

site's overall statistical values, with documentation of any discrepancies, including reasons for the deviation and corrective action, if appropriate.

(i) **Immunohematology/transfusion services.**

(i) Perform ABO grouping, Rh (D) typing, antibody detection and identification, and compatibility testing as described by the Food and Drug Administration (FDA) under 21 C.F.R. Parts 606 and 640.

(A) Perform ABO grouping:

(I) By concurrently testing unknown red cells with FDA approved anti-A and anti-B grouping sera;

(II) Confirm ABO grouping of unknown serum with known A1 and B red cells;

(B) Perform Rh (D) typing by testing unknown red cells with anti-D (anti-Rh) blood grouping serum; and

(C) Perform quality control procedures for immunohematology as described in Table 090-11.

(ii) Blood and blood products:

(A) Collecting, processing, and distributing:

(I) Must comply with FDA requirements listed under 21 C.F.R. Parts 606, 610.40, 610.53, and 640; and

(II) Must establish, document, and follow policies to ensure positive identification of a blood or blood product recipient.

(B) Labeling and dating must comply with FDA requirements listed under 21 C.F.R. 606 Subpart G, and 610.53.

(C) Storing:

(I) There must be an adequate temperature alarm system that is regularly inspected.

(II) The system must have an audible alarm system that monitors proper blood and blood product storage temperature over a twenty-four-hour period.

(III) High and low temperature checks of the alarm system must be documented.

(D) Collection of heterologous or autologous blood products on-site:

(I) Must register with the FDA; and

(II) Have a current copy of the form FDA 2830 "Blood Establishment Registration and Product Listing."

(ii) Must have an agreement approved by the director for procurement, transfer, and availability to receive products from outside entities.

(iv) Promptly investigate transfusion reactions according to established procedures, and take any necessary remedial action.

Table 090-11 Quality Control Procedures—Immunohematology

Reagent	Control Material	Frequency
ABO antisera	• Positive control	• Each day of use
Rh antisera	• Positive and negative controls • Patient control to detect false positive Rh test results	• Each day of use • When required by the manufacturer
Other antisera	• Positive and negative controls	• Each day of use
ABO reagent red cells	• Positive control	• Each day of use
Antibody screening cells	• Positive control using at least one known antibody	• Each day of use

(j) Histocompatibility.

(i) Use applicable quality control standards for immunohematology, transfusion services, and diagnostic immunology as described in this chapter; and

(ii) Meet the standards for histocompatibility as listed in 42 C.F.R. Part 493.1278, Standard: Histocompatibility, available from the department upon request.

(k) Cytogenetics.

(i) Document:

(A) Number of metaphase chromosome spreads and cells counted and karyotyped;

(B) Number of chromosomes counted for each metaphase spread;

(C) Media used;

(D) Reactions observed;

(E) Quality of banding; and

(F) Sufficient resolution appropriate for the type of tissue or specimen and the type of study required based on the clinical information provided;

(ii) Assure an adequate number of karyotypes are prepared for each patient according to the indication given for performing cytogenetics study;

(iii) Use an adequate patient identification system for:

(A) Patient specimens;

(B) Photographs, photographic negatives, or computer stored images of metaphase spreads and karyotypes;

(C) Slides; and

(D) Records; and

(iv) Perform full chromosome analysis for determination of sex.

(l) Radiobioassay and radioimmunoassay.

(i) Check the counting equipment for stability each day of use with radioactive standards or reference sources; and

(ii) Meet Washington state radiation standards described under chapter 70.98 RCW and chapters 246-220, 246-221, 246-222, 246-232, 246-233, 246-235, 246-239, 246-247, 246-249, and 246-254 WAC.

WSR 16-13-071**WITHDRAWL OF PROPOSED RULES
SECRETARY OF STATE**

[Filed June 13, 2016, 4:45 p.m.]

This office is withdrawing WAC 434-262-016 originally filed in WSR 16-07-107 on March 18, 2016.

Mark Neary
Assistant Secretary of State

WSR 16-13-074**WITHDRAWL OF PROPOSED RULES
HEALTH CARE AUTHORITY**

(By the Code Reviser's Office)

[Filed June 14, 2016, 12:47 p.m.]

WAC 182-554-100, 182-554-200, 182-554-300, 182-554-400, 182-554-500, 182-554-600, 182-554-700, 182-554-800, and 182-554-900, proposed by the health care authority in WSR 15-24-035, appearing in issue 15-24 of the Washington State Register, which was distributed on December 16, 2015, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 16-13-075**WITHDRAWL OF PROPOSED RULES
PUBLIC EMPLOYMENT
RELATIONS COMMISSION**

(By the Code Reviser's Office)

[Filed June 14, 2016, 12:48 p.m.]

WAC 391-25-150 and 391-25-450, proposed by the public employment relations commission in WSR 15-24-061, appearing in issue 15-24 of the Washington State Register, which was distributed on December 16, 2015, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 16-13-076**WITHDRAWAL OF PROPOSED RULES****HEALTH CARE AUTHORITY**

(By the Code Reviser's Office)

[Filed June 14, 2016, 12:51 p.m.]

WAC 182-504-0135 and 182-518-0025, proposed by the health care authority in WSR 15-24-114, appearing in issue 15-24 of the Washington State Register, which was distributed on December 16, 2015, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 16-13-097**PROPOSED RULES****UTILITIES AND TRANSPORTATION****COMMISSION**

[Docket UT-160196—Filed June 16, 2016, 9:40 a.m.]

Continuance of WSR 16-11-096.

Preproposal statement of inquiry was filed as WSR 16-06-119.

Title of Rule and Other Identifying Information: Chapter 480-120 WAC, Telephone companies, the proposed rules would repeal rules related to the Washington telephone assistance plan (WTAP), which no longer exists, and to the Washington Exchange Carriers [Carriers] Association (WECA), which has been discontinued. The proposed rule includes reinstatement of WAC 480-120-440, repair standards for service interruptions and impairments, excluding major outages.

Hearing Location(s): Richard Hemstad Building, Commission Hearing Room 206, Second Floor, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on July 18, 2016, at 9:30 a.m.

Date of Intended Adoption: July 18, 2016.

Submit Written Comments to: Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250, e-mail records@utc.wa.gov (please include "Docket UT'160196" in your comments), fax (360) 586-1150, by July 5, 2016.

Assistance for Persons with Disabilities: Contact Debbie Aguilar by July 6, 2016, TTY (360) 586-8203 or (360) 664-1132.

June 16, 2016
Steven V. King
Executive Director
and Secretary

WSR 16-13-109**PROPOSED RULES****BOARD OF ACCOUNTANCY**

[Filed June 20, 2016, 2:46 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-06-075, 16-06-077, and 16-09-107.

Title of Rule and Other Identifying Information: WAC 4-30-010 Definitions, 4-30-034 Must I respond to inquiries from the board?, 4-30-058 Does the board authorize the use of any other titles or designations?, 4-30-090 Must an out-of-state individual holding a license from another state apply and obtain a Washington state license to hold out and practice in Washington state?, 4-30-110 What are the allowable legal forms of organization and ownership requirements for a CPA firm?, 4-30-112 Must a firm holding a license from another state apply and obtain a Washington state license to hold out and practice in Washington state?, 4-30-114 How do I apply for and maintain a firm license?, 4-30-130 What are the quality assurance review (QAR) requirements for licensed CPA firms?, 4-30-140 What are the authority, structure, and processes for investigations and sanctions?, and 4-30-142 What are the bases for the board to impose discipline?

Hearing Location(s): North Seattle College, 9600 College Way North, Room CC1161, Seattle, WA 98103, on July 29, 2016, at 9:00 a.m.

Date of Intended Adoption: August 1, 2016.

Submit Written Comments to: Charles Satterlund, Executive Director, P.O. Box 9131, Olympia, WA 98507-9131, e-mail customerservice@cpaboard.wa.gov, fax (360) 664-9190, by July 22, 2016.

Assistance for Persons with Disabilities: Contact Kirsten Donovan by July 22, 2016, TTY (800) 833-6388 or (800) 833-6385 (telebraille).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Due to the passage of senate [house] bill ESHB 2433 on March 31, 2016, the effected rules must be updated.

Reasons Supporting Proposal: Due to the passage of senate [house] bill ESHB 2433 on March 31, 2016, the effected rules must be updated.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055.

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

Name of Proponent: The Washington state board of accountancy, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Charles Satterlund, CPA, 711 Capitol Way South, Suite 400, Olympia, WA, (360) 586-0785.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules 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 (5)(a).

June 20, 2016
Charles E. Satterlund, CPA, CIA
Executive Director

Reviser's note: WAC 4-30-140 is referred to in the agency's notice; however, the proposed text of the section was not included with the filing by the agency. cf. RCW 34.08.020 (1)(a).

AMENDATORY SECTION (Amending WSR 10-24-009, filed 11/18/10, effective 12/19/10)

WAC 4-30-010 Definitions. For purposes of these rules the following terms have the meanings indicated unless a different meaning is otherwise clearly provided in these rules:

(1) **"Act"** means the Public Accountancy Act codified as chapter 18.04 RCW.

(2) **"Active individual participant"** means an individual whose primary occupation is at the firm or affiliated entity's business. An individual whose primary source of income from the business entity is provided as a result of passive investment is not an active individual participant.

(3) **"Affiliated entity"** means any entity, entities or persons that directly or indirectly through one or more relationships influences or controls, is influenced or controlled by, or is under common influence or control with other entities or persons. This definition includes, but is not limited to, parents, subsidiaries, investors or investees, coinvestors, dual employment or management in joint ventures or brother-sister entities.

(4) **"Applicant"** means an individual who has applied:

(a) To take the national uniform CPA examination;

(b) For an initial individual license, an initial firm license, or initial registration as a resident nonlicensee owner;

(c) To renew an individual license, a CPA-Inactive certificate, a CPA firm license, or registration as a resident nonlicensee firm owner;

(d) To reinstate an individual license, a CPA-Inactive certificate, registration as a resident nonlicensee firm owner, or practice privileges.

(5) **"Attest"** means providing the following (~~financial statement~~) services:

(a) Any audit or other engagement to be performed in accordance with the statements on auditing standards;

(b) Any review of a financial statement to be provided in accordance with the statements on standards for accounting and review services;

(c) Any (~~examination of prospective financial information~~) **engagement** to be performed in accordance with the statements on standards for attestation engagements; and

(d) Any engagement to be performed in accordance with the public company accounting oversight board auditing standards.

(6) **"Audit," "review,"** and **"compilation"** are terms reserved for use by licensees, as defined in subsection ~~((28))~~ (30) of this section.

(7) **"Board"** means the board of accountancy created by RCW 18.04.035.

(8) **"Breach of fiduciary responsibilities/duties"** means when a person who has a fiduciary responsibility or duty acts in a manner adverse or contrary to the interests of the person to whom they owe the fiduciary responsibility or

duty. Such actions would include profiting from their relationship without the express informed consent of the beneficiary of the fiduciary relationship, or engaging in activities that represent a conflict of interest with the beneficiary of the fiduciary relationship.

(9) **"Certificate"** means a certificate as a CPA-Inactive issued in the state of Washington prior to July 1, 2001, as authorized by the act, unless otherwise defined in rule.

~~((9))~~ (10) **"Certificate holder"** means the holder of a valid CPA-Inactive certificate where the individual is not a licensee and is prohibited from practicing public accounting.

~~((10))~~ (11) **"Client"** means the person or entity that retains a licensee, as defined in subsection ~~((28))~~ (30) of this section, a CPA-Inactive certificate holder, a nonlicensee firm owner of a licensed firm, or an entity affiliated with a licensed firm to perform professional services through other than an employer/employee relationship.

~~((11))~~ (12) **"Commissions and referral fees"** are compensation arrangements where the primary contractual relationship for the product or service is not between the client and licensee, as defined in subsection ~~((28))~~ (30) of this section, CPA-Inactive certificate holder, nonlicensee firm owner of a licensed firm, or a person affiliated with a licensed firm; and

(a) Such persons are not primarily responsible to the client for the performance or reliability of the product or service; or

(b) Such persons add no significant value to the product or service; or

(c) A third party instead of the client pays the persons for the products or services.

~~((12))~~ (13) **"Compilation"** means providing a service to be performed in accordance with statements on standards for accounting and review services that is presenting in the form of financial statements, information that is the representation of management (owners) without undertaking to express any assurance on the statements.

~~((13))~~ (14) **"Contingent fees"** are fees established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service.

~~((14))~~ (15) **"CPA" or "certified public accountant"** means an individual holding a license to practice public accounting under chapter 18.04 RCW or recognized by the board in the state of Washington, including an individual exercising practice privileges pursuant to RCW 18.04.350(2).

~~((15))~~ (16) **"CPA-Inactive"** means an individual holding a CPA-Inactive certificate recognized in the state of Washington. An individual holding a CPA-Inactive certificate is prohibited from practicing public accounting and may only use the CPA-Inactive title if they are not offering accounting, tax, tax consulting, management advisory, or similar services to the public.

~~((16))~~ (17) **"CPE"** means continuing professional education.

~~((17))~~ (18) **"Fiduciary responsibility/duty"** means a relationship wherein one person agrees to act solely in another person's interests. Persons having such a relationship are fiduciaries and the persons to whom they owe the respon-

sibility are principals. A person acting in a fiduciary capacity is held to a high standard of honesty and disclosure in regard to a principal. Examples of fiduciary relationships include those between broker and client, trustee and beneficiary, executors or administrators and the heirs of a decedent's estate, and an officer or director and the owners of the entity.

(19) **"Firm"** means a sole proprietorship, a corporation, or a partnership. "Firm" also means a limited liability company or partnership formed under chapters 25.15 and 18.100 RCW and a professional service corporation formed under chapters 23B.02 and 18.100 RCW.

~~((18))~~ (20) **"Firm mobility"** means an out-of-state firm that is not licensed by the board and meets the requirements of RCW 18.04.195 (1)(a)(iii)(A) through (D) exercising practice privileges in this state.

(21) **"Generally accepted accounting principles"** (GAAP) is an accounting term that encompasses the conventions, rules, and procedures necessary to define accepted accounting practice at a particular time. It includes not only broad guidelines of general application, but also detailed practices and procedures. Those conventions, rules, and procedures provide a standard by which to measure financial presentations.

~~((19))~~ (22) **"Generally accepted auditing standards"** (GAAS) are guidelines and procedures, promulgated by the AICPA, for conducting individual audits of historical financial statements.

~~((20))~~ (23) **"Holding out"** means any representation to the public by the use of restricted titles as set forth in RCW 18.04.345 by a person that the person holds a license or practice privileges under the act and that the person offers to perform any professional services to the public. "Holding out" shall not affect or limit a person not required to hold a license under the act from engaging in practices identified in RCW 18.04.350.

~~((21))~~ **"Home office"** is the location specified by the client as the address to which a service is directed.

~~((22))~~ (24) **"Inactive"** means the individual held a valid certificate on June 30, 2001, has not met the current requirements of licensure and has been granted CPA-Inactive certificate holder status through the renewal process established by the board. A CPA-Inactive may not practice public accounting nor may the individual use the CPA-Inactive title if they are offering accounting, tax, tax consulting, management advisory, or similar services to the public.

~~((23))~~ (25) **"Individual"** means a living, human being.

~~((24))~~ (26) **"Independence"** means an absence of relationships that impair a licensee's impartiality and objectivity in rendering professional services for which a report expressing assurance is prescribed by professional standards.

~~((25))~~ (27) **"Interactive self-study program"** means a CPE program that provides feedback throughout the course.

~~((26))~~ (28) **"IRS"** means Internal Revenue Service.

~~((27))~~ (29) **"License"** means a license to practice public accounting issued to an individual or a firm under the act or the act of another state.

~~((28))~~ (30) **"Licensee"** means an individual or firm holding a valid license to practice public accounting issued under the act, including out-of-state individuals exercising practice privileges in this state under RCW 18.04.350(2) and

out-of-state firms permitted to offer or render certain professional services in this state under the conditions prescribed in RCW 18.04.195 (1)(a) and (b).

~~((29))~~ (31) **"Manager"** means a manager of a limited liability company licensed as a firm under the act.

~~((30))~~ (32) **"NASBA"** means the National Association of State Boards of Accountancy.

~~((31))~~ (33) **"Nonlicensee firm owner"** means an individual, not licensed in any state to practice public accounting, who holds an ownership interest in a firm permitted to practice public accounting in this state.

~~((32))~~ (34) **"PCAOB"** means Public Company Accounting Oversight Board.

~~((33))~~ (35) **"Peer review"** means a study, appraisal, or review of one or more aspects of the attest or compilation work of a licensee or licensed firm in the practice of public accounting, by a person or persons who hold licenses and who are not affiliated with the person or firm being reviewed, including a peer review, or any internal review or inspection intended to comply with quality control policies and procedures, but not including the "quality assurance review" under subsection (38) of this section.

~~((34))~~ (36) **"Person"** means any individual, nongovernmental organization, or business entity regardless of legal form, including a sole proprietorship, firm, partnership, corporation, limited liability company, association, or not-for-profit organization, and including the sole proprietor, partners, members, and, as applied to corporations, the officers.

~~((35))~~ (37) **"Practice privileges"** are the rights granted by chapter 18.04 RCW to a person who:

(a) Has a principal place of business outside of Washington state;

(b) Is licensed to practice public accounting in another substantially equivalent state;

(c) Meets the statutory criteria for the exercise of privileges as set forth in RCW 18.04.350(2) for individuals or RCW 18.04.195 (1)(b) for firms;

(d) Exercises the right to practice public accounting in this state individually or on behalf of a firm;

(e) Is subject to the personal and subject matter jurisdiction and disciplinary authority of the board in this state;

(f) Must comply with the act and all board rules applicable to Washington state licensees to retain the privilege; and

(g) Consents to the appointment of the issuing state board of another state as agent for the service of process in any action or proceeding by this state's board against the certificate holder or licensee.

~~((36))~~ (38) **"Principal place of business"** means the office location designated by the licensee for purposes of substantial equivalency and reciprocity.

~~((37))~~ (39) **"Public practice"** or the **"practice of public accounting"** means performing or offering to perform by a person or firm holding itself out to the public as a licensee, or as an individual exercising practice privileges, for a client or potential client, one or more kinds of services involving the use of accounting or auditing skills, including the issuance of ~~((audit))~~ reports, ~~("review reports," or "compilation reports" on financial statements;)~~ or one or more kinds of management advisory, or consulting services, or the preparation of tax returns, or the furnishing of advice on tax mat-

ters. The "practice of public accounting" shall not include practices that are permitted under the provisions of RCW 18.04.350(10) by persons or firms not required to be licensed under the act.

~~((38))~~ (40) **"Quality assurance review or QAR"** is the process, established by and conducted at the direction of the board, to study, appraise, or review one or more aspects of the audit, compilation, review, and other professional services for which a report expressing assurance is prescribed by professional standards of a licensee or licensed firm in the practice of public accounting, by a person or persons who hold licenses and who are not affiliated with the person or firm being reviewed.

~~((39))~~ (41) **"Reciprocity"** means board recognition of licenses, permits, certificates or other public accounting credentials of another jurisdiction that the board will rely upon in full or partial satisfaction of licensing requirements.

~~((40))~~ (42) **"Referral fees"** see definition of "commissions and referral fees" in subsection ~~((41))~~ (12) of this section.

~~((41) "Reports on financial statements" means any reports or opinions prepared by licensees, based on services performed in accordance with generally accepted auditing standards, standards for attestation engagements, or standards for accounting and review services, as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of an entity, whether public, private, or governmental, conforms with generally accepted accounting principles or an "other comprehensive bases of accounting," or the presentation and disclosure requirements of other professional standards. "Reports on financial statements" does not include services referenced in RCW 18.04.350(10) provided by persons not holding a license under the act.~~

~~(42))~~ (43) **"Report."** when used with reference to any attest or compilation service, means an opinion, report, or other form of language that states or implies assurance as to the reliability of the attested information or compiled financial statements and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in the practice of public accounting. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is involved in the practice of public accounting, or from the language of the report itself. "Report" includes any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the attested information or compiled financial statements referred to and/or special competence of the part of the person or firm issuing such language; and it includes any other form of language that is conventionally understood to imply such assurance and/or such special knowledge or competence. "Report" does not include services referenced in RCW 18.04.350 (10) or (11) provided by persons not holding a license under this chapter as provided in RCW 18.04.350(14).

(44) **"Representing oneself"** means having a license, practice privilege, certificate or registration that entitles the

holder to use the title "CPA," "CPA-Inactive," or be a non-licensee firm owner.

~~((43))~~ (45) **"Rules of professional conduct"** means rules adopted by the board to govern the conduct of licensees, as defined in subsection ~~((28))~~ (30) of this section, while representing themselves to others as licensees. These rules also govern the conduct of CPA-Inactive certificate holders, nonlicensee firm owners, and persons exercising practice privileges pursuant to RCW 18.04.350(2).

~~((44))~~ (46) **"SEC"** means the Securities and Exchange Commission.

~~((45))~~ (47) **"Sole proprietorship"** means a legal form of organization owned by one person meeting the requirements of RCW 18.04.195.

~~((46))~~ (48) **"State"** includes the states and territories of the United States, including the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands at such time as the board determines that the Commonwealth of the Northern Mariana Islands is issuing licenses under the substantially equivalent standards of RCW 18.04.350 (2)(a).

~~((47))~~ (49) **"Statements on auditing standards (SAS)"** are interpretations of the generally accepted auditing standards and are issued by the Auditing Standards Board of the AICPA. Licensees are required to adhere to these standards in the performance of audits of financial statements.

~~((48))~~ (50) **"Statements on standards for accounting and review services (SSARS)"** are standards, promulgated by the AICPA, to give guidance to licensees who are associated with the financial statements of nonpublic companies and issue compilation or review reports.

~~((49))~~ (51) **"Statements on standards for attestation engagements (SSAE)"** are guidelines, promulgated by the AICPA, for use by licensees in attesting to assertions involving matters other than historical financial statements and for which no other standards exist.

AMENDATORY SECTION (Amending WSR 10-24-009, filed 11/18/10, effective 12/19/10)

WAC 4-30-034 Must I respond to inquiries from the board? Yes. All licensees, including out-of-state individuals exercising practice privileges in this state under RCW 18.04.350(2) and out-of-state firms permitted to offer or render certain professional services in this state under the conditions prescribed in RCW 18.04.195 (1)(a) and (b), CPA-Inactive certificate holders, nonlicensee firm owners, and applicants must respond, **in writing**, to board communications requesting a response. Your response must be made within **twenty days of the date** the board's communication is posted in the U.S. mail. Communications from the board to you are directed to the last address you furnished the board.

AMENDATORY SECTION (Amending WSR 12-10-085, filed 5/2/12, effective 6/2/12)

WAC 4-30-058 Does the board authorize the use of any other titles or designations? Yes. RCW 18.04.350 ~~((13))~~ (14), Practices not prohibited, authorizes the board to allow the use of other titles (designations) if the individual using the title or designation is authorized at the time of use

by a nationally recognized entity sanctioning the use of board authorized titles or designations. Accordingly, the board authorizes the use of the following titles and designations:

(1) Designations or titles authorized by the American Institute of Certified Public Accountants (AICPA);

(2) Designations or titles authorized by the Accreditation Council for Accountancy and Taxation located in Alexandria, Virginia, or its successor:

- "Accredited Business Accountant" or "ABA";
- "Accredited Tax Preparer" or "ATP"; and
- "Accredited Tax Advisor" or "ATA."

(3) Designations or titles authorized by the Certified Financial Planner Board of Standards in Denver, Colorado, or its successor:

- "Certified Financial Planner" or "CFP."

These authorized designations relate to title use only, are not limited to individuals who have held or are holding a license or certificate under the act, and do not authorize these other designated individuals to use the title "certified public accountant" or "CPA," or "CPA-inactive."

The board further authorizes the use of the designation "CPA retired" in this state by those individuals who, upon notice to the board to retire a license, meet the following criteria:

- Has reached sixty years of age and holds an active license in good standing; or
- At any age, has held an active license in good standing, not suspended or revoked, to practice public accounting in any state for a combined period of not less than twenty years.

AMENDATORY SECTION (Amending WSR 11-07-070, filed 3/22/11, effective 4/22/11)

WAC 4-30-090 Must an out-of-state individual holding a license from another state apply and obtain a Washington state license to hold out and practice in Washington state? No. Out-of-state individuals holding valid licenses to practice public accounting issued by a substantially equivalent state, may hold out and practice within Washington state and/or provide public accounting services in person, by mail, telephone, or electronic means to clients residing in Washington state without notice or payment of a fee. An individual who qualifies for practice privileges under RCW 18.04.350(2), and who performs any attest service described in RCW 18.04.010(1) may only do so through a firm that has obtained a license under RCW 18.04.195 and 18.04.215 or that meets the requirements for an exception from the firm licensure requirements under RCW 18.04.195 (1)(a)(iii)(A) through (D) or (b).

As a condition of this privilege, the out-of-state individual is deemed to have consented to:

(1) The personal and subject matter jurisdiction and disciplinary authority of this state's board;

(2) Comply with the Public Accountancy Act of this state, chapter 18.04 RCW, and this board's rules contained in Title 4 WAC;

(3) The appointment of the state board which issued the certificate or license as their agent upon whom process may be served in any action or proceeding by this state's board against the certificate holder or licensee;

~~(4) ((Render the following services for a client with a home office in this state only through a firm that has obtained a license from this state (RCW 18.04.195, 18.04.205 and WAC 4-30-110):~~

~~(a) Any audit or other engagement to be performed in accordance with the statements on auditing standards;~~

~~(b) Any examination of prospective financial information to be performed in accordance with the statements on standards for attestation engagements; and~~

~~(c) Any engagement to be performed in accordance with the public company accounting oversight board auditing standards.~~

~~(5))~~ Not render any professional services in this state unless the out-of-state individual is licensed to render such services in the state of licensure upon which the privilege is contingent;

~~((6))~~ (5) Cease offering or performing professional services in this state, individually and/or on behalf of a firm, if the license from the state of the out-of-state individual's principal place of business is no longer valid; and

~~((7))~~ (6) Cease offering or performing specific professional services in this state, individually and/or on behalf of a firm, if the license from the state of the out-of-state individual's principal place of business is restricted from offering or performing such specific professional services.

AMENDATORY SECTION (Amending WSR 11-07-070, filed 3/22/11, effective 4/22/11)

WAC 4-30-110 What are the allowable legal forms of organization and ownership requirements for a CPA firm? (1) Permitted forms of organization. A CPA firm may be organized as:

- (a) A proprietorship;
- (b) A partnership;
- (c) A professional corporation (PC) or professional service corporation (PS);
- (d) A limited liability company (LLC);
- (e) A limited liability partnership (LLP); or
- (f) Any other form of legal entity authorized by Washington state statute for use by a CPA firm.

(2) What happens when a CPA firm alters its legal form? A mere change in the legal form of an existing firm constitutes a new firm for licensing purposes. Accordingly, the new entity must first obtain a CPA firm license from the board and then dissolve the former firm unless the owners desire to maintain more than one licensed firm. Affiliated entities using a restricted title or offering or performing restricted services are subject to board rules.

(3) What are the ownership requirements for a CPA firm?

(a) All owners of a licensed CPA firm are required to:

- (i) Fully comply with the provisions of chapter 18.04 RCW; and

- (ii) Be subject to discipline by the board for violations of chapter 18.04 RCW and this board's rules contained in Title 4 WAC;

(b) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all partners, owners, or shareholders must be:

(i) Licensees in this state or holders of a valid license to practice public accountancy issued by another state;

(ii) Entitled to practice public accounting in Washington state; and

(iii) Principally employed by the firm or actively engaged in its business.

(c) At least one general partner of a partnership, one shareholder of a corporation, and one member of a limited liability company must be a licensee.

(d) Each CPA proprietor, partner, shareholder or member who is either a resident or is entering the state and practicing public accountancy in this state must hold a valid Washington state license or practice privileges.

(e) A principal owner and any individual having authority over issuing reports (~~(on financial statements)~~) must be a licensee under the act or holder of a valid license to practice public accountancy issued by another state and must be entitled to practice public accounting in this state.

(f) A nonresident CPA owner must be licensed to practice public accountancy in at least one state.

(g) A nonlicensee owner must:

(i) Be an individual;

(ii) Meet the good character requirements of RCW 18.04.105 (1)(a);

(iii) Comply with the act and board rules; and

(iv) Be an active individual participant in the licensed firm or affiliated entities as these terms are defined in WAC 4-30-010; and

(h) A resident nonlicensee firm owner must meet the requirements of WAC 4-30-116 and register with the board concurrent with submission of the firm license application, or submission of an amendment to the firm license status, to the board.

(4) What are the requirements for the firm's main office and a branch office? A firm's main office located in this state must be under the direct supervision of a resident licensee.

A branch office is an office of a licensed CPA firm which is physically separated from the main office. A branch office operates under the license of the main office.

AMENDATORY SECTION (Amending WSR 11-07-070, filed 3/22/11, effective 4/22/11)

WAC 4-30-112 Must a firm holding a license from another state apply and obtain a Washington state license to hold out and practice in Washington state? (1) A firm license must be obtained from the board if any of the following criteria apply:

(a) The firm has an office in this state and performs attest or compilation services for clients in this state; or

(b) The firm has an office in this state and, by any means, represents the firm to the public that the firm is a firm of certified public accountants(~~(s)~~); or

~~(c) The firm is licensed in another state and performs the following services for clients with a home office in this state:~~

~~(i) Any audit or other engagement to be performed in accordance with the statements on auditing standards;~~

~~(ii) Any examination of prospective financial information to be performed in accordance with the statements on standards for attestation engagements; and~~

~~(iii) Any engagement to be performed in accordance with the public company accounting oversight board auditing standards)).~~

(2) A firm license is not required for a firm that does not have an office in this state but offers or renders attest services described in RCW 18.04.025(1), and meets the requirements listed in RCW 18.04.195 (1)(a)(iii)(A) through (D).

(3) A firm license is not required to perform other professional services in this state, including compilation, review and other services for which reporting requirements are provided in professional standards, if the firm complies with the following:

(a) The firm performs such services through individuals with practice privileges under RCW 18.04.350(2) and WAC 4-30-090 or reciprocal license under RCW 18.04.180 and 18.04.183 and board rules;

(b) The firm is licensed to perform such services in the state in which the individuals with practice privileges have their principal place of business; and

(c) The firm meets the board's quality assurance program requirements, when applicable.

~~((3))~~ (4) As a condition of this privilege, ~~((the))~~ any nonresident firm meeting the requirement of subsection (2) or (3) of this section is deemed to have consented to:

(a) The personal and subject matter jurisdiction and disciplinary authority of this state's board;

(b) Comply with the Public Accountancy Act of this state, chapter 18.04 RCW, and this board's rules contained in Title 4 WAC;

(c) Cease offering or rendering professional services in this state through a specific individual or individuals if the license(s) of the individual(s) through whom the services are offered or rendered becomes invalid;

(d) Cease offering or rendering specific professional services in this state through an individual or individuals if the license(s) from the state(s) of the principal place of business of such individual(s) is restricted from offering or performing such specific professional services;

(e) The appointment of the state board which issued the firm license as their agent upon whom process may be served in any action or proceeding by this state's board against firm licensee;

(f) Not render those services described in subsection (1)(c) of this section for a client with a home office in this state unless the firm that has obtained a license from this state (RCW 18.04.195 and 18.04.295) and this section; and

(g) Not render any professional services in this state through out-of-state individual(s) who are not licensed to render such services by the state(s) in which the principal place of business of such individual(s) is (are) located.

AMENDATORY SECTION (Amending WSR 10-24-009, filed 11/18/10, effective 12/19/10)

WAC 4-30-114 How do I apply for and maintain a firm license? (1) **How does a firm apply for an initial firm license?** To apply for an initial firm license an owner, or des-

ignee, or, in the case of an out-of-state firm, that does not meet the requirements to operate under firm mobility per RCW 18.04.195 (1)(a)(iii)(A) through (D), and is required to be licensed ((under RCW 18.04.195 (1)(a)) in this state, an individual qualified for practice privileges in this state under RCW 18.04.350(2) who has been authorized by the applicant firm to make the application must submit the following information to the board:

- (a) The firm name;
- (b) Address and telephone number of the main office and any branch offices of the firm;
- (c) Name of the managing licensee of the main office located and maintained in this state;
- (d) Resident licensee owners' names;
- (e) Name(s) of all resident nonlicensee owners; and
- (f) Type of legal organization under which the firm operates.

The required information must be submitted to the board either by making application through the board's online application system or on a form provided by the board upon request. All requested information, documents and fees must be submitted to the board before the application will be evaluated.

Upon approval of the firm's application the firm's licensed status will be posted in the board's licensee data base and, therefore, made publicly available for confirmation. A hard copy of the firm license can be provided upon request.

The initial CPA firm license will expire on June 30th of the third calendar year following initial licensure.

(2) How do I renew a CPA firm license? To renew a CPA firm license an owner or designee or, in the case of an out-of-state firm (~~required to be licensed under RCW 18.04.195 (1)(a))~~ that does not meet the requirements to operate under firm mobility per RCW 18.04.195 (1)(a)(iii)(A) through (D), an individual qualified for practice privileges in this state under RCW 18.04.350(2) who has been authorized by the applicant firm to make the application, must submit the information described in subsection (1) of this section that is current at the date the renewal application is submitted to the board. A renewal application is not complete and cannot be processed until all required information, requested documents, and all fees are submitted to the board.

An individual authorized by the firm must provide the required information to the board either by making application through the board's online application system or on a form provided by the board upon request. All requested information, documents and fees must be submitted to the board before the application will be evaluated.

On the date the renewal application is approved, the firm's license will be included in the board's licensee data base and, therefore, made publicly available for confirmation. Confirmation of the renewed status can be provided upon request.

The CPA firm license will expire on June 30th of the third calendar year following the calendar year of renewal.

(3) When and how must the firm notify the board of changes in the licensed firm? An individual authorized by the firm must provide the board written notification and other

documentation deemed necessary by the board within ninety days of any or all of the following occurrences:

- (a) Dissolution of the firm;
- (b) The occurrence of any event that would cause the firm to be in violation of RCW 18.04.195 or this section, including the retirement, lapse, revocation or suspension of the license of a sole proprietor or sole owner of another legal form of organization, for example, a limited liability company (LLC) or professional service corporation (PS) owned by a single person, licensed by the board for the practice of public accounting, and holding out to the public for the practice of public accounting and/or offering or performing professional services restricted to licensees; or
- (c) An event that requires an amendment to a firm license.

(4) What events require a firm amendment? An individual authorized by the firm must provide written notification to the board, by submitting the following information and the appropriate amendment fee, within ninety days of the following:

- (a) Admission or withdrawal of a resident licensee owner;
- (b) Any change in the name of the firm; or
- (c) Change in the resident managing licensee of the firm's main office in this state; or
- (d) Change in the resident managing licensee of any branch office of the firm.

(5) How long do I have to correct noncompliance with licensure requirements due to a change in ownership or an owner's credentials? The board must be notified in writing within ninety days of the first date the firm is not in compliance with the firm's licensure requirements due to changes in firm ownership and propose a time period in which the firm will achieve compliance. The board may grant a reasonable period of time for a firm to become compliant. The board may revoke, suspend, or impose conditions on the firm's license for failure to bring the firm into compliance within the approved time period.

AMENDATORY SECTION (Amending WSR 14-16-102, filed 8/5/14, effective 9/5/14)

WAC 4-30-130 What are the quality assurance review (QAR) requirements for licensed CPA firms? (1) Purpose. The Washington state board of accountancy is charged with protection of the public interest and ensuring the dependability of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private or governmental. The purpose of the QAR program is to monitor licensees' compliance with audit, compilation, review, and other attestation standards. If the board becomes aware that a firm's performance and/or reporting practices for audit, review, compilation, and other engagements covered by statements on standards for attestation engagements may not be in accordance with applicable professional standards, the board will take appropriate action to protect the public interest.

(2) Peer review. Generally, all firms licensed in Washington state offering and/or performing attest services as

defined by WAC 4-30-010(5), compilation services, as defined by WAC 4-30-010(12), or other professional services for which a report expressing assurance is prescribed by professional standards, are required to participate in a board-approved peer review program as a condition of renewing each CPA firm license under RCW 18.04.215 and WAC 4-30-114. However, certain exemptions are listed in subsection (11) of this section. Board-approved peer review programs include:

- (a) The inspection processes of the Public Company Accounting Oversight Board (PCAOB);
- (b) Peer review programs administered by the American Institute of CPAs (AICPA);
- (c) Peer review programs administered by the Washington Society of CPAs (WSCP); and
- (d) Other programs recognized and approved by the board.

(3) **Enrollment in peer review:** A licensed firm must enroll in a board-approved peer review program **before** issuing a report for each of the following types of service or any other service the board determines:

- (a) Compilation on historical financial statements;
- (b) Review on historical financial statements;
- (c) Audit report on financial statements, performance audit reports, or examination reports on internal controls for nonpublic enterprises;
- (d) Other professional services subject to Statements on Standards for Attestation Engagements.

The schedule for the firm's peer review shall be established according to the peer review program's standards. The board does not require any licensee to become a member of any organization administering a peer review program.

(4) **Participation in peer review.** Every firm that is required to participate in a peer review program shall have a peer review in accordance with the peer review program standards.

(a) It is the responsibility of the firm to anticipate its needs for review services in sufficient time to enable the reviewer to complete the review by the assigned review date.

(b) Any firm that is dropped or terminated by a peer review program for any reason shall have twenty-one days to provide written notice to the board of such termination or drop and to request authorization from the board to enroll in another board-approved peer review program.

(c) In the event a firm is merged, otherwise combined, dissolved or separated, the peer review program shall determine which firm is considered the succeeding firm. The succeeding firm shall retain its peer review status and the review due date.

(d) A firm choosing to change to another peer review program may do so only if there is not an open active peer review and if the peer review is performed in accordance with the minimum standards for performing and reporting on peer reviews.

(5) **Reporting requirements.** Every firm must provide the following information, along with the appropriate fees, with every application for renewal of a firm license by April 30th of the renewal year:

(a) Certify whether the firm does or does not perform attest services or compilation services as defined by WAC 4-

30-010 (5), (12), or other professional services for which a report expressing assurance is prescribed by professional standards in Washington state;

(b) If the firm is subject to the peer review requirements, provide the name of the approved peer review program in which the firm is enrolled, and the period covered by the firm's most recent peer review;

(c) Certify the result of the firm's most recent peer review.

Failure to timely submit complete information and the related fee by the April 30th due date can result in the assessment of late fees. The board may waive late fees based on individual hardship including, but not limited to, financial hardship, critical illness, or active military deployment.

(6) A firm must notify the board within thirty days of the date the peer reviewer or a team captain advises the firm that a grade of pass with deficiencies or fail will be recommended. The notification must include the details of any required corrective action plan being recommended by the peer reviewer or team captain, and the planned date (or time period within which) the firm would intend to complete such remedial action or actions if the proposed corrective action plan is approved by the appropriate peer review acceptance committee.

Notwithstanding any extensions of time by the peer review program administrator, failure by the firm to meet its planned schedule for completing its specific corrective action plan required by the peer review program and/or timely pay for the peer review services can result in board action.

(7) **Documents required.** A firm that has opted out of participating in the AICPA Facilitated State Board Access (FSBA) program shall provide to the board copies of the following documents related to the peer review report:

- (a) Peer review report issued;
- (b) Firm's letter of response, if any;
- (c) Letter of acceptance from peer review program;
- (d) Recommended action letter from the peer review program, if any;
- (e) A letter from the firm to the board describing corrective actions taken by the firm that relate to recommendations of the peer review program;
- (f) Other information the firm deems important for the board's understanding of the information submitted; and
- (g) Other information the board deems important for the understanding of the information submitted.

(8) **Document retention.** RCW 18.04.390(4) and WAC 4-30-051(10) require a firm to retain audit and review records and documentation for a period of seven years after the firm concludes an audit or review of a client's financial statements.

(9) **Extensions.** The board may grant an extension of time for submission of the peer review report to the board. Extensions will be determined by the board on a case-by-case basis.

(10) **Verification.** The board may verify the certifications of peer review reports that firms provide.

(11) **Exemption from peer review.**

(a) Out-of-state firms that do not have a physical location in this state, but perform attest or compilation services in this state, and are otherwise qualified for practice privileges under RCW 18.04.195 (1)(a)(iii)(A) through (D) or (b) are not

required to participate in the board's program if the out-of-state firm participates in a board-approved peer review program or similar program approved or sponsored by another state's board of accountancy.

(b) Firms that do not perform attest services as defined by WAC 4-30-010(5), compilation services, as defined by WAC 4-30-010(12), or other professional services for which a report expressing assurance is prescribed by professional standards are not required to participate in a peer review program, and shall request exemption on each firm license renewal application.

(c) Firms that prepare financial statements **which do not require reports** under Statements on Standards for Accounting and Review Services (management use only compilation reports) and that perform no other attest or compilation services, are not required to participate in a peer review program; however, any such engagements performed by a firm that is otherwise required to participate in a peer review program shall be included in the selection of engagements subject to peer review.

(12) **Quality assurance oversight.**

(a) The board will:

(i) Annually appoint a compliance assurance oversight committee, and such other committees as the board, in its discretion deems necessary, to provide oversight of the administration of approved peer review programs in order to provide reasonable assurance that peer reviews are being conducted and reported on in accordance with the minimum standards for performing and reporting on peer reviews;

(ii) Consider reports from the compliance assurance oversight committee;

(iii) Direct the evaluation of peer review reports and related documents submitted by firms;

(iv) Determine the appropriate action for firms that have unresolved matters relating to the peer review process or that have not complied with, or acted in disregard of the peer review requirements;

(v) Determine appropriate action for firms when issues with a peer review report may warrant further action; and

(vi) Take appropriate actions the board, in its discretion, deems appropriate to carry out the functions of the quality assurance review program and achieve the purpose of the peer review requirement.

(b) The **compliance assurance oversight committee** shall conduct oversight of approved peer review programs at least semiannually to provide reasonable assurance that such programs are in compliance with the minimum standards for performing and reporting on peer reviews.

(i) The compliance assurance oversight committee's oversight procedures may consist of, but are not limited to:

(A) Attending the peer review program's report acceptance body (RAB) meetings during consideration of peer review documents;

(B) Observing the peer review program administrator's internal review of program and quality control compliance;

(C) Observing the peer review program's review of the administrator's process.

(ii) The compliance oversight assurance committee shall report to the board any modifications to approved peer

review programs and shall make recommendations regarding the continued approval of peer review programs.

(13) **Remedies.** The board will take appropriate action to protect the public's interest if the board determines through the peer review process or otherwise that a firm's performance and/or reporting practices are not or may not be in accordance with applicable professional standards, the firm does not comply with peer review program requirements, or the firm does not comply with all or some of the reporting, remedial action, and/or fee payment requirements of subsection (5) of this section. The board's actions may include, but are not limited to:

(a) Require the firm to develop quality control procedures to provide reasonable assurance that similar occurrences will not occur in the future;

(b) Require any individual licensee who had responsibility for, or who substantially participated in the engagement(s), to successfully complete specific courses or types of continuing education as specified by the board;

(c) Require that the reviewed firm responsible for engagement(s) submit all or specified categories of its compilation or attest working papers and reports to a preissuance evaluation performed by a board-approved licensee in a manner and for a duration prescribed by the board. Prior to the firm issuing the reports on the engagements reviewed, the board-approved licensee shall submit to the board for board acceptance a report of the findings, including the nature and frequency of recommended actions to the firm. The cost of the board-approved preissuance evaluation will be at the firm's expense;

(d) Require the reviewed firm to engage a board-approved licensee to conduct a board-prescribed on-site field review of the firm's work product and practices or perform other investigative procedures to assess the degree or pervasiveness of nonconforming work product. The board-approved licensee engaged by the firm shall submit a report of the findings to the board within thirty days of the completion of the services. The cost of the board-prescribed on-site review or other board-prescribed procedures will be at the firm's expense; or

(e) Initiate an investigation pursuant to RCW 18.04.295, 18.04.305, and/or 18.04.320.

(f) Absent an investigation the specific rating of a single peer review report is not a sufficient basis to warrant disciplinary action.

(14) The board may solicit and review licensee reports and/or other information covered by the reports from clients, public agencies, banks, and other users of such information.

AMENDATORY SECTION (Amending WSR 11-07-070, filed 3/22/11, effective 4/22/11)

WAC 4-30-142 What are the bases for the board to impose discipline? RCW 18.04.055, 18.04.295, 18.04.305, and 18.04.350 authorize the board to revoke, suspend, refuse to issue, renew, or reinstate an individual or firm license, CPA-Inactive certificate, the right to exercise practice privileges in this state, or registration as a resident nonlicensee firm owner; impose a fine not to exceed thirty thousand dollars; recover investigative and legal costs; impose full restitu-

tion to injured parties; impose remedial sanctions; impose conditions precedent to renew; or prohibit a resident nonlicensee from holding an ownership interest in a firm licensed in this state for the specific acts listed below.

The following are specific examples of prohibited acts that constitute grounds for discipline under RCW 18.04.295, 18.04.305, and 18.04.350. The board does not intend this listing to be all inclusive.

(1) Fraud or deceit in applying for the CPA examination, obtaining a license, registering as a resident nonlicensee firm owner, or in any filings with the board.

(2) Fraud or deceit in renewing or requesting reinstatement of a license, CPA-Inactive certificate, registration as a resident nonlicensee firm owner.

(3) Cheating on the CPA exam.

(4) Making a false or misleading statement in support of another person's application or request to:

(a) Take the national uniform CPA examination;

(b) Obtain a license or registration required by the act or board;

(c) Reinstate or modify the terms of a revoked or suspended license, certificate, or registration as a resident nonlicensee firm owner in this state;

(d) Reinstate revoked or suspended practice privileges of an individual or firm licensed in another state.

(5) Dishonesty, fraud, or negligence while representing oneself as a licensee, CPA-Inactive certificate holder, or a resident nonlicensee firm owner including, but not limited to:

(a) Practicing public accounting in Washington state prior to obtaining a license required ~~((by))~~ per RCW 18.04.-215 ((or)), obtaining a firm license as required by RCW 18.04.195, or without qualifying to operate under firm mobility;

(b) Offering or rendering public accounting services in this state by an out-of-state individual ~~((or firm))~~ not qualified for practice privileges under RCW ~~((18.04.195 or))~~ 18.04.350(2);

(c) Offering or rendering public accounting services in this state by an out-of-state firm not qualified for practice privileges under firm mobility per RCW 18.04.195.

~~((d))~~ (d) Making misleading, deceptive, or untrue representations;

~~((e))~~ (e) Engaging in acts of fiscal dishonesty;

~~((f))~~ (f) Purposefully, knowingly, or negligently failing to file a report or record, or filing a false report or record, required by local, state, or federal law;

~~((g))~~ (g) Unlawfully selling unregistered securities;

~~((h))~~ (h) Unlawfully acting as an unregistered securities salesperson or broker-dealer;

~~((i))~~ (i) Discharging a trustee's duties in a negligent manner or breaching one's fiduciary duties, acting in a manner not in compliance with RCW 11.96A.070 (1)(b); or

~~((j))~~ (j) Withdrawing or liquidating, as fees earned, funds received by a licensee, CPA-Inactive certificate holder, or a resident nonlicensee firm owner from a client as a deposit or retainer when the client contests the amount of fees earned, until such time as the dispute is resolved.

(6) The following shall be prima facie evidence that a licensee, as defined in WAC 4-30-010, CPA-Inactive certificate holder, a nonlicensee firm owner, or the employees of

such persons has engaged in dishonesty, fraud, or negligence while representing oneself as a licensee, as defined in WAC 4-30-010, CPA-Inactive certificate holder, a nonlicensee firm owner, or an employee of such persons:

(a) An order of a court of competent jurisdiction finding that the person or persons committed an act of negligence, fraud, or dishonesty or other act reflecting adversely on the person's fitness to represent himself, herself, or itself as a licensee, as defined in WAC 4-30-010, CPA-Inactive certificate holder, or a nonlicensee firm owner;

(b) An order of a federal, state, local or foreign jurisdiction regulatory body, or a PCAOB, finding that the licensee, as defined in WAC 4-30-010, CPA-Inactive certificate holder, or nonlicensee firm owner, or employee of such persons committed an act of negligence, fraud, or dishonesty or other act reflecting adversely on the person's fitness to represent himself, herself, or itself as a licensee, as defined in WAC 4-30-010, a CPA-Inactive certificate holder, or a nonlicensee firm owner;

(c) Cancellation, revocation, suspension, or refusal to renew the right to practice as a licensee, certificate holder, or a nonlicensee firm owner by any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state; or

(d) Suspension or revocation of the right to practice before any state agency, federal agency, or the PCAOB.

(7) Sanctions and orders entered by a nongovernmental professionally related standard-setting body for violation of ethical or technical standards in the practice of public accounting by a licensee, CPA-Inactive certificate holder, or nonlicensee firm owner;

(8) Any state or federal criminal conviction or commission of any act constituting a crime under the laws of this state, or of another state, or of the United States.

(9) A conflict of interest such as:

(a) Self dealing as a trustee, including, but not limited to:

(i) Investing trust funds in entities controlled by or related to the trustee;

(ii) Borrowing from trust funds, with or without disclosure; and

(iii) Employing persons related to the trustee or entities in which the trust has a beneficial interest to provide services to the trust (unless specifically authorized by the trust creation document).

(b) Borrowing funds from a client unless the client is in the business of making loans of the type obtained by the licensee, as defined in WAC 4-30-010, CPA-Inactive certificate holder, or nonlicensee firm owner and the loan terms are not more favorable than loans extended to other persons of similar credit worthiness.

(10) A violation of the Public Accountancy Act or failure to comply with a board rule contained in Title 4 WAC, by a licensee, defined in WAC 4-30-010, CPA-Inactive certificate holder, or employees of such persons of this state or a licensee of another substantially equivalent state qualified for practice privileges, including but not limited to:

(a) An out-of-state individual exercising the practice privileges authorized by RCW 18.04.350(2) when not qualified;

(b) Submission of an application for firm license on behalf of a firm licensed in another state (~~and required to obtain a license~~) that does not meet the firm mobility requirements under RCW 18.04.195 (1)(a)(iii)(A) through (D) by an out-of-state individual not qualified under RCW 18.04.350(2) or authorized by the firm to make such application;

(c) Failure of an out-of-state individual exercising the practice privileges authorized under RCW 18.04.350(2) to cease offering or performing professional services in this state, individually or on behalf of a firm, when the license from the state of the out-of-state individual's principal place of business is no longer valid;

(d) Failure of an out-of-state individual exercising the practice privileges authorized under RCW 18.04.350(2) to cease offering or performing specific professional services in this state, individually or on behalf of a firm, when the license from the state of the out-of-state individual's principal place of business has been restricted from performing those specific services;

(e) Failure of ((~~a~~)) an out-of-state firm ((not licensed)) operating under firm mobility per RCW 18.04.195 (1)(a)(iii), in this state to cease offering or performing professional services in this state through one or more out-of-state individuals whose license from the state of those individuals' principal place(s) of business is (are) no longer valid or is (are) otherwise restricted from performing the specific engagement services;

(f) Failure of a firm licensed in this state, or a firm operating under firm mobility to comply with the ownership requirements of RCW 18.04.195 within a reasonable time period, as determined by the board;

(g) Failure of a firm licensed in this state or another state to comply with the board's quality assurance program requirements, when applicable.

(11) Violation of one or more of the rules of professional conduct included in Title 4 WAC.

(12) Concealing another's violation of the Public Accountancy Act or board rules.

(13) Failure to cooperate with the board by failing to:

(a) Furnish any papers or documents requested or ordered to produce by the board;

(b) Furnish in writing a full and complete explanation related to a complaint as requested by the board;

(c) Respond to an inquiry of the board;

(d) Respond to subpoenas issued by the board, whether or not the recipient of the subpoena is the accused in the proceeding.

(14) Failure to comply with an order of the board.

(15) Adjudication of a licensee, as defined by WAC 4-30-010, CPA-Inactive certificate holder, or a nonlicensee firm owner as mentally incompetent is prima facie evidence that the person lacks the professional competence required by the rules of professional conduct.

(16) Failure of a licensee, as defined by WAC 4-30-010, CPA-Inactive certificate holder, nonlicensee firm owner, or out-of-state person exercising practice privileges authorized by RCW 18.04.195 and 18.04.350 to timely notify the board, in the manner prescribed by the board, of any of the following:

(a) A sanction, order, suspension, revocation, or modification of a license, certificate, permit or practice rights by the SEC, PCAOB, IRS, or another state board of accountancy for any cause other than failure to pay a professional license fee by the due date or failure to meet the continuing professional education requirements of another state board of accountancy;

(b) Charges filed by the SEC, IRS, PCAOB, another state board of accountancy, or a federal or state taxing, insurance or securities regulatory body that the licensee, CPA-Inactive certificate holder, or nonlicensee firm owner committed a prohibited act that would be a violation of board ethical or technical standards;

(c) Sanctions or orders entered against such persons by a nongovernmental professionally related standard-setting body for violation of ethical or technical standards in the practice of public accounting by a licensee, CPA-Inactive certificate holder, or nonlicensee firm owner.

WSR 16-13-111

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed June 21, 2016, 8:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-13-110.

Title of Rule and Other Identifying Information: WAC 458-20-187 ~~Coin-operated Tax responsibility of vending machine owners and operators vending machines, amusement devices, and service machines~~ explains the taxability of income from vending machines that operate after accepting payment.

Hearing Location(s): Capital Plaza Building, 4th Floor Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on July 27, 2016, at 10:00 a.m.

Call-in option can be provided upon request no later than three days before the hearing date.

Copies of draft rules are available for viewing and printing on our web site at dor.wa.gov.

Date of Intended Adoption: August 3, 2016.

Submit Written Comments to: Leslie Mullin, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, e-mail LeslieMu@dor.wa.gov, by July 27, 2016.

Assistance for Persons with Disabilities: Contact Julie King, (360) 704-5717, or Renee Cosare, (360) 725-7514, no later than ten days before the hearing date. For hearing impaired please contact us via the Washington relay operator at (800) 833-6384.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing revisions to Rule 187 to:

- Remove the terms "amusement devices" and "service machines" and define all previously categorized amusement devices and service machines as vending machines;
- Add examples of retail and nonretail vending machines;

- Acknowledge vending machines now accept payment in forms other than coins;
- Add a list of other rules the reader may find helpful; and
- Remove outdated language referencing retail sales tax less than one cent, bond requirements, and addendums.

Reasons Supporting Proposal: To provide general updates and clarification to the rule, and incorporate recent legislation from chapter 169, Laws of 2015 (HB 1550).

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

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Mullin, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1589; Implementation and Enforcement: Marcus Glasper, 1025 Union Avenue S.E., Suite #500, Olympia, WA, (360) 534-1615.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule is not a significant legislative rule as defined by RCW 34.05.328.

June 21, 2016
Kevin Dixon
Rules Coordinator

AMENDATORY SECTION (Amending WSR 86-18-022, filed 8/26/86)

WAC 458-20-187 ((Coin-operated)) Tax responsibility of vending machine(s, amusement devices and service machines) owners and operators. ((1) Definitions. As used herein the term "vending machines" means machines which, through the insertion of a coin will return to the patron a predetermined specific article of merchandise or provide facilities for installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers. It includes machines which vend photographs, toilet articles, cigarettes and confections as well as machines which provide laundry and cleaning services.

(2) The term "amusement devices" means those devices and machines which, through the insertion of a coin, will permit the patron to play a game. It includes slot and pinball machines and those machines or devices which permit the patron to see, hear or read something of interest.

(3) The term "service machines" means any coin operated machines other than those defined as "vending machines" or "amusement devices." It includes, for example, scales and luggage lockers, but does not include coin-operated machines used in the conduct of a public utility business, such as telephones and gas meters; also excluded are shuffleboards and pool games.

(4) Business and occupation tax. Persons operating vending machines are engaged in a retailing business and

must report and pay tax under the retailing classification with respect to the gross proceeds of sales.

(5) Persons operating amusement devices, except shuffleboard, pool, and billiard games, are taxable under the service and other business activities classification on the gross receipts therefrom.

(6) Persons engaged in operating shuffleboards or games of pool or billiards are taxable under the retailing classification on the gross receipts therefrom and are responsible for collecting and reporting to the department the retail sales tax measured by the gross receipts therefrom.

(7) Persons operating service machines are taxable under the service and other business activities classification upon the gross income received from the operation of such machines.

(8) When coin-operated machines are placed at a location owned or operated by a person other than the owner of the machines, under any arrangement for compensation to the operator of the location, the person operating the location has granted a license to use real property and will be responsible for reporting and paying tax upon his gross compensation therefor under the service classification.

(9) Where the owner of amusement devices which are placed at the location of another has failed to pay the gross receipts tax and/or retail sales tax due, the department may proceed directly against the operator of the location for full payment of all tax due.

(10) Retail sales tax. The retail sales tax applies to the sale of merchandise through vending machines and persons owning and operating such machines are liable for the payment of such tax. (However, see WAC 458-20-244 for vending machine sales of food.) For practical purposes such persons are authorized to absorb the amount of the tax on the individual sales and to pay directly to the department the retail sales tax on the total amount received from such machines.

(11) Effective March 11, 1986, on all retail sales through vending machines the tax need not be stated separately from the selling price or collected separately from the buyer. (See RCW 82.08.050.) The seller may deduct the tax from the total amount received in the machines to arrive at the net amount which becomes the measure of the tax.

(12) Where a vending machine is designed or adjusted so that single sales are made exclusively in amounts less than the minimum sale on which a 1¢ tax may be collected from the purchaser, and the kind of merchandise sold through such machines is not sold by the operator over the counter or other than through vending machines at that location, the selling price for purposes of the retail sales tax shall be 60% of the gross receipts of the vending machine through which such sales are made. This 60% basis of reporting is available only to persons selling tangible personal property through vending machines.

(13) In order to qualify for the foregoing reduction in the measure of the retail sales tax, the books and records of the operator must show for each vending machine for which such reduction is claimed: (a) The location of the machine, (b) the selling price of sales made through the machine, (c) the type and brands of merchandise vended through the machine and (d) the gross receipts from that machine. The foregoing

records may be maintained for each location, rather than for each machine, in cases where several machines are maintained by the same operator at the same location, provided that all of such machines make sales exclusively in amounts less than the minimum sale on which a 1¢ tax may be collected. The reduction will be disallowed in any instance where sales made through vending machines in such amounts are not clearly and accurately segregated from other sales by the operator and the burden is on the operator to make sales under such conditions and to maintain such records as to demonstrate absolute compliance with this requirement.

(14) Every operator or owner of a vending machine, before taking a deduction from gross sales through certain vending machines, shall file with the department annually an addendum to his application for registration with the department, on a form provided by the department, which form shall contain the following information:

(a) Number of vending machines in his ownership making sales under the above minimum.

(b) Value of such sales in the most recent calendar year.

(c) A statement that no sales are made by the owner or operator at any machine location of articles or products sold through such machines, except by vending machines and no provision is made either through the machine or otherwise, for multiple sales under circumstances where the tax may legally be collected from the buyer.

(15) The department will require a bond sufficient to assure recovery of any disallowed discount of tax due in any instance of registration where the department has reason to feel such recovery could be in jeopardy.

(16) Sales of vending machines, service machines and amusement devices to persons who will operate the same are sales at retail and the retail sales tax is applicable to all such sales.

(17) Use tax. The use tax applies to all tangible personal property used by persons making sales through vending machines, upon which the retail sales tax has not been paid, except inventory items resold through such machines.

Revised April 28, 1978.

Effective July 1, 1978:)) (1) **Introduction.** This rule explains the taxability of income from vending machines that operate after accepting payment. It does not apply to "reverse" vending machines that provide income to the patron in exchange for the forfeiture of tangible personal property or to vending machines used in the conduct of a public utility business, such as telephones and gas meters.

(2) **Other rules that may apply.** Readers may want to refer to other rules for additional information, including those in the following list:

(a) WAC 458-20-102 Reseller permits.

(b) WAC 458-20-108 Selling price—Credit card service fees, foreign currency, discounts, patronage dividends.

(c) WAC 458-20-127 Newspapers, magazines, and periodicals.

(d) WAC 458-20-131 Gambling activities.

(e) WAC 458-20-15503 Digital products.

(f) WAC 458-20-165 Laundry, dry cleaning, linen and uniform supply, and self-service and coin-operated laundry services.

(g) WAC 458-20-178 Use tax and the use of tangible personal property.

(h) WAC 458-20-183 Amusement, recreation, and physical fitness services.

(i) WAC 458-20-185 Tax on tobacco products.

(j) WAC 458-20-186 Tax on cigarettes.

(k) WAC 458-20-243 Litter tax.

(l) WAC 458-20-244 Food and food ingredients.

(3) **What are vending machines?** Vending machines are machines that through the insertion of coins or other forms of payment will provide one of the following functions either directly or under the operation of the patron:

(a) **Vending machines that return tangible personal property.** Tangible personal property returned from vending machines include, but is not limited to, photographs, toiletries, cigarettes, beverages, food, candy, and tangible media such as a DVD or CD.

(b) **Vending machines that provide a service.**

(i) Vending machines that provide a retail service include machines that install, repair, clean, alter, imprint, or improve tangible personal property. Examples include, but are not limited to, vending machines that provide bowling ball polishing, perform car washes, allow the operation of vacuum equipment, and dispense air or water. Also included are vending machines that provide locker rentals found in amusement park, theme park, and water park facilities, and vending machines that accept self-payment for automobile parking.

(ii) Vending machines that provide a nonretail service include, but are not limited to, weight scales, coin cashing machines, and luggage locker rentals at any facility other than an amusement park, theme park, or water park; and self-service and coin-operated laundry services. For information about self-service and coin-operated laundry services, see WAC 458-20-165.

(c) **Vending machines that offer a game to be played.**

(i) Vending machines that offer retail games to be played, such as those listed in RCW 82.04.050, including air hockey, billiards, pool, foosball, darts, shuffleboard, ping pong, and similar games.

(ii) Vending machines that offer nonretail games to be played include, but are not limited to, pinball and arcade games.

(4) **Taxability of income from vending machines.**

(a) **Retailing and retail sales tax.** Persons operating vending machines listed in subsection (3)(a), (b)(i), and (c)(i) of this rule are making a retail sale and must report and pay tax under the retailing business and occupation (B&O) tax classification on the gross receipts from those machines. In addition, the retail sales tax applies to sales through vending machines listed in subsection (3)(a), (b)(i), and (c)(i) of this rule and operators of such machines are liable for the collection and payment of the tax.

(i) **Retail sales tax separately stated.** Retail sales tax does not need to be stated separately from the selling price or collected separately from the buyer when sales are through vending machines. See RCW 82.08.050. The operator may deduct the tax from the total amount received in the machine to arrive at the net amount that becomes the measure of tax.

(ii) Exemption for food and food ingredients. Retail sales and use tax exemptions for food and food ingredients do not apply to sales of food and food ingredients dispensed from vending machines. For information on how to calculate tax on food and food ingredient sales see WAC 458-20-244.

(b) Service and other activities. Persons operating vending machines listed in subsection (3)(b)(ii) and (c)(ii) of this rule must report and pay tax under the service and other activities B&O tax classification on the gross receipts from those machines.

(c) License to use real property. When vending machines are placed at a location owned or operated by a person other than the owner of the machines, under any arrangement for compensation to the location operator, the location operator has granted the owner of the machines a license to use real property. The location operator is responsible for remitting tax on its gross receipts under the service and other activities B&O tax classification.

(d) Sales and leases of machines. Sales or leases of vending machines to persons who will operate them are sales at retail subject to the retailing B&O and retail sales tax.

(e) Use or deferred sales tax. The use or deferred sales tax applies to all tangible personal property used by persons making sales through vending machines, if the retail sales tax has not been paid, except inventory items resold through such machines.

WSR 16-13-113
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 21, 2016, 9:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-10-065.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-468-0005 Residency.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>), on July 26, 2016, at 10:00 a.m.

Date of Intended Adoption: Not earlier than July 27, 2016.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., July 26, 2016.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by July 12, 2016, phone (360) 664-6092, TTY (360) 664-6178, or e-mail KildaJA@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is

proposing to amend WAC 388-468-0005 to comply with federal regulations for residency requirements for basic food, the Washington combined application program (WASHCAP), the food assistance program (FAP) for legal immigrants, and transitional food assistance. The proposed amendments will also clarify residency requirements for cash and medical programs.

Reasons Supporting Proposal: The department is proposing to amend WAC 388-468-0005 to comply with Code of Federal Regulations for the supplemental nutrition assistance program (SNAP).

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 7 C.F.R. 273.2, and 7 C.F.R. 273.3.

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: Ezra Paskus, 712 Pear Street S.E., Olympia, WA 98501, (360) 725-4611.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not have an economic impact on small businesses. They only impact DSHS clients.

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, "this 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."

June 16, 2016
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-05-010, filed 2/5/15, effective 3/8/15)

WAC 388-468-0005 ((Residency-)) What are the residency requirements for cash and food programs? ((Subsections (1) through (4) applies to cash, the Basic Food program, and medical programs-))

(1) ((A resident is a person who)) For both cash and food programs, you:

(a) ((Currently lives in Washington and intends to continue living here permanently or for an indefinite period of time; or)) Must live in Washington state, but not for any specific period of time to be a resident;

(b) ((Entered the state looking for a job; or)) Must not receive comparable benefits from another state or tribe during the same month; and

(c) ((Entered the state with a job commitment)) Are a resident of the state where you are physically located when there is a residency dispute between states.

(2) ((A person does not need to live in the state for a specific period of time to be considered a resident)) Subsections (3) through (8) of this section apply to cash programs only.

(3) You are a resident if you currently live in Washington state voluntarily and:

~~(a) Intend to remain in the state not for a temporary purpose; or~~

~~(b) Entered the state looking for a job; or with a job commitment.~~

~~((3)) (4) A child under age eighteen is a resident of the state where the ((child's)) his or her primary custodian ((lives)) is a resident.~~

~~((4) A client can temporarily be out of the state for more than one month. If so, the client must supply the department with adequate information to demonstrate the intent to continue to reside in the state of Washington.) (5) You may temporarily leave Washington state for more than one month and continue to receive benefits if you give the department proof of your intent to continue to reside in Washington state.~~

~~((5) A client may not receive comparable benefits from another state for the cash and Basic Food programs.)~~

~~(6) ((A) If you are a former resident of ((the)) Washington state, you can apply for the ((ABD)) aged, blind, or disabled (ABD) cash program while living in another state if:~~

~~(a) ((The person)) Your absence was:~~

~~(i) ((Plans to return to this state;)) Enforced and beyond your control; or~~

~~(ii) ((Intends to maintain a residence in this state; and)) Essential to your welfare and due to your physical or social needs;~~

~~((iii) Lives in the United States at the time of the application.)~~

~~(b) ((In addition to the conditions in subsection (6)(a)(i), (ii), and (iii) being met, the absence must be:~~

~~(i) Enforced and beyond the person's control; or)) You plan to return to Washington state;~~

~~((ii) Essential to the person's welfare and is due to physical or social needs.)~~

~~(c) ((See WAC 388-406-0035, 388-406-0040, and 388-406-0045 for time limits on processing applications.~~

~~(7) Residency is not a requirement for detoxification services.) You intend to maintain a residence in Washington state; and~~

~~(d) You live in the United States of America at the time you applied for the ABD cash program.~~

~~((8) A person is)) (7) You are not a resident ((when the person enters)) if you entered Washington state only for medical care. ((This person is not eligible for any medical program. The only exception is described in subsection (9) of this section.~~

~~(9) It is not necessary for a person moving)) (8) If you move from another state directly to a nursing facility in Washington state, you do not need to establish residency before entering the facility. ((The person is considered a resident if they intend to remain permanently or for an indefinite period unless)) You are not considered a resident if you are placed in the nursing facility by another state.~~

~~(9) Subsections (10) and (11) of this section apply to basic food programs only.~~

~~(10) ((For purposes of medical programs, a client's residence is the state:~~

~~(a) Paying a state supplemental security income (SSI) payment; or~~

~~(b) Paying federal payments for foster or adoption assistance; or~~

~~(e) Where the noninstitutionalized individual lives when medicaid eligibility is based on blindness or disability; or~~

~~(d) Where the parent or legal guardian, if appointed, for an institutionalized:~~

~~(i) Minor child; or~~

~~(ii) Client twenty-one years of age or older, who became incapable of determining residential intent before reaching age twenty-one.~~

~~(e) Where a client is residing if the person becomes incapable of determining residential intent after reaching twenty-one years of age; or~~

~~(f) Making a placement in an out-of-state institution; or~~

~~(g) For any other institutionalized individual, the state of residence is the state where the individual is living with the intent to remain there permanently or for an indefinite period)) You are a resident for purposes of the basic food program if you live in Washington state.~~

~~(11) ((In a dispute between states as to which is a person's state of residence, the state of residence is the state in which the person is physically located.) You are not required to:~~

~~(a) Live in a permanent dwelling;~~

~~(b) Have a fixed address; or~~

~~(c) Intend to live permanently in Washington state.~~

WSR 16-13-118
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 21, 2016, 10:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-09-091.

Title of Rule and Other Identifying Information: Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for workers' compensation insurance and chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Hearing Location(s): L&I Tumwater Headquarters, Room S117, 7273 Linderson Way S.W., Tumwater, WA 98501, on August 3, 2016, at 10:00 a.m.

Date of Intended Adoption: September 6, 2016.

Submit Written Comments to: Jo Anne Attwood, P.O. Box 44148, Olympia, WA 98504-4148, e-mail JoAnne.Attwood@lni.wa.gov, fax (360) 902-4788, by August 3, 2016.

Assistance for Persons with Disabilities: Contact office of information and assistance by July 29, 2016, TTY (360) 902-5797.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making is to implement requirements of ESSB 6293 which allows public and private colleges to create unpaid student volunteer programs in for-profit or nonprofit businesses, and allows those businesses to elect medical aid coverage for student volunteers and unpaid students participating in the program. Providing employers the opportunity to elect medical aid

coverage for student volunteers and unpaid students in experience-based activities will encourage more employers to participate in these school-sponsored programs.

Also, private colleges will now be able to elect medical aid coverage for qualifying students volunteering for the college. (Current law requires state colleges to cover volunteers serving the college, but allows only charitable private organizations to elect coverage for volunteers.)

This legislation also creates a means for all entities with coverage for volunteers, student volunteers, or unpaid students to cap reporting at one hundred hours per volunteer per calendar year. This type of reporting is not currently an option for employers and L&I must design rules to implement such a reporting and premium change.

New WAC 296-17-935 Options for reporting qualifying volunteers, including student volunteers and unpaid students; and amending WAC 296-17-35201 Recordkeeping and retention, 296-17-925 Student volunteers, 296-17-930 Volunteers, 296-17A-6901 Classification 6901 (Volunteers and student volunteers), and 296-17A-6906 Classification 6906 (Volunteer law enforcement officers).

Statutory Authority for Adoption: RCW 51.04.020 and 51.16.035.

Statute Being Implemented: RCW 51.16.035.

Rule is necessary because of state court decision, section 3, chapter 62, Laws of 2016.

Name of Agency Personnel Responsible for Drafting: Jo Anne Attwood, Tumwater, Washington, (360) 902-4777; Implementation: Chris Bove, Tumwater, Washington, (360) 902-4826; and Enforcement: Vickie Kennedy, Tumwater, Washington, (360) 902-4612.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency is exempt from conducting a small business economic impact statement since the proposed rules set or adjust fees or rates pursuant to legislative standards described in RCW 34.05.310 (4)(f) and do not change current coverage options for employers and workers.

A cost-benefit analysis is not required under RCW 34.05.328. Since the proposed rules do not change any existing coverage options for employers or workers and adjust fees pursuant to legislative standards, they are exempted by RCW 34.05.328 (5)(b)(vi) from the requirement for a cost-benefit analysis.

June 21, 2016

Joel Sacks

Director

AMENDATORY SECTION (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

WAC 296-17-35201 Recordkeeping and retention. Washington law (RCW 51.48.030) requires every employer to make, keep, and preserve records which are adequate to facilitate the determination of premiums due to the state for workers' compensation insurance for their covered workers. In the administration of Title 51 RCW, the department of labor and industries has deemed the records and information required in the various subsections of this section to be essential in the determination of premiums due to the state fund.

The records so specified and required, shall be provided at the time of audit to any authorized representative of the department who has requested them.

Failure to produce the requested records within thirty days of the request, or within an agreed upon time period shall constitute prima facie evidence of noncompliance with this rule and shall invoke the statutory bar to challenge found in RCW 51.48.030 and/or 51.48.040. See WAC 296-17-925, 296-17-930, and 296-17-935 for additional reporting and recordkeeping requirements for qualifying volunteers, student volunteers, and unpaid students.

(1) Employment records. Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for three full calendar years following the calendar year in which employment occurred:

- (a) The name of each worker;
- (b) The Social Security number of each worker;
- (c) The beginning date of employment for each worker and, if applicable, the separation date of employment of each such worker;
- (d) The basis upon which wages are paid to each worker;
- (e) The number of units earned or produced for each worker paid on a piecework basis;
- (f) The risk classification applicable to each worker whenever the worker hours of any one employee are being divided between two or more classifications;
- (g) The number of actual hours worked (WAC 296-17-31002) by each worker, unless another basis of computing hours worked is prescribed in WAC 296-17-31021 or 296-17-935;
- (h) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;
- (i) The workers' total gross pay period earnings;
- (j) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;
- (k) The net pay earned by each such worker.

(2) Business, financial records, and record retention. Every employer is required to keep and preserve all original employment time records for three full calendar years following the calendar year in which employment occurred. The three-year period is specified in WAC 296-17-352 as the composite period from the date any such premium became due.

Employers who pay their workers by check are required to keep and preserve all check registers and bank statements. Employers who pay their workers by cash are required to keep and preserve records of these cash transactions which provide a detailed record of wages paid to each worker.

(3) Recordkeeping - Estimated premium computation. Any employer required by this section to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, who fails to make, keep, and preserve such records, shall for the purpose of premium calculation assume worker hours using the average hourly wage rate for each classification, and also will be subject to penalties prescribed in subsection (4) of this section. The records compiled by the department shall be the basis for determining the average hourly wage rate: Provided, That the

average hourly wage rate shall be no less than the state minimum wage existing at the time such assumed hours are worked. Notwithstanding any other provisions of this section, workers employed in a work activity center subject to Classification 7309 shall be reported on the basis of the average hourly wage.

(4) Failure to maintain records - Penalties. Any employer required by this section to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, who fails to make, keep, and preserve such record, shall be liable, subject to RCW 51.48.030, to a penalty in the amount of two hundred fifty dollars for each such offense. Failure to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, for a single employee shall constitute one offense, for two employees two offenses, and so forth.

AMENDATORY SECTION (Amending WSR 94-24-007, filed 11/28/94, effective 1/1/95)

WAC 296-17-925 ((Student volunteers.)) Record-keeping requirements for student volunteers and/or unpaid students. ~~((Any employer electing to insure student volunteers under the authority of chapter 51.12 RCW as now or hereafter amended shall give notice in writing on a form prescribed by the department. Any employer having elected to insure student volunteers shall maintain office records of all hours of work performed by student volunteers. Such office records shall include notice in writing as a registration of each student who has been recognized by the school and accepted by the employer to perform or observe the work of the employer. A report of such hours will be included with the employer's regular quarterly report of payroll as prescribed by the department, and will include payment for the premium based on such hours and at such rates per hour as assigned by the department.))~~ If you elect to insure qualifying student volunteers and/or unpaid students as defined in chapter 51.12 RCW, as now or hereafter amended, you must give the department written notice on a form prescribed by the department.

All entities with coverage for qualifying student volunteers or unpaid students must maintain the following additional records relating to:

- Names of all qualifying persons that the employer seeks to cover under this election; and
- Proof of registration of qualifying persons' current enrollment in school or institution of higher education as defined in RCW 51.12.170; and
- Authorization from the school or institution of higher education for qualifying persons' participation in the school's volunteer program or the school's unpaid work-based learning program;
- Qualifying persons' actual hours worked, unless you have notified the department in writing of your decision to report one hundred hours per volunteer per calendar year (one hundred hour-cap method; see WAC 296-17-935).

If you fail to keep records to demonstrate individuals are qualified student volunteers or unpaid students, or if you are unable to provide records to the department upon request, the

department will determine classification and premiums due for each individual in question.

See relevant rules, including WAC 296-17-935, for reporting options for volunteers, student volunteers, and unpaid students; and WAC 296-17-35201 for recordkeeping requirements.

AMENDATORY SECTION (Amending Order 77-27, filed 11/30/77, effective 1/1/78)

WAC 296-17-930 Volunteers. Any city, town, county, school district, municipal corporation or any other political subdivision, or private nonprofit charitable organization electing to insure qualified volunteers under the authority of RCW 51.12.035 as now or hereafter amended, shall give ~~((notice in writing on a form prescribed by the department. Any employer having elected to insure volunteers shall maintain office records of all hours of work performed by volunteers. Such office records shall include notice in writing as a registration of each person who has volunteered and has been accepted by the employer to perform work as a volunteer. A report of such hours will be included with the employer's regular quarterly report of payroll as prescribed by the department, and will include payment for the premium based on such hours and at such rates per hour as assigned by))~~ the department written notice of its intent to provide coverage on a form prescribed by the department. Any employer insuring qualifying volunteers shall choose a reporting method option to apply to all qualifying volunteers. Employers have the option of choosing either:

- Maintaining records of all actual hours of work performed by each qualifying volunteer; or
- Reporting one hundred hours for each qualifying volunteer per calendar year (one hundred-hour cap method) rather than keep a record of actual hours for each qualifying volunteer per calendar year (see WAC 296-17-935).

Note: Election of reporting method is for each calendar year. Electing employers must report all of their qualified volunteers in the same manner each calendar year.

Note: Employers insuring qualifying volunteers must provide their reporting method (by selecting between either: Actual hours per qualifying volunteer or one hundred hours per such volunteer per calendar year) in the first quarter of the calendar year in which coverage for the volunteers is effective, along with the employer's regular quarterly report of payroll as prescribed by the department; see relevant reporting rules, including WAC 296-17-935.

The employer's office records shall include, in addition to records required under WAC 296-17-35201, written:

- Registration of each person who has volunteered; and
- Acceptance by the employer to perform work as a volunteer.

NEW SECTION

WAC 296-17-935 Options for reporting qualifying volunteers, including student volunteers and unpaid students. If you elect to insure qualifying volunteers, including student volunteers or unpaid students, as defined in chapter 51.12 RCW as now or hereafter amended, you must give

notice in writing on a form prescribed by the department. If you do not currently have elective coverage for such volunteers, including student volunteers or unpaid students, and you would like to cover them, please contact our underwriting section at phone number 360-902-4817.

Effective June 9, 2016, a law change (see section 3, chapter 62, Laws of 2016) created an additional reporting option for employers who cover qualifying volunteers (including student volunteers and unpaid students) for medical aid only.

When filing your quarterly report in the first quarter of the calendar year in which coverage for your qualifying volunteers is effective, you must indicate your choice to report all such qualifying volunteers based on either:

- Actual hours worked; or
- One hundred hours per qualifying volunteer per calendar year (one hundred-hour cap method).

You must use the same method to report all your qualifying volunteers in the calendar year. The first time you file your quarterly report in subsequent calendar years, you may change your reporting method for that calendar year.

If you have previously chosen in a calendar year to report one hundred hours per qualifying volunteer per calendar year, for all quarterly reports for that calendar year:

- You must report one hundred hours for any new qualifying volunteers who you have not reported in previous quarters of the calendar year.
- If you have no new qualifying volunteers in the quarters after you chose to report one hundred hours per qualifying volunteer, you must report zero hours for the volunteer classification.

For calendar year 2016 only, in addition to the above requirements, since the one hundred hour reporting option may be used only after the effective date of the law change, if you choose to report one hundred hours per qualifying volunteer:

- You must still report and pay premium based on actual hours for qualifying volunteers in the second quarter of 2016; and
- Your premium payment for one hundred hours per qualifying volunteer applies only for coverage for the third and fourth quarter of 2016; and
- Hours reported in the first and second quarter of 2016 for volunteer coverage do not count toward the one hundred hours per qualifying volunteer for 2016.

See relevant rules, including WAC 296-17-925 for recordkeeping requirements for student volunteers and unpaid students, WAC 296-17-930 for recordkeeping requirements for other volunteers, and WAC 296-17-35201 for general recordkeeping and retention requirements.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-6901 Classification 6901.

~~((6901-00))~~ Volunteers

~~((Applies to the medical aid coverage for volunteers of state agencies, municipal corporations, political subdivisions, or private nonprofit charitable organizations. Medical aid coverage is *mandatory* for volunteers of state agencies. Med-~~

~~ical aid coverage is *optional* for volunteers of city, county, town, special district, municipal corporations, political subdivisions, or nonprofit charitable organizations.~~

~~This classification excludes student volunteers of private sector employers who are to be reported separately in classification 6901-01; volunteer law enforcement officers of cities, towns, counties and taxing districts for whom medical aid only coverage has been elected who are to be reported separately in classification 6906; and volunteer law enforcement officers of cities, towns, counties, or Native American tribal councils for whom full coverage has been elected who are to be reported separately in classification 6905.~~

~~**Special note:** To elect coverage for volunteers, employers or charitable organizations must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. State Fund workers' compensation is not provided to volunteer firemen covered by chapter 41.24 RCW and emergency services workers covered by chapter 38.52 RCW.~~

6901-01 Student volunteers

~~Applies to the medical aid coverage for student volunteers. Medical aid coverage is *optional* for student volunteers. A student volunteer is defined as a student who is enrolled in a public school (kindergarten level through grade 12), is participating as a volunteer in a program authorized or sponsored by the public school to provide work-based learning experiences, and who receives no wages for their volunteer services. Maintenance and reimbursement for actual expenses incurred in performing assigned duties are not considered wages.~~

~~This classification excludes volunteer workers for state agencies, local government agencies and private nonprofit charitable organizations who are to be reported separately in classification 6901-00; volunteer law enforcement officers of cities, towns, counties and taxing districts for whom medical aid only coverage has been elected who are to be reported separately in classification 6906; and volunteer law enforcement officers of cities, towns, counties, or Native American tribal councils for whom full coverage has been elected who are to be reported separately in classification 6905.~~

~~**Special note:** To elect coverage for student volunteers, employers or charitable organizations must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. State Fund workers' compensation is not provided to volunteer firemen covered by chapter 41.24 RCW and emergency services workers covered by chapter 38.52 RCW.)) Applies to the medical aid coverage for volunteers of state agencies, municipal corporations, political subdivisions, private nonprofit charitable organizations, and student volunteers and/or unpaid students as defined in chapter 51.12 RCW.~~

~~• Medical aid coverage is *mandatory* for volunteers of state agencies.~~

~~• Medical aid coverage is *optional* for volunteers of cities, counties, towns, special districts, municipal corporations, political subdivisions, private nonprofit charitable organizations, and for qualifying student volunteers and/or unpaid students as defined in chapter 51.12 RCW.~~

This classification excludes:

- Volunteer law enforcement officers of cities, towns, counties and taxing districts for whom medical aid only coverage has been elected who are to be reported separately in classification 6906; and

- Volunteer law enforcement officers of cities, towns, counties, or Native American tribal councils for whom full coverage has been elected who are to be reported separately in classification 6905.

Special note: See relevant rules, including WAC 296-17-925, 296-17-930, 296-17-935, and 296-17-35201 for reporting instructions and recordkeeping requirements. To elect coverage for qualified volunteers, employers or charitable organizations must submit a completed Application for Elective Coverage of Excluded Employment form to the department. State Fund workers' compensation is not provided to volunteer firefighters covered by chapter 41.24 RCW, nor to emergency services workers covered by chapter 38.52 RCW.

For administrative purposes, classification 6901 is divided into the following subclassifications:

6901-00 Volunteers of state agencies, cities, counties, towns, municipal corporations, political subdivisions, or private nonprofit charitable organizations

6901-01 Student volunteers, unpaid students

A student volunteer is defined as a student who is:

- Currently enrolled in a public or private K-12 school or state public or private institution of higher education; and

- Participating as a student volunteer in a program authorized by the school; and

- Performing duties for the employer without receiving wages for their volunteer services. Maintenance and reimbursement for actual expenses necessarily incurred in performing the assigned duties are not considered wages.

An unpaid student is defined as a student who is:

- Currently enrolled in a state public or private institution of higher education; and

- Participating in an unpaid work-based learning program (including cooperative education, clinical experience, and internship programs) authorized by the school; and

- Performing duties for the employer without receiving wages for their services; and

- Receiving credit towards completing the school program. Maintenance and reimbursement for actual expenses necessarily incurred in performing the assigned duties are not considered wages. Credit towards completing the school program, certification, or degree are not considered wages.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-6906 Classification 6906.

~~((6906-00 Volunteer law enforcement officers of cities and towns—Medical aid only~~

~~Applies to medical aid coverage for volunteer law enforcement officers of cities and towns for whom the cities or towns have elected coverage. Duties of law enforcement officers include, but are not limited to, directing traffic, patrolling by motor vehicle, motorcycle, bicycle, or on foot~~

~~or horseback, preventing crimes, investigating disturbances of the peace, arresting violators, conducting criminal investigations, giving first aid, and guarding persons detained at the police station.~~

~~This classification excludes salaried law enforcement officers and volunteer law enforcement officers for whom the cities or towns have elected full coverage who are to be reported separately in classification 6905.~~

~~See classifications 0803, 1301, 1507, 5305, 6901, 6904, and 6905 for other city or town operations.~~

~~Special note:~~ ~~This coverage is optional for volunteer law enforcement officers. To elect coverage for volunteer law enforcement officers, the city or town must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included.~~

~~6906-01 Volunteer law enforcement officers of counties, taxing districts and Native American tribal councils—Medical aid only~~

~~Applies to medical aid coverage for volunteer law enforcement officers of counties, taxing districts and Native American tribal councils for whom the counties, taxing districts or Native American tribal councils have elected coverage. Duties of law enforcement officers include, but are not limited to, directing traffic, patrolling by motor vehicle, motorcycle, bicycle, or on foot or horseback, preventing crimes, investigating disturbances of the peace, arresting violators, conducting criminal investigations, giving first aid, and guarding persons detained at the police station.~~

~~This classification excludes salaried law enforcement officers and volunteer law enforcement officers for whom the counties, taxing districts or Native American tribal councils have elected full coverage, who are to be reported separately in classification 6905. See classifications 1301, 1501, 1507, 5306, 6901, 6904, and 6905 for other county or taxing district operations.~~

~~Special note:~~ ~~This coverage is optional for volunteer law enforcement officers. To elect coverage for volunteer law enforcement officers, the counties, taxing districts or Native American tribal councils must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included.~~

~~6906-02 Volunteer law enforcement officers of state agencies—Medical aid only~~

~~Applies to medical aid coverage for volunteer law enforcement officers of state agencies for whom the state agencies have elected coverage. Duties of law enforcement officers include, but are not limited to, directing traffic, patrolling by motor vehicle, motorcycle, bicycle, or on foot or horseback, preventing crimes, investigating disturbances of the peace, arresting violators, conducting criminal investigations, giving first aid, and guarding persons detained at the police station.~~

~~This classification excludes salaried law enforcement officers and volunteer law enforcement officers for whom the state agencies have elected full coverage who are to be reported separately in classification 7103.~~

See classifications 4902, 4906, 5307, 7103, and 7201 for other state government operations.

Special note: This coverage is optional for volunteer law enforcement officers. To elect coverage for volunteer law enforcement officers, the state agencies must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included.)) **Volunteer law enforcement officers**

Applies to medical aid coverage for volunteer law enforcement officers of cities, towns, counties, taxing districts, Native American tribal councils, and state agencies for whom these entities have elected coverage for medical aid only. Duties of law enforcement officers include, but are not limited to:

- Directing traffic;
- Patrolling by motor vehicle, motorcycle, bicycle, on foot or horseback;
- Preventing crimes;
- Investigating disturbances of the peace;
- Arresting violators;
- Conducting criminal investigations;
- Giving first aid;
- Guarding persons detained at the police station; and
- Other similar activity conducted within the course of official duties.

This classification excludes:

- Salaried law enforcement officers;
- Volunteer law enforcement officers for whom the cities, towns, counties, taxing districts or Native American tribal councils have elected full coverage, who are to be reported separately in classification 6905;
- Volunteer law enforcement officers for whom the state agencies have elected full coverage who are to be reported separately in classification 7103;
- Student volunteers and/or unpaid students as defined in chapter 51.12 RCW for whom the cities, towns, counties, taxing districts, or Native American tribal councils have elected medical aid coverage, or for whom state agencies must provide coverage, who are to be reported separately in classification 6901.

For other operations of cities, towns, counties, taxing districts, or state government, see chapter 296-17A WAC classifications: 0803, 1301, 1501, 1507, 4902, 4906, 5305, 5306, 5307, 6901, 6904, 6905, 7103, and 7201.

Special note: This coverage is optional for volunteer law enforcement officers of cities, towns, counties, taxing districts, Native American tribal councils, and state agencies. To elect coverage for volunteer law enforcement officers, the city, town, county, taxing district, Native American tribal council, or state agency must submit a completed Application for Elective Coverage of Excluded Employments to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included. See relevant rules, including WAC 296-17-925, 296-17-930, 296-17-935, and 296-17-35201 for reporting instructions and recordkeeping requirements.

For administrative purposes, classification 6906 is divided into the following subclassifications:

6906-00 Volunteer law enforcement officers of cities and towns - Medical aid only

6906-01 Volunteer law enforcement officers of counties, taxing districts and Native American tribal councils - Medical aid only

6906-02 Volunteer law enforcement officers of state agencies - Medical aid only

WSR 16-13-124

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed June 21, 2016, 11:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-21-032.

Title of Rule and Other Identifying Information: WAC 308-104-160 Moving and nonmoving violations defined.

Hearing Location(s): Highways-Licenses Building, 1125 Washington Street S.E., Conference Room 413, Olympia, WA 98507 (check in at counter on first floor), on July 27, 2016, at 10:00 a.m.

Date of Intended Adoption: July 28, 2016.

Submit Written Comments to: Clark J. Holloway, P.O. Box 9030, Olympia, WA 98507-9030, e-mail cholloway@dol.wa.gov, fax (360) 570-7048, by July 26, 2016.

Assistance for Persons with Disabilities: Contact Clark J. Holloway by July 26, 2016, TTY (360) 664-0116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Update list of moving traffic violations in WAC 308-104-160 by adding a reference to the marijuana open container violation and minor driver consuming marijuana.

Reasons Supporting Proposal: Recent legislation, 2E2SHB 1276 (2015), established open container violations for marijuana and prohibited minors from driving after having consumed marijuana. These violations must be added to the list of moving traffic violations as they fit the general definition within that section.

Statutory Authority for Adoption: RCW 46.01.110 and 46.20.2891.

Statute Being Implemented: RCW 46.20.2891.

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: Julie Knittle, Highways-Licenses Building, Olympia, Washington, (360) 902-3763.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.025(3) and 34.05.310 (4)(b).

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).

June 21, 2016
Damon Monroe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-04-014, filed 1/24/14, effective 2/24/14)

WAC 308-104-160 Moving and nonmoving violations defined. For purposes of RCW 46.20.2891, 46.65.020, and this chapter, the term "moving violation" means any violation of vehicle laws listed in this section that is committed by the driver of a vehicle, while the vehicle is moving. However, being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug is also considered a moving violation for the purposes of this section. Parking violations, equipment violations or paperwork violations relating to insurance, registration, licensing and inspection are considered "nonmoving violations." Moving violations are those violations included in the following list or violations of substantially similar laws, administrative regulations, local laws, ordinances, regulations, or resolutions of a political subdivision of this state, the federal government, or any other state:

- (1) Driving while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502;
- (2) Physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.504;
- (3) Vehicular homicide, as defined by RCW 46.61.520;
- (4) Vehicular assault, as defined by RCW 46.61.522;
- (5) Reckless driving, as defined by RCW 46.61.500;
- (6) Racing, as defined by RCW 46.61.530;
- (7) Embracing, as defined by RCW 46.61.665;
- (8) Hit and run (injury, death, striking the body of a deceased person, or occupied vehicle), as defined by RCW 46.52.020;
- (9) Attempting to elude a police vehicle, as defined by RCW 46.61.024;
- (10) Driving while driving privilege suspended or revoked, as defined by RCW 46.20.342, 46.20.345, or 46.20.394;
- (11) Reckless endangerment of roadway workers, as defined in RCW 46.61.527;
- (12) Driver under twenty-one driving or being in physical control of a motor vehicle after consuming alcohol or marijuana, as defined in RCW 46.61.503;
- (13) Driving or in physical control of commercial motor vehicle while having alcohol in system, as defined in RCW 46.25.110;
- (14) Open container violation (driver), as defined by RCW 46.61.519 or 46.61.745;
- (15) Negligent driving in the first degree, as defined by RCW 46.61.5249;
- (16) Negligent driving in the second degree, as defined by RCW 46.61.525 or 46.61.526;
- (17) Hit and run (unattended vehicle or property), as defined by RCW 46.52.010;
- (18) Disobey road sign, as defined by RCW 46.61.050, 46.61.070, or 46.61.450;
- (19) Disobey signalman, officer, or firefighter, as defined by RCW 46.61.015, 46.61.020, 46.61.021, or 46.61.022;
- (20) Disobey school patrol, as defined by RCW 46.61.385;
- (21) Speed too fast for conditions, as defined by RCW 46.61.400;
- (22) Speed in excess of maximum limit, as defined by RCW 46.61.400 or 46.61.460;
- (23) Speeding in a school zone, as defined by RCW 46.61.440;
- (24) Failure to stop, as defined by RCW 46.61.055, 46.61.065, 46.61.195, 46.61.200, 46.61.340, 46.61.345, 46.61.350, 46.61.365, 46.61.370, or 46.61.375;
- (25) Failure to yield right of way, as defined by RCW 46.61.180, 46.61.183, 46.61.185, 46.61.190, 46.61.202, 46.61.205, 46.61.210, 46.61.212, 46.61.215, 46.61.220, 46.61.235, 46.61.245, 46.61.261, 46.61.300, or 46.61.427;
- (26) Failure to keep to the right, as defined by RCW 46.61.100 or 46.61.105;
- (27) Wrong way on a one-way street or rotary traffic island, as defined by RCW 46.61.135;
- (28) Improper lane change or travel, as defined by RCW 46.61.140;
- (29) Straddling or driving over centerline, as defined by RCW 46.61.140;
- (30) Driving on the wrong side of the road, as defined by RCW 46.61.150;
- (31) Crossing divider, as defined by RCW 46.61.150;
- (32) Improper entrance to or exit from freeway, as defined by RCW 46.61.155;
- (33) Violating restrictions on a limited access highway while driving a motor vehicle, as defined by RCW 46.61.160;
- (34) High occupancy vehicle lane violation, as defined by RCW 46.61.165;
- (35) Improper overtaking or passing, as defined by RCW 46.61.110, 46.61.115, 46.61.120, 46.61.125, 46.61.130, or 46.61.428;
- (36) Passing stopped school bus, as defined by RCW 46.61.370;
- (37) Passing stopped private carrier bus, as defined by RCW 46.61.375;
- (38) Following too closely, as defined by RCW 46.61.145;
- (39) Following fire apparatus, as defined by RCW 46.61.635;
- (40) Crossing fire hose, as defined by RCW 46.61.640;
- (41) Driving on sidewalk, as defined by RCW 46.61.606;
- (42) Driving through safety zone, as defined by RCW 46.61.260;
- (43) Driving with wheels off roadway, as defined by RCW 46.61.670;
- (44) Impeding traffic, as defined by RCW 46.61.100, 46.61.425, or 46.20.427;
- (45) Improper turn, as defined by RCW 46.61.290;
- (46) Prohibited turn, as defined by RCW 46.61.295;
- (47) Failure to signal or improper signal, as defined by RCW 46.61.305, 46.61.310, or 46.61.315;
- (48) Improper backing, as defined by RCW 46.61.605;

- (49) Unlawful operation of motorcycle on roadway, as defined by RCW 46.61.608, 46.61.612, or 46.61.614;
- (50) Reckless endangerment, as defined by RCW 9A.36.050;
- (51) Failure to maintain control, as defined by RCW 46.61.445;
- (52) Violation of license restriction(s), as defined by RCW 46.20.041 or 46.20.740;
- (53) Violation of instruction permit restrictions, as defined by RCW 46.20.055;
- (54) Violation of out-of-service order, as defined by RCW 46.25.090;
- (55) Obstructed vision or control, as defined by RCW 46.61.615;
- (56) Carrying persons or animals outside of vehicle, as defined by RCW 46.61.660;
- (57) Carrying passenger in towed vehicle, as defined by RCW 46.61.625;
- (58) Coasting on downgrade, as defined by RCW 46.61.-630;
- (59) Violation of child restraint requirements, as defined by RCW 46.61.687;
- (60) Carrying child under the age of five years old on motorcycle, as defined by RCW 46.37.530;
- (61) Carrying passenger improperly on motorcycle, as defined by RCW 46.61.610;
- (62) No helmet, goggles, mirrors, windshield or face shield, as defined by RCW 46.37.530;
- (63) Operating moped on freeway or sidewalk, as defined by RCW 46.61.710;
- (64) Driving without lights, as defined by RCW 46.37.-020;
- (65) Failure to dim lights, as defined by RCW 46.37.230;
- (66) Operating motorcycle without lights, as defined by RCW 46.37.522;
- (67) No lamp, reflector, or flag on extended load, as defined by RCW 46.37.140;
- (68) Wearing earphones or viewing television in vehicle, as defined by RCW 46.37.480;
- (69) Failure to secure load, as defined by RCW 46.37.-490;
- (70) Spilling load, as defined by RCW 46.61.655;
- (71) Improper towing, as defined by RCW 46.44.070;
- (72) Using a hand-held mobile telephone while driving a commercial motor vehicle, as defined by RCW 46.61.667 (1)(b); and
- (73) Texting while driving a commercial motor vehicle, as defined by RCW 46.61.668 (1)(b).

WSR 16-13-127**PROPOSED RULES****OFFICE OF****INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2015-15—Filed June 21, 2016, 1:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-21-051.

Title of Rule and Other Identifying Information: Clarifying data use for setting P&C premiums.

Hearing Location(s): Office of Insurance Commissioner (OIC), Training Room (TR-120), 5000 Capitol Boulevard S.E., Tumwater, WA 98504-0255, on July 26, 2016, at 9:00 a.m.

Date of Intended Adoption: July 30, 2016.

Submit Written Comments to: Stacy Middleton, P.O. Box 40260, Olympia, WA 98504-0260, e-mail rules coordinator@oic.wa.gov, fax (360) 586-3109, by July 26, 2016.

Assistance for Persons with Disabilities: Contact Lorie Villaflores by July 18, 2016, TTY (360) 586-0241 or (360) 725-7087.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In light of expenses associated with updating credit scores and potential market disruption arising from rescoring, OIC has been willing to approve rate filings that provided for reordering credit scores at least once every three years. It was requested by an insurer that OIC adopt a rule to ensure that all insurers are held to the same standard.

This proposed rule will add a new section to chapter 284-24 WAC, requiring each insurer that uses credit history for rating personal lines of property/casualty insurance to update the credit history and resulting insurance score no less often than once every three years. This section applies to insurers using insurance scores for rating of personal insurance under the provisions of RCW 48.19.035.

Reasons Supporting Proposal: All insurers are held to the same standard.

Statutory Authority for Adoption: RCW 48.02.060, 48.19.035, and 48.19.080.

Statute Being Implemented: RCW 48.19.035.

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

Name of Proponent: Mike Kreidler, insurance commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Stacy Middleton, 302 Sid Snyder Avenue, Olympia, WA 98504-0260, (360) 725-9651; Implementation: Lee Barclay, 5000 Capitol Boulevard, Tumwater, WA 98504-0255, (360) 725-7115; and Enforcement: AnnaLisa Gellermann, 5000 Capitol Boulevard, Tumwater, WA 98504-0255, (360) 725-7050.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule imposes no new significant costs on any small businesses.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Stacy Middleton, P.O. Box 40260, Olympia, WA 98504-0260, phone (360) 725-9651, fax (360) 586-3109, e-mail rulescoordinator@oic.wa.gov.

June 21, 2016

Mike Kreidler

Insurance Commissioner

NEW SECTION

WAC 284-24-140 Updating insurance scores. (1) This section applies to insurers using insurance scores for rating of personal insurance under the provisions of RCW 48.19.035.

(2) If an insurer uses insurance scores to calculate renewal premiums, the insurer must:

(a) Update each policyholder's insurance score no less often than once every three years; and

(b) Calculate premiums for each policy using the insurer's most recently determined insurance score for the policy.

(3) For the purposes of this section, if an insurance score is used to assign a policy to a particular class or tier, then it is considered using an insurance score to calculate renewal premiums if the insurer:

(a) Leaves that policy in the same class or tier upon renewal; or

(b) Assigns the policy to a class or tier that depends on the prior insurance-score-based class or tier.

(4) When an insurer updates an insurance score, it must update all information necessary to determine the insurance score, rather than partially update the score. This process must include updating credit information on policyholders who were previously classified as "no hit" or "no score," as defined in WAC 284-24A-055(2).

(5) An insurers' filed manual of rates and rules should specify the conditions under which insurance scores will be updated and how updated insurance scores will be used in the calculation of renewal premiums. If, however, an insurer uses insurance scores to calculate renewal premiums and its filed manual of rates and rules does not specify the conditions under which insurance scores will be updated, the insurer must update each policyholder's insurance score at each renewal.

(6) In the rate filing process, rates and rating rules that do not satisfy the requirements of this section will be considered to be unfairly discriminatory and in violation of RCW 48.19.020.

(7) Nothing in the section prohibits an insurer from:

(a) Updating insurance scores more frequently than once every three years, including updating insurance score upon policyholder request; or

(b) Using a rating system that includes insurance scores in the rating of new business but not in the rating of renewal business.

(8) This section applies to rates and rating rules in effect on and after January 1, 2017.

WSR 16-13-132**PROPOSED RULES****DEPARTMENT OF ARCHAEOLOGY
AND HISTORIC PRESERVATION**

[Filed June 21, 2016, 3:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-04-032.

Title of Rule and Other Identifying Information: Washington main street program (WSMSP) Washington Administrative Code rules. The proposed rules will guide the state historic preservation officer (SHPO) and director of the department of archaeology and historic preservation (DAHP) in administering the WSMSP. The WSMSP was created by the legislature pursuant to chapter 43.360 RCW to assist local jurisdictions implement economic and physical revitalization through the activities of designated and qualified 501 (c)(3) or 501 (c)(6) organizations.

Hearing Location(s): General Administration Auditorium, 210 11th Avenue S.W., Olympia, WA 98501, on Wednesday, August 3, 2016, at 10:00 a.m.; and at the Ellensburg City Hall, Council Chambers, 501 North Anderson Street, Ellensburg, WA 98926, on Thursday, August 4, 2016, at 1:00 p.m.

Date of Intended Adoption: September 1, 2016.

Submit Written Comments to: Breanne Durham, WSMSP, 1204 Minor Avenue, Seattle, WA 98101, e-mail bdurham@preservewa.org, fax (206) 624-2410, by August 2, 2016.

Assistance for Persons with Disabilities: Contact Beverly Ubias by 5:00 p.m., August 2, 2016, (360) 586-3077.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Adoption of these rules implements the WSMSP established under chapter 43.360 RCW and implements the business and occupation tax credit program under chapter 82.73 RCW (see below). The rules establish criteria for maintaining WSMSP status and criteria for losing participation in the program.

The anticipated effects of the rules adoption will be to provide the SHPO with enforceable guidelines, criteria, and procedures for efficient and effective administration of the WSMSP in the state. For local jurisdictions desiring to pursue participation in the program, the rules are to specify:

- Criteria for eligibility to participate in the program.
- Procedures for applying to the program as a designated WSMSP community.
- Minimum requirements to maintain designated WSMSP status.
- Administrative and adjudicative procedures to appeal enforcement actions.

This proposal does not include any changes in existing rules.

Reasons Supporting Proposal: As increased interest in the WSMSP expands the number of participating communities, the complexity of administering the program has increased commensurately. The SHPO is also responsible for implementing chapter 82.73 RCW. Together, these reasons bring about the need for rules to qualify and administer programs that are fair and reasonable.

Statutory Authority for Adoption: RCW 43.360.030.

Statute Being Implemented: Chapter 43.360 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Pursuant to chapter 72.73 RCW, the Washington main street tax credit incentive program, provides that desig-

nated WSMSP communities organized under internal revenue code sections 501 (c)(3) or 501 (c)(6), with the sole mission of revitalizing a downtown or neighborhood commercial district area, that is designated by the DAHP as described in RCW 43.360.010 through 43.360.050, can be the beneficiary of donated tax credits as authorized by this statute. Adoption of these proposed rules will be important for the SHPO and affected parties to sustain qualified and viable WSMSP communities that qualify for main street tax credit incentive program contributions.

Name of Proponent: Dr. Allyson Brooks, state historic preservation officer/director, department of archaeology and historic preservation, governmental.

Name of Agency Personnel Responsible for Drafting: Greg Griffith, DAHP, (360) 586-3073; Implementation: Breanne Durham, WTHP/DAHP, (206) 316-7052; and Enforcement: Allyson Brooks, DAHP, (360) 586-3066.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Adoption of the proposed rules does not impact small business or school districts.

A cost-benefit analysis is not required under RCW 34.05.328. Adoption of proposed rules is cost/benefit neutral.

June 21, 2016
Gregory Griffith
Deputy State Historic
Preservation Officer

Chapter 25-50 WAC

Washington State Main Street Program

NEW SECTION

WAC 25-50-010 Purpose. The purpose of this chapter is to establish criteria for application and designation of Washington main street communities under chapter 43.360 RCW.

NEW SECTION

WAC 25-50-020 Definitions. (1) "Department" means the department of archaeology and historic preservation.

(2) "Director" means the director of the department.

(3) "Washington state main street program" or "WSMSP" means the program established by the department pursuant to chapter 43.360 RCW.

(4) "Washington main street community" means a local community designated by the department pursuant to chapter 43.360 RCW.

(5) "Eligible organization" means a nonprofit organization under internal revenue code sections 501 (c)(3) or (c)(6), with the sole mission of revitalizing a downtown or neighborhood commercial district area.

NEW SECTION

WAC 25-50-030 Application requirements and form.

(1) To apply for designation as a Washington main street community through WSMSP, an eligible local organization must complete an application form and submit it to the WSMSP.

(2) Each application shall be submitted in a form approved by the state historic preservation officer, by October 31 of the year submitted.

(3) An application form may be obtained from the Department of Archaeology and Historic Preservation, P.O. Box 48343, Olympia, WA 98504-8343 or online at the Washington main street program website at <http://www.dahp.wa.gov/programs/mainstreet-program>.

NEW SECTION

WAC 25-50-040 Main street program—Eligibility criteria. Each application for designation as a Washington main street community shall include information demonstrating that the applicant meets the following criteria:

(1) Has obtained and will maintain status as an independent, recognized 501 (c)(3) or (c)(6) nonprofit organization with the sole mission of revitalizing a historic downtown commercial district.

(2) Has developed and will maintain a comprehensive downtown revitalization strategy based on the National Main Street Center's Main Street Approach® structure. This shall include implementing a balance of activities in the areas of organization, promotion, design, and economic vitality. This shall also include having an appropriate vision statement, mission statement, goals, objectives, activities, budget and a comprehensive annual work plan adopted by the organization.

(3) Based on population of the local jurisdiction, maintain a minimum level of staffing to achieve the local organization's mission, goals and annual work plan. The jurisdiction's population shall be determined by the most recent census from the United States Census Bureau in one of the three following categories:

(a) Jurisdiction population of 0-2500: part-time, volunteer executive director.

(b) Jurisdiction population of 2501-5000: half-time, paid executive director.

(c) Jurisdiction population over 5001: full-time, paid executive director.

(4) Maintain the local downtown revitalization program's boundaries/primary focus area on the historic downtown commercial core. To meet this criteria, it shall be demonstrated that at least fifty percent of buildings/structures within the local program's defined geographic boundaries must be fifty years of age or older.

(5) Maintain an active volunteer board of directors representing downtown stakeholders to oversee the organization.

NEW SECTION

WAC 25-50-050 Main street program—Maintain eligibility status. To maintain its designation as a Washington main street community, the local organization must successfully fulfill the following:

(1) Annually, submit to the WSMSP the minutes of the annual meeting of the local organization's board of directors.

(2) Complete and submit to the WSMSP the following reports/documents:

(a) Quarterly reports that track key performance measures as prescribed by the department and progress of the local main street program.

(b) The annual WSMSP report.

(c) As may be requested by the department, provide documentation of compliance with policies and status reporting.

(3) The local main street program's executive director presence and participation is mandatory at the following:

(a) Annual Historic Preservation & Main Street Conference;

(b) Two of three Main Street Network Leadership Meetings

If for good cause the executive director is unable to attend one of the required meetings, the executive director shall appoint a member of the local main street program's board of directors or staff to attend the meeting on her/his behalf.

NEW SECTION

WAC 25-50-060 Main street program—Status withdrawal and reinstatement. (1) If a local main street program fails to comply with these rules, the department may send that program a written initial warning. The initial warning will identify the noncompliance and place the local main street program on probationary status. The local main street program shall be reevaluated by the department ninety days following the initial warning. If the local main street program has failed to correct the noncompliance, the department may issue a final warning. If the local main street program is not in compliance within ninety days after the final warning is sent, the department may either:

(a) Terminate the local main street program's letter of agreement and Washington main street community designation, and discontinue all WSMSP services and activities; or

(b) At its sole discretion, the department will place the local main street program on continued probationary status for up to an additional ninety days. At the end of the ninety days, the department shall consider the facts and the circumstances underlying the noncompliance, and whether the local main street program has made substantial progress toward correcting the noncompliance.

(2) If Washington main street community designation is withdrawn, the local organization will no longer receive WSMSP services. The department of revenue will be notified when a local main street community status is withdrawn. However, a local program may reapply for Washington main street community designation after one full calendar year has elapsed from the date of the letter of agreement termination. WSMSP services will resume upon reapplication and written approval by the department of the local main street program's designation. Any such reapplication for Washington main street community designation must include documentation that the previous noncompliance has been corrected, or that a change of condition has occurred such that the prior noncompliance is unlikely to reoccur.

NEW SECTION

WAC 25-50-070 Administrative appeals. (1) An applicant for or holder of main street community status

issued under this chapter may request a hearing to contest a denial of application for main street community status under WAC 25-50-050, or a withdrawal of main street community status under WAC 25-50-060.

(2) A request for a hearing shall be made by filing a written application for adjudicative proceeding with the department at the following address: Department of Archaeology and Historic Preservation, P.O. Box 48343, Olympia, WA 98504-8343. The application must be received by the department within twenty-one calendar days of the date of service of the notice of the denial, or withdrawal.

(3) When the department receives an application for adjudicative proceeding, it will immediately notify the director of its receipt and provide the director with a copy of the application and the notice or document being appealed. The director thereupon will designate a presiding officer as follows: The director will designate as presiding officer an administrative law judge assigned by the office of administrative hearings under chapter 34.12 RCW.

(4) Upon being designated, the presiding officer shall notify the requestor and the director of his or her name and business address and provide any other information required by chapters 34.05 RCW, 10-08 WAC, or this chapter.

(5) Upon receiving the notice required in subsection (4) of this section, the director shall immediately transmit to the presiding officer the application, together with any accompanying documents provided by the requester, and a copy of the notice or other document being appealed.

NEW SECTION

WAC 25-50-080 Adjudicative proceedings. (1) The department hereby adopts the model rules of procedure, chapter 10-08 WAC, adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, for use in adjudicative proceedings of agency action under this chapter.

(2) "Service" and "filing" of documents in adjudicative proceedings are defined as in RCW 34.05.010 and WAC 10-08-110.

(3) In the case of a conflict between the model rules of procedure and this chapter, the rules in this chapter shall take precedence.

(4) All factual determinations shall be based on the kind of evidence upon which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The burden in all proceedings is a preponderance of the evidence.

(a) In all proceedings contesting the denial of an application or re-application for main street community status, the burden shall be on the applicant to establish that the application meets all applicable requirements and standards.

(b) In all proceedings contesting the withdrawal of main street community status, the burden is on the department to provide the alleged factual basis set forth in the notice.

WSR 16-13-136
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 22, 2016, 8:31 a.m.]

June 21, 2016

Randy Dorn
 State Superintendent
 of Public Instruction

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-09-103.

Title of Rule and Other Identifying Information: WAC 392-117-060 Student data reported for public reporting and accountability.

Hearing Location(s): Office of Superintendent of Public Instruction (OSPI), Policy Room, 600 South Washington Street, Olympia, WA 98501, on July 26, 2016, at 9:30 a.m.

Date of Intended Adoption: July 29, 2016.

Submit Written Comments to: Deb Came, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, e-mail Deb.Came@k12.wa.us, fax (360) 753-6712, by July 26, 2016.

Assistance for Persons with Disabilities: Contact Kristin Murphy by July 19, 2016, TTY (360) 664-3631 or (360) 725-6133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule, codified as a new section of chapter 392-117 WAC (governing the reporting of, among other things, student data), would require that OSPI's public reporting of student data must comply with section 504 of E4SHB [4SHB] 1541 (2016), so long as the reporting does not violate federal student privacy laws.

Reasons Supporting Proposal: Section 504(1) of E4SHB [4SHB] 1541 directs OSPI, in cooperation with the K-12 Data Governance Group, the Education Research and Data Center, and the state board of education, to adopt a rule providing that the only student data that OSPI should not publicly report is data where the school or school district has fewer than ten students in a grade level or student demographic subgroup. The purpose of section 504 is to increase the visibility of the opportunity gap in small subgroups of students and to hold schools accountable to individual student-level support. The rule must be effective by August 1, 2016.

Statutory Authority for Adoption: E4SHB [4SHB] 1541 (504)(1) (2016).

Statute Being Implemented: E4SHB [4SHB] 1541 (504)(1) (2016).

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

Name of Agency Personnel Responsible for Drafting: Dierk Meierbachtol, OSPI, 600 South Washington Street, Olympia, WA, (360) 725-6004; Implementation and Enforcement: Deb Came, OSPI, 600 South Washington Street, Olympia, WA, (360) 725-6356.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable, no small business impact, no school district fiscal impact.

A cost-benefit analysis is not required under RCW 34.05.328. OSPI is not subject to RCW 34.05.328 per subsection (5)(a)(i). Additionally, this rule is not a significant legislative rule per subsection (5)(c)(iii).

NEW SECTION

WAC 392-117-060 Student data reported for public reporting and accountability. As authorized by section 504, chapter 72, Laws of 2016 (section 504 of 4SHB 1541 (2016)), and subject to the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g, 34 C.F.R. Part 99, the only student data that should not be reported by the office of superintendent of public instruction for public reporting and accountability is data where the school or school district has fewer than ten students in a grade level or student subgroup.

WSR 16-13-137
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 22, 2016, 8:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-09-105.

Title of Rule and Other Identifying Information: WAC 392-502-030 Approval assurances, criteria, and performance targets, online learning.

Hearing Location(s): Office of Superintendent of Public Instruction (OSPI), Policy Room, 600 South Washington Street, Olympia, WA 98501 [98501], on July 27, 2016, at 9:30 a.m.

Date of Intended Adoption: July 29, 2016.

Submit Written Comments to: Rhett.Nelson@k12.wa.us [Rhett Nelson], OSPI, P.O. Box 47200, Olympia, WA 98504-7200, e-mail Rhett.Nelson@k12.wa.us, fax (360) 725-4994, by July 27, 2016.

Assistance for Persons with Disabilities: Contact Kristin Murphy by July 20, 2016, TTY (360) 664-3631 or (360) 725-6133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 392-502-030 requires an update to extend the performance target requirement for online learning providers while these performance targets are assessed for viability, and data systems are confirmed to accurately measure these performance indicators.

Statutory Authority for Adoption: RCW 28A.250.020.

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

Name of Agency Personnel Responsible for Drafting and Enforcement: Lillian Hunter, OSPI, 600 South Washington Street, Olympia, WA, (360) 725-6237; and Implementation: Rhett Nelson, OSPI, 600 South Washington Street, Olympia, WA, (360) 725-4971.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable - no small business impact, no school district fiscal impact.

A cost-benefit analysis is not required under RCW 34.05.328. OSPI is not subject to RCW 34.05.328 per subsection (5)(a)(i). Additionally, this rule is not a significant legislative rule per subsection (5)(c)(iii).

June 21, 2016
Randy Dorn
State Superintendent
of Public Instruction

AMENDATORY SECTION (Amending WSR 15-20-034, filed 9/28/15, effective 10/29/15)

WAC 392-502-030 Approval assurances, criteria, and performance targets. (1) This section sets forth the assurances, criteria, and performance targets that online providers must meet to be approved under this chapter.

(a) To be approved, online providers must provide the following assurances to the superintendent of public instruction:

(i) The online provider is accredited through an accrediting body as defined in WAC 392-502-010 and agrees to maintain accredited status for the duration of the approval period. Online providers may be candidates for accreditation at the time of application for approval provided that the provider earns full accreditation on the standard timeline. Online school programs, single-district providers, and affiliate providers are exempt from (a)(i) of this subsection.

(ii) Each course and program the online provider offers is aligned with at least eighty percent of the current applicable grade/subject area of Washington state standards. For courses with content that is not included in state standards, the online provider's courses are aligned with at least eighty percent of nationally accepted content standards set for the relevant subjects. Online providers must submit information to the superintendent regarding the standards alignment and the standards aligned.

(iii) All instruction delivered to Washington state students is delivered by Washington state certificated teachers who:

(A) Are ~~((assigned to instruct courses in a manner which meets the "highly qualified" definition under the No Child Left Behind Act and in a manner which meets the requirements set forth in chapter 181-82 WAC))~~ properly endorsed in the subject area taught; and

(B) Are evaluated annually using the revised evaluative criteria and four-level rating system established in RCW 28A.405.100.

(iv) For online providers that offer high school courses, the courses offered by the online provider must be eligible for high school credit pursuant to WAC 180-51-050.

(v) All of the online provider's current and future courses in the applicable areas meet the credit/content requirements in chapter 392-410 WAC.

(vi) All advanced placement courses offered by the online provider have been approved in accordance with the college board advanced placement course audit. For advanced placement courses not yet offered at the time of

application, the online provider must assure that those courses will be approved by the college board prior to offering those courses to students.

(vii) The online provider's data management systems ensure all student information remains confidential, as required by the Family Educational Rights and Privacy Act of 1974, as amended.

(viii) The online provider's web systems and content meet accessibility conformance levels specified in the list of approved provider assurances on the office of superintendent of public instruction's web site.

(ix) The online provider provides all information as directed or as requested by the office of superintendent of public instruction, the secretary for the department of education, and other federal officials for audit, program evaluation compliance, monitoring, and other purposes and to maintain all records for the current year and three previous years.

(x) The online provider informs the office of superintendent of public instruction in writing of any significant changes to the program including, but not limited to, changes in assurances, program description, fiscal status, or ownership.

(xi) The online provider upholds any pertinent federal or state laws, rules or regulations, in the delivery of the online courses or programs.

(xii) The online provider retains responsibility for the quality of courses, web systems, and content offered, regardless of any third-party contractual arrangements, partnerships or consortia, contributing to the content or delivery of the online courses or programs.

(xiii) The online school program complies with the state assessment requirements including, but not limited to, the requirements of chapter 28A.655 RCW and WAC 392-121-182, as applicable.

(xiv) All of the provider's current and future career and technical education (CTE) courses are aligned to Washington state CTE program standards and have been approved by the office of superintendent of public instruction's CTE office. CTE courses must be taught by a Washington certificated teacher who is also CTE-certificated in the subject area of the course.

(xv) The online provider agrees to abide by any additional assurances required by the superintendent of public instruction.

(xvi) The online school program agrees that all programs delivered as alternative learning experiences comply with the requirements of WAC 392-121-182. The online course provider agrees to disclose to OSPI the manner in which it supports the requirements of WAC 392-121-182 for online courses delivered outside of an online school program.

(xvii) Instructional materials used by online school programs in online courses or course work must be approved pursuant to school board policies adopted in accordance with RCW 28A.320.230.

(b) Multidistrict online providers must meet the following initial approval criteria by a preponderance of evidence submitted with the online provider's application:

(i) Course content and instructional design incorporating course goals and outcomes, materials and content organization, and student engagement.

(ii) Classroom management incorporating grading and privacy policies, internet etiquette, and expectations for communications.

(iii) Student assessment incorporating various types, frequent feedback, and appropriateness for the online learning environment.

(iv) Course evaluation and management incorporating strategies for obtaining feedback about the courses/programs and processes for quality assurance and updating content.

(v) Student support incorporating policies and systems to enhance the students' learning experience and their success.

(vi) School-based support incorporating strategies and systems to allow school-based staff to support student success.

(vii) Technology elements, requirements and support including descriptions and ease of navigation.

(viii) Staff development and support including training and online instructor performance reviews conducted on a planned and regularly scheduled basis.

(ix) Program management including timeliness and quality of teachers' responses to students, handling of fees, prompt distribution of materials and processing of enrollments, and handling fees and payments.

(x) The superintendent may require additional approval criteria pursuant to WAC 392-502-080.

(c) Beginning September 1, (~~2015~~) 2017, the online school program's course success rate must be greater than seventy percent. Programs with fewer than twenty online enrollments are not subject to this performance target.

(d) Beginning September 1, (~~2016~~) 2017, online school programs must meet or exceed each of the following annual performance targets:

(i) The online school program's percentage of students taking online math courses who meet standard on the state math assessments must be greater than forty percent. A program is not subject to this performance target if it has fewer than twenty students who have both taken an online math course and taken the state math assessment.

(ii) The online school program's percentage of students taking online English language arts courses who meet standard on the state English language arts assessments must be greater than fifty percent. A program is not subject to this performance target if it has fewer than twenty students who have both taken an online English language arts course and taken the state English language arts assessment.

(iii) The online school program's median math student growth percentile for students taking an online math course must be greater than the thirtieth percentile. A program is not subject to this performance target if it has fewer than twenty students who have both taken an online math course and have a math student growth percentile.

(iv) The online school program's median English language arts student growth percentile for students taking an online English language arts course must be greater than the fortieth percentile. A program is not subject to this performance target if it has fewer than twenty students who have both taken an online English language arts course and have an English language arts student growth percentile.

(e) Beginning September 1, (~~2015~~) 2017, online course providers' course success rate must be greater than seventy

percent. Online providers must supply OSPI with student-level enrollment and performance information. Online course providers must also supply OSPI with a list of each district in the state that they served. An online course provider is not subject to this performance target if they have fewer than twenty online course enrollments.

(2) After review by the online learning advisory committee, the approval criteria with explanations and suggested supporting evidence will be posted on the superintendent of public instruction web site on or before the date the application is made available.

(3) Online provider's application will be reviewed by reviewers selected by the superintendent of public instruction for their experience and expertise. The reviewers will be provided orientations and training to review and score the online provider applications using the approval criteria and scoring protocols.

(4) Single-district provider online programs must incorporate the approval criteria developed by the superintendent of public instruction into the program design.

WSR 16-13-138
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 22, 2016, 8:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-09-104.

Title of Rule and Other Identifying Information: Chapter 392-162 WAC, Learning assistance program and chapter 392-122 WAC, Categorical apportionment.

Hearing Location(s): Office of Superintendent of Public Instruction (OSPI), Policy Conference Room, 600 Washington Street S.E., Olympia, WA 98501, on July 26, 2016, at 10:30 a.m.

Date of Intended Adoption: July 29, 2016, at 10:30 a.m.

Submit Written Comments to: Paula Moore, OSPI, P.O. Box 47200, Olympia, WA 98504, e-mail paula.moore@k12.wa.us, fax (360) 586-3305, by July 26, 2016.

Assistance for Persons with Disabilities: Contact Kristin Murphy by July 19, 2016, TTY (360) 664-3631 or (360) 725-6133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal will update rules to:

(1) Clarify the ways school districts can meet the requirement for districts to focus first on addressing the needs of students in grades kindergarten through four (K-4) who are deficient in reading or reading readiness skills for the purpose of improving reading literacy;

(2) Reflect that learning assistance program (LAP) funds may be coordinated with Title I, Part A funds to meet the K-4 literacy focus;

(3) Make clear that a district's failure to report LAP CEDARS data or timely complete the annual report may result in delay of LAP apportionment funds;

(4) Align with passage for section of ESHB 1541 (2016); and

(5) Consolidate several WACs and update terms.

Statutory Authority for Adoption: RCW 28A.165.075, 28A.150.290.

Statute Being Implemented: RCW 28A.165.035.

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

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Paula Moore, Old Capitol Building, 600 South Washington, Olympia, WA, (360) 725-6100.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable - no small business impact, no school district fiscal impact.

A cost-benefit analysis is not required under RCW 34.05.328. OSPI is not subject to RCW 34.05.328 per subsection (5)(a)(i). Additionally, this rule is not a significant legislative rule per subsection (5)(c)(iii).

June 21, 2016

Randy Dorn

State Superintendent
of Public Instruction

AMENDATORY SECTION (Amending WSR 91-03-118, filed 1/23/91, effective 2/23/91)

WAC 392-122-605 Apportionment of state moneys for the state learning assistance program. State learning assistance program moneys shall be allocated as provided in the state Operating Appropriations Act in effect at the time the apportionment is due. The superintendent of public instruction may withhold the monthly learning assistance program apportionment payment to a school district, public charter school, or school operated pursuant to a state-tribe education compact if the school district, charter school, or compact school fails to submit its annual report for the prior school year to the superintendent of public instruction by the established due date. The first learning assistance program apportionment payment of the school year and subsequent allocations may be withheld until the annual reports are completed in approvable form.

AMENDATORY SECTION (Amending WSR 14-08-067, filed 3/31/14, effective 5/1/14)

WAC 392-162-005 Authority. The authority for this chapter is RCW 28A.165.075 which authorizes the superintendent of public instruction to adopt rules and regulations for the administration of a program designed to provide learning assistance to public school students enrolled in grades kindergarten through twelve who score below standard in (~~reading, writing, and~~) English language arts or mathematics for his or her grade level.

AMENDATORY SECTION (Amending WSR 14-08-067, filed 3/31/14, effective 5/1/14)

WAC 392-162-010 Purpose. The purpose of this chapter is to set forth policies and procedures for the administra-

tion of and to ensure district compliance with state requirements for a program designed to assist underachieving students enrolled in grades kindergarten through twelve who score below standard in (~~reading, writing,~~) English language arts and mathematics for his or her grade level.

The learning assistance program requirements in this chapter are designed to:

(1) (~~Direct districts as they implement a learning assistance program that learning assistance program funds must first be used to address~~) Guide school districts in addressing the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy;

(2) Promote the use of data when developing programs to assist underachieving students and reduce disruptive behaviors in the classroom;

(3) Guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist underachieving students and reduce disruptive behaviors in the classroom; and

(4) Guide school districts in providing extended learning opportunities to assist underachieving students, students identified in eighth grade in need of high school transition services which could continue up through the end of ninth grade, and students in grades eleven and twelve who are at risk of not meeting state and local graduation requirements.

AMENDATORY SECTION (Amending WSR 07-02-015, filed 12/21/06, effective 1/21/07)

WAC 392-162-015 Definition—Basic skills. As used in this chapter, the term "basic skills" means (~~reading, writing, and~~) English language arts or mathematics, as well as readiness associated with these skills.

AMENDATORY SECTION (Amending WSR 14-08-067, filed 3/31/14, effective 5/1/14)

WAC 392-162-020 Definition—Learning assistance program (LAP). (1) As used in this chapter, the term "learning assistance program" means a statewide program designed to enhance educational opportunities for public school students enrolled in grades kindergarten through twelve who do not meet state (~~reading, writing, and~~) English language arts or mathematics standards by providing supplemental instruction and services to those students.

(2) School districts implementing a learning assistance program must first focus on addressing the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills.

(a) A district may meet this requirement during the regular school year by ensuring that of the total number of students served by the learning assistance program, approximately fifty percent are students enrolled in grades kindergarten through four receiving English language arts services.

(b) A district may serve a threshold lower than fifty percent if it demonstrates a lesser need through one of the following data sources:

(i) The district's prior year statewide assessment scores for third and fourth grade reading;

(ii) The district's prior year's reported number of kindergarten through grade four students reading on grade level under RCW 28A.320.203;

(iii) Districts serving a lower threshold under (b)(i) or (ii) of this subsection must be approved to do so at the start of the school year by the office of the superintendent of public instruction.

The learning assistance program may then be used to support underachieving students in grades kindergarten through twelve by providing supplemental ~~((reading, writing,))~~ English language arts or mathematics instruction, students identified in eighth grade in need of high school transition services which could continue up through the end of ninth grade, by addressing the needs of eleventh and twelfth grade students to assist them in meeting state and district graduation requirements, and to reduce disruptive behaviors in the classroom.

NEW SECTION

WAC 392-162-023 Definition—District. For the purpose of this chapter, the term "district" includes a school district, public charter school, or school operated pursuant to a state-tribe education compact.

AMENDATORY SECTION (Amending WSR 14-08-067, filed 3/31/14, effective 5/1/14)

WAC 392-162-032 Definition—Participating student. As used in this chapter, the term "participating student" means a student enrolled in kindergarten through grade twelve who scores below standard for his or her grade level using multiple measures of performance, including on the statewide student assessments or other assessments and performance or other assessments and performance measurement tools administered by the school or district and who is identified by the district to receive services.

AMENDATORY SECTION (Amending WSR 14-08-067, filed 3/31/14, effective 5/1/14)

WAC 392-162-041 Best practices. (1) Best practices ((as identified by the office of superintendent of public instruction)) are to be used to provide learning assistance program ((educational instructional materials and strategies)) services to identified learning assistance students. The district must select and implement the best practices ((implemented must be research-based and have demonstrated that the practice has increased student academic success. During the 2013-14 and 2014-15 school years, districts may select from the following:

((+)) that are designed to increase student achievement and are aligned with research. To the extent they are included as a best practice or strategy in one of the state menus or an alternative allowed under subsection (2)(b) of this section, the following are services and activities that may be supported by the learning assistance program:

- (a) Extended learning opportunities occurring:
 - ((+)) (i) Before or after the regular school day;
 - ((+)) (ii) On Saturday; and
 - ((+)) (iii) Beyond the regular school year.

((2) Services) (b) Extended learning opportunities provided under RCW 28A.320.190. ((+)) Eligibility is for:

(i) Eleventh and twelfth grade students not on track to meet local or state graduation requirements; and

(ii) Students identified in eighth grade in need of high school transition services which could continue up through the end of ninth grade.

(c) Professional development for certificated and classified staff that focuses on:

((+)) (i) The needs of a diverse student population;
((+)) (ii) Specific literacy and mathematics content and instructional strategies; and

((+)) (iii) The use of student work to guide effective instruction and appropriate assistance.

((+)) (d) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students.

((+)) (e) Tutoring support for participating students.

((+)) (f) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators.

((7)) (g) Up to five percent of district's learning assistance program allocation may be used ~~((+))~~ to deliver a readiness to learn program. Students served are to be significantly at-risk of not being successful in school and services must be focused on reducing barriers to learning, increasing student engagement, and enhancing students' readiness to learn. The program may include academic or nonacademic supports offered by the district or through development of partnerships with community-based organizations, educational service districts, and other local agencies ~~((to deliver academic and nonacademic supports to participating students who are significantly at-risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The office of the superintendent of public instruction)).~~ The school board must approve in an open meeting any community-based organization or local agency before learning assistance program funds may be expended.

(2) Beginning in the 2016-17 school year districts must either:

(a) Select a practice or strategy that is on one of the state-approved menus for the learning assistance program; or

(b) Use a practice or strategy that is not on the state menus for up to two years. Districts must annually notify the office of the superintendent of public instruction if selecting an alternative practice or strategy. At the end of the two years, the district must be able to demonstrate improved outcomes for participating learning assistance program students. If the district is able to demonstrate improved outcomes commensurate with the state approved menu for such students, the office of the superintendent of public instruction will approve the use of the alternative practice for one additional year. For each subsequent year, the district must provide data that demonstrates that participating students are meeting or exceeding academic achievement compared to those students who are being served by a state approved best practices and strategy.

(3) School districts may enter into cooperative agreements with state agencies, local governments, or school dis-

tricts for administrative or operational costs needed to provide services in accordance with the state menus developed beginning in 2016-17.

AMENDATORY SECTION (Amending WSR 14-08-067, filed 3/31/14, effective 5/1/14)

WAC 392-162-054 Definition—District eligibility and distribution of funds. The funds for the learning assistance program shall be appropriated in accordance with the Omnibus Appropriations Act and RCW 28A.150.260. The distribution formula is for school district allocation purposes only, but funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065 (~~and for chapter 28A.655 RCW~~). A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year.

AMENDATORY SECTION (Amending WSR 14-08-067, filed 3/31/14, effective 5/1/14)

WAC 392-162-080 Program requirement—Selection of students. Students (~~selected~~) identified by the district to participate in the learning assistance program shall be limited to those (~~who~~) enrolled in grades kindergarten through twelve meeting one of the following categories:

(1) (~~Are enrolled in grades kindergarten through twelve;~~) Students who score below standard for his or her grade level using multiple measures of performance (~~including on~~). Multiple measures may include the statewide student assessments or other assessments and performance measurement tools administered by the school or district (~~and who is identified by the district to receive services;~~ and

(2) Students who are in grades eleven or twelve and are (~~at risk of~~) not (~~meeting~~) on track to meet state or local graduation requirements (~~as defined in RCW 28A.320.190~~).

(3) Students identified in eighth grade in need of high school transition services, which may continue up through the end of ninth grade; or

(4) Are identified by the district as being significantly at-risk of not being successful in school and to be served under the district's readiness to learn program.

AMENDATORY SECTION (Amending WSR 07-02-015, filed 12/21/06, effective 1/21/07)

WAC 392-162-100 Federal and state program coordination. (1) School districts may coordinate federal, state, and local programs in order to serve the maximum number of students who are below grade level in basic skills.

(2) Subject to guidelines provided by the United States Department of Education, districts with schoolwide buildings may use Title I, Part A funds to meet the requirement to focus first on students in kindergarten through fourth grade who are deficient in reading or literacy skills. Districts opting to use

Title I, Part A funds in combination with or in place of learning assistance program funds must meet the requirements of chapter 28A.165 RCW, including implementing best practice strategies according to RCW 28A.165.035 and completing all reporting requirements outlined in this chapter.

(3) Students receiving assistance in another special needs program may also be served in the learning assistance program if they meet student eligibility and selection requirements as identified in WAC 392-162-032 and 392-162-080.

AMENDATORY SECTION (Amending WSR 14-08-067, filed 3/31/14, effective 5/1/14)

WAC 392-162-110 Program requirements—~~(Annual report)~~ **District reporting.** (1) Individual student records shall be recorded, beginning with the 2014-15 school year, in the statewide individual student data system annual entrance and exit performance data for each student participating in the learning assistance program according to specifications established by the office of the superintendent of public instruction's CEDARS manual.

(2) Districts shall submit to the superintendent of public instruction by (~~August 1, 2014, and each August 1st thereafter,~~) the established due date an annual report (~~on electronic forms~~) in the electronic format provided by the superintendent of public instruction. The report must include the following:

(~~(1)~~) (a) The amount of academic growth gained by students participating in the learning assistance program;

(~~(2)~~) (b) The number of students who gain at least one year of academic growth; (~~and~~

(~~(3)~~)

(c) The specific practices, activities, and programs used by each school building that received learning assistance program funds; and

(d) The number of students served by the learning assistance program during the school year who were able to exit the program because student academic growth resulted in meeting the academic standard for grade level.

(3) The superintendent of public instruction will withhold the monthly learning assistance program apportionment payment to a school district, public charter school, or school operated pursuant to a state-tribe education compact if the school district, charter school, or compact school fails to submit its annual report for the prior school year to the superintendent of public instruction by the established due date. The first learning assistance program apportionment payment of the school year and subsequent allocations may be withheld until the annual reports are completed in approvable form.

AMENDATORY SECTION (Amending WSR 14-08-067, filed 3/31/14, effective 5/1/14)

WAC 392-162-115 Monitoring of districts. In order to insure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall monitor learning assistance programs no less than once every four years by using the state program review process. The primary purpose of the monitoring is to evaluate the effectiveness of a district's allocation and expenditure of resources and to monitor school district fidelity in their implementation

of best practices. (~~Individual student records shall be recorded beginning with the 2014-15 school year, in the statewide individual student data system annual entrance and exit performance data for each student participating in the learning assistance program according to specifications established by the office of the superintendent of public instruction.~~)

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-162-051 District selection of best practices and strategies for use in the learning assistance program.
- WAC 392-162-056 Exception to state-approved selection of best practices and strategies for use in the learning assistance program.

**WSR 16-13-142
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed June 22, 2016, 8:58 a.m.]

Supplemental Notice to WSR 16-11-099.

Preproposal statement of inquiry was filed as WSR 16-02-119.

Title of Rule and Other Identifying Information: Changes to Washington department of fish and wildlife's (WDFW) recreational salmon fishing rules resulting from stakeholder recommendations made during North of Falcon meetings: WAC 220-55-220 Two-pole endorsement, 220-310-190 Freshwater exceptions to statewide rules—Puget Sound, 220-56-195 Closed areas—Saltwater salmon angling, 232-28-621 Puget Sound Salmon—Saltwater and 220-56-180 Salmon statewide rules; and repealing WAC 220-56-124 Seasons and areas—Hoodsport Hatchery.

Hearing Location(s): Natural Resources Building, Room 259, 1111 Washington Street S.E., Olympia, WA 98501, on Wednesday, July 27, 2016, at 8 a.m. - 11:30 a.m.

Date of Intended Adoption: On or after August 2, 2016.

Submit Written Comments to: Scott Bird, WDFW Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Rules.Coordinator@dfw.wa.gov, fax (360) 902-2155, by July 27, 2016.

Assistance for Persons with Disabilities: Contact Dolores Noyes by July 25, 2016, TTY (360) 902-2207, or (360) 902-2349.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Recreational salmon fishing rules based on North of Falcon recommendations change from year to year to reflect resource availability and to achieve conservation goals. Amendments to recreational salmon fishing rules are needed to implement the agreed-upon changes.

The purpose of the supplemental filing is to make changes to WAC 220-55-220 and 220-310-190 that are in addition to the changes in WSR 16-11-103 and include changes to WAC 220-56-195, 232-28-621 and 220-56-180. The effect of modifying WAC 232-28-621 and 220-56-180 will be to repeal WAC 220-56-124.

Reasons Supporting Proposal: To protect fish species listed as endangered while supporting recreational fishing opportunity and to make changes to salmon seasons and harvest amounts pursuant to agreements and recommendations made at the North of Falcon meetings. The repeal of WAC 220-56-124 will not affect any rules, yet provide rule simplification by eliminating current redundancies.

Statutory Authority for Adoption: RCW 77.32.470, 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Statute Being Implemented: RCW 77.32.470, 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

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

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Valerie Tribble, 1111 Washington Street, Olympia, WA 98501, (360) 902-2329; Implementation: Ron Warren, 1111 Washington Street, Olympia, WA 98501, (360) 902-2799; and Enforcement: Steve Crown, 1111 Washington Street, Olympia, WA 98501, (360) 902-2936.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule amendments do not affect small business; i.e., there is no direct regulation of small business. The rules apply to recreational fishers.

A cost-benefit analysis is not required under RCW 34.05.328. These rule proposals only impact recreational salmon fisheries and do not affect hydraulics.

June 22, 2016

Scott Bird

Rules Coordinator

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

WAC 220-55-220 Two-pole endorsement. Anglers who possess a valid two-pole endorsement may fish with two lines in all lakes and ponds open to fishing, with the following exceptions:

Water Body	County
Para-juvenile Lake	Adams
Headgate Pond	Asotin
Columbia Park Pond	Benton
Blackbird Island Pond	Chelan
Aldwell Lake	Clallam
Beaver Lake	Clallam
Carrie Blake Pond	Clallam
Dickey Lake	Clallam
Lake Pleasant	Clallam
Lincoln Pond	Clallam
Sutherland Lake	Clallam

Water Body	County		Water Body	County	
Vancouver Lake	Clark	Includes all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River.	Cushman Reservoir	Mason	
Big Four Lake	Columbia		Prices Lake	Mason	
Dayton Pond	Columbia		Stump Lake	Mason	
Blue Lake	Cowlitz		Silvernail Lake	Okanogan	
Castle Lake	Cowlitz		Cases Pond	Pacific	
Coldwater Lake	Cowlitz		South Bend Mill Pond	Pacific	
Lewis River Power Canal	Cowlitz		Bradley Lake	Pierce	
Merrill Lake	Cowlitz		De Coursey Pond	Pierce	
Silver Lake	Cowlitz		Ohop Lake	Pierce	
Pit Lake	Douglas		Tanwax Lake	Pierce	
Ping Pond	Grant		Wapato Lake	Pierce	
Mill Creek Pond	Grays Harbor		Granite Lakes	Skagit	Near Marblemount.
Quigg Lake	Grays Harbor		Northern State Hospital Pond	Skagit	
Vance Creek Pond #1	Grays Harbor		Vogler Lake	Skagit	
Gibbs Lake	Jefferson	Drano Lake	Skamania	January 1 through April 30 and July 1 through September 30.	
Horseshoe Lake	Jefferson	Swift Reservoir	Skamania	From dam to Eagle Cliff Bridge.	
Teal Lake	Jefferson	Fortson Mill Pond #2	Snohomish		
Lake Sammamish	King	Jennings Park Pond	Snohomish		
Lake Union	King	Monte Cristo Lake	Snohomish		
Lake Washington	King	North Gissburg Pond	Snohomish		
Lake Washington Ship Canal	King	Spada Lake	Snohomish		
Mill Pond	King	Bear Lake	Spokane		
Old Fishing Hole Pond	King	North Silver Lake	Spokane		
Portage Bay	King	Lucky Duck Pond	Stevens		
Salmon Bay	King	Long's Pond	Thurston		
Swans Mill Pond	King	Munn Lake	Thurston		
Koeneman Lake	Kitsap	Jefferson Park Pond	Walla Walla		
Kachess Lake	Kittitas	Lions Park Pond	Walla Walla	College Place.	
Keechelus Lake	Kittitas	Diablo Lake	Whatcom		
Kiwanis Pond	Kittitas	Gorge Lake	Whatcom		
Naneum Pond	Kittitas	Lake Whatcom	Whatcom		
Cowlitz Falls Reservoir	Lewis	Ross Lake	Whatcom		
Mayfield Lake	Lewis	Squalicum Lake	Whatcom		
Packwood Lake	Lewis	Garfield Juvenile Pond	Whitman		
Scanewa Lake	Lewis	Clear Lake	Yakima		
Walupt Lake	Lewis	Leech Lake	Yakima	White Pass area.	
Willame Lake	Lewis	Mud Lake	Yakima		
Cady Lake	Mason	Myron Lake	Yakima		
		Sarge Hubbard Park Pond	Yakima		
		Yakima Sportsmen's Park Ponds	Yakima		

Anglers who possess a valid two-pole endorsement may fish with two lines in the following river sections:

River	County	Section
Chehalis	Grays Harbor	From Highway 101 Bridge in Aberdeen to South Elma Bridge (Wakefield Road): (July) August 1 through November 30.
Columbia		Camas Slough: August 1 through December 31. From Highway 395 Bridge at Pasco to Old Hanford townsite wooden power-line towers: Year-round, except for sturgeon. From wooden powerline towers to Vernita Bridge: February 1 through October 22, except for sturgeon. From Vernita Bridge to Priest Rapids Dam: Year-round, except for sturgeon. From Priest Rapids Dam to Wanapum Dam: July 1 through August 31. From Wanapum Dam to Wells Dam: July 1 through August 31. From Wells Dam to Highway 173 Bridge at Brewster: July 16 through August 31. From Highway 173 Bridge at Brewster to Chief Joseph Dam: July 1 through August 31.
Cowlitz	Lewis	Lexington Bridge Drive in Kelso upstream to the barrier dam.
Lewis	Clark	From railroad bridge near Kuhn's Road to mouth of East Fork Lewis.
North Fork Lewis	Clark/Cowlitz	Mouth to Johnson Creek.
Naselle	Pacific/Wahkiakum	From Highway 101 Bridge to Highway 401: August 1 through January 31.
Okanogan	Okanogan	<u>From the mouth to Highway 97 Bridge immediately upstream of the mouth:</u> July 1 through ((October 15)) August 31.
Pend Oreille	Pend Oreille	
Palouse	Whitman	Mouth to base of Palouse Falls: June 16 through August 31.
Spokane	Spokane and Stevens	Lower Spokane River from mouth (SR 25 bridge) to 400' below Little Falls Dam.

River	County	Section
Willapa	Pacific	From the city of South Bend boat launch to the 2nd bridge on Camp One Road: August 1 through January 31.
Wind	Skamania	Salmon and steelhead: Mouth (boundary line/markers) to the Highway 14 Bridge: May 1 through June 30.
Yakima	Yakima	From Highway 240 Bridge to 400' below Prosser Dam: March 1 through August 31.

Anglers who possess a valid two-pole endorsement may fish for salmon with two lines in the following marine areas:

Description	Marine Area
Willapa	2-1. ((East of a line from Cape Shoalwater to Leadbetter Point.)) <u>When permissible in WAC 232-28-620.</u>
Port Susan and Port Gardner	Tulalip Terminal Area: May 1 through September 30.
Seattle/Bremerton Area	Sinclair Inlet: July 1 through September 30.
<u>Hood Canal</u>	<u>12: South of Ayock only, excluding Hoodsport Hatchery zone: July 1 through October 31.</u>
South Puget Sound	13.

AMENDATORY SECTION (Amending WSR 15-13-081, filed 6/12/15, effective 7/13/15)

WAC 220-56-180 Salmon statewide rules. (1) In fresh water and in Marine Areas 2-1 and 2-2 east of the Buoy 13 line:

- (a) Adult salmon are defined as:
 - (i) Chinook over 24 inches in length;
 - (ii) Coho over 20 inches in length;
 - (iii) Pink, chum or sockeye over 12 inches in length; and
 - (iv) Atlantic salmon of any size.

(b) In these waters the minimum size for salmon is 12 inches, except no minimum size for Atlantic salmon.

(2) In Marine Areas 1 through 4, in Area 2-1 from the opening date of adjacent ocean waters through August 15, and in Area 2-2 west of the Buoy 13 line, Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

(3) In Marine Areas 5 through 13, Chinook salmon must be not less than 22 inches in length, except in waters listed in this subsection, but there is no minimum size for other salmon.

(a) Marine Area 12 south of Ayock from July 1 through September 30: Chinook salmon must be not less than 20 inches in length.

(b) Marine Area 12 Hoodsport Hatchery Zone from July 1 through December 30: No minimum size for Chinook.

(4) The salmon possession limit shall not exceed the equivalent of two daily limits in fresh form. An additional 40 pounds of salmon may be possessed in frozen or processed form.

(5) In all areas where the daily limit allows adult salmon to be taken, it is unlawful to continue to fish for salmon after the adult portion of the daily limit has been retained.

(6) Where landlocked salmon rules apply, no sport catch record card is required for salmon, the season, daily limit, and size and gear restriction rules for salmon are the same as trout rules. The angler's combined catch of landlocked salmon and trout applies toward the trout limit.

AMENDATORY SECTION (Amending WSR 14-16-027, filed 7/25/14, effective 8/25/14)

WAC 220-56-195 Closed areas—Saltwater salmon angling. The following areas are closed to salmon angling during the times indicated:

(1) Bellingham Bay: Those waters of Bellingham, Samish, and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley, thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island, thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island, thence to Yellow Bluff Reef range marker, thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough: Closed to salmon angling April 1 through April 30 and July 1 through August 15.

(2) Carr Inlet: Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek: Closed to salmon angling April 16 through September 30.

(3) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red Buoy, and then to the Port Williams boat ramp: Closed to salmon angling May 1 through September 30 and November 1 through April 30.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point: Closed to salmon angling April 1 through April 30 and July 1 through October 15.

(5) Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as an area at the Columbia River mouth bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line, which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W), and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W), and then along the south jetty to the point of intersection with the Buoy #10 line: Closed to salmon angling at all times, except open to fishing from the north jetty when adjacent waters north of the

Control Zone are open to salmon angling, or when the Buoy 10 fishery is open.

(6) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay: Closed to fishing for salmon April 1 through April 30 and June 1 through July 31.

(7) Southern Rosario Strait and the eastern Strait of Juan de Fuca: Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to Bird Rocks, then westerly from Bird Rocks to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south-southwest to the Salmon Bank Buoy, and then true south from the Salmon Bank Buoy to the Area 7 boundary: Closed to fishing for salmon (~~July~~) August 1 through September 30.

(8) Kydaka Point - Waters south of a line from Kydaka Point to Shipwreck Point - Closed to fishing for salmon May 31 through October 31.

(9) Port Angeles Harbor - Waters westerly of a line from the tip of Ediz Hook to the I.T.T. Rayonier Dock: Closed to fishing for salmon from July 1 through October 31.

(10) Violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested salmon. If the person has harvested salmon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-124 Seasons and areas—Hoodsport Hatchery.

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

WAC 220-310-190 Freshwater exceptions to state-wide rules—Puget Sound. (1) Beaver ponds located within or adjacent to streams that drain into Puget Sound listed as open to trout and other game fish follow the same rules as the adjacent stream.

(2) **County-wide freshwater exceptions to statewide rules:**

(a) Beaver ponds in Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3):

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

(ii) Trout: No minimum length.

(b) Beaver ponds in Kitsap County and Mason County east of Belfair-Bremerton Highway (S.R. 3):

- (i) Open the first Saturday in June through October 31.
- (ii) Trout: No minimum length.

(3) **Alder Lake (Thurston County):** Kokanee limit 10; kokanee do not count toward the trout daily limit. See also Nisqually River.

(4) **Aldrich Lake (Mason County):** Open the fourth Saturday in April through October 31.

(5) **Alexander Lake (Kitsap County):** Closed.

(6) **All Creek (Skagit County) (Suitttle River tributary):**

(a) Open the first Saturday in June through ~~((October 31))~~ September 15.

(b) Selective gear rules apply.

(7) **Alma Creek (Skagit County):**

(a) Open the first Saturday in June through ~~((October 31))~~ September 15.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to two hatchery steelhead.

(8) **American Lake (Pierce County):** Chumming is permissible.

(9) **Anderson Creek (Kitsap County):**

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

(b) Selective gear rules apply.

(c) Catch and release only.

(10) **Anderson Creek (Whatcom County) (Nooksack River tributary):**

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

(b) Selective gear rules apply.

(11) **Armstrong Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(12) **Bacon Creek (Skagit County):**

(a) Open the first Saturday in June through ~~((October 31))~~ September 15.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(13) **Bacus Creek (Skagit County):**

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

(b) Selective gear rules apply.

(14) **Bainbridge Island - All streams (Kitsap County):**

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

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(15) **Baker Lake (Whatcom County):**

(a) Chumming is permissible.

(b) Closed waters within a two hundred foot radius around the pump discharge at the south end of the lake.

(c) Open the fourth Saturday in April through October 31:

(d) Kokanee: Minimum length 8 inches and maximum length 18 inches.

(e) Salmon: Open July 10 through September 7.

(i) Sockeye: Limit 4; minimum length 18 inches.

(ii) Each angler aboard a vessel may deploy salmon angling gear until the limit for all licensed and juvenile anglers aboard is reached.

(16) **Baker River (Skagit County):** ~~(((a) From the mouth to Highway 20 Bridge:~~

~~(i) Open September 1 through October 31.~~

~~(ii) Night closure in effect.~~

~~(iii) Anti-snagging rule applies.~~

~~(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.~~

~~(b) From the Highway 20 Bridge to the Baker River fish barrier dam: Closed.~~

~~(e))~~ From the Baker River fish barrier dam to the headwaters to Shannon and Baker lakes, including tributaries and their tributaries, except Channel Creek: Open the first Saturday in June through October 31.

(17) **Barnaby Slough (Skagit County):** Closed.

(18) **Beaver Creek (Pierce County) (South Prairie Creek tributary):** Open the first Saturday in June through October 31.

(19) **Beaver Creek (Thurston County) from the mouth to I-5:**

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

(b) Selective gear rules apply.

(c) Night closure in effect.

(d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(20) **Beaver Lake (King County):** Trout: No more than 2 over 15 inches in length.

(21) **Benson Lake (Mason County):** Open the fourth Saturday in April through October 31.

(22) **Bertrand Creek (Whatcom County) (Nooksack River tributary):**

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

(b) Selective gear rules apply.

(23) **Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties):** Open the first Saturday in June through August 31 to juvenile anglers only.

(24) **Big Beaver Creek (Whatcom County), from 1/4 mile upstream of the closed water markers on Ross Lake upstream, including tributary streams and beaver ponds:**

(a) Open July 1 through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(25) **Big Beef Creek (Kitsap County):**

(a) From Seabeck Highway Bridge to Lake Symington:

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

(ii) Selective gear rules apply.

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

(iv) Catch and release only.

(v) August 1 through August 31: Closed within 100 feet of the Seabeck Highway N.W. Bridge.

(b) From Lake Symington upstream:

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

(ii) Selective gear rules apply.

(iii) Trout: Catch and release only.

(26) **Big Creek (Skagit County) (Suitttle River tributary):**

(a) From TeePee Falls to the source: Open the first Saturday in June through October 31.

- (b) Selective gear rules apply.
- (27) Big Mission Creek (Mason County):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Catch and release only.
- (28) Big Quilcene River (Jefferson County):**
- (a) From the mouth to Rodgers Street:
- (i) Open the first Saturday in June through August 15.
- (ii) Selective gear rules apply.
- (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iv) Catch and release only.
- (b) From Rodgers Street to the Highway 101 Bridge:
- (i) Open the first Saturday in June through October 31.
- (ii) Catch and release only.
- (iii) From the first Saturday in June through August 15:
- (A) Selective gear rules apply.
- (B) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iv) August 16 through October 31:
- (A) Night closure in effect.
- (B) Single-point barbless hooks are required.
- (v) Salmon:
- (A) Open August 16 through October 31.
- (B) Limit 4 coho only; only coho hooked inside the mouth may be retained.
- (vi) Closed waters from the Highway 101 Bridge to the electric weir at Quilcene National Fish Hatchery.
- (c) From the electric weir at Quilcene National Fish Hatchery to the upper boundary of Falls View campground:
- (i) Open the first Saturday in June through October 31.
- (ii) Selective gear rules apply.
- (iii) Catch and release only.
- (d) From the upper boundary of Falls View campground upstream: Open the Saturday before Memorial Day through October 31.
- (29) Big Scandia Creek (Kitsap County):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Minimum size 14 inches.
- (30) Big Soos Creek (King County):** From the mouth to the hatchery rack:
- (a) Open the first Saturday in June through August 31.
- (b) Trout: Minimum length 14 inches.
- (31) Bingham Creek (Mason County) (Satsop River tributary):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (32) Black Creek (Snohomish County) (South Fork Stillaguamish River tributary):** Open the Saturday before Memorial Day through October 31 from the Bear Creek confluence upstream.
- (33) Black Lake (Thurston County):** Crappie: Limit 10; minimum length 9 inches.
- (34) Black Lake Ditch (Thurston County):** From the confluence with Percival Creek upstream to Black Lake.
- (a) Selective gear rules apply.
- (b) Open the first Saturday in June through October 31.
- (c) Trout: Minimum size 14 inches.
- (d) Open November 1 through the (~~first~~) Friday before the first Saturday in June: Catch and release only.
- (35) Blackjack Creek (Kitsap County):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Minimum size 14 inches.
- (36) Blackman's Lake (Snohomish County):** Trout limit 5; no more than 2 over 15 inches in length.
- (37) Blooms Ditch (Thurston County) (Black River tributary):** From the mouth to I-5:
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Night closure in effect.
- (d) Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
- (38) Boise Creek (King County) (White River tributary):** Open the first Saturday in June through October 31 upstream of the Highway 410 crossing.
- (39) Bosworth Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (40) Boulder Creek (Skagit County) (Cascade River tributary):**
- (a) Open the first Saturday in June through (~~October 31~~) September 15.
- (b) Selective gear rules apply.
- (c) Catch and release only.
- (41) Boulder River (Snohomish County) (N.F. Stillaguamish River tributary):**
- (a) From the mouth to Boulder Falls:
- (i) Open the first Saturday in June through (~~October~~) August 31.
- (ii) Selective gear rules apply.
- (iii) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (b) From Boulder Falls upstream: Open the Saturday before Memorial Day through October 31.
- (42) Boxley Creek (North Bend, King County) (Tributary to the South Fork Snoqualmie River):** Open the Saturday before Memorial Day through October 31 upstream from the falls located approximately at river mile 0.9.
- (43) Boyle Lake (King County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) The inlet and outlet streams to Boyle Lake are closed.
- (44) Bradley Lake (Pierce County):**
- (a) Open May 15 through the last day of free fishing weekend, as defined in WAC 220-55-160, to juvenile anglers only.
- (b) Salmon: Landlocked salmon rules apply.
- (45) Bridges Lake (King County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) The inlet and outlet streams to Bridges Lake are closed.
- (46) Buck Creek (Skagit County) (Suiattle River tributary):**
- (a) Open the first Saturday in June through (~~October 31~~) September 15 from the upstream boundary of Buck Creek campground.

- (b) Selective gear rules apply.
- (47) **Buck Lake (Kitsap County):** Open the fourth Saturday in April through October 31.
- (48) **Burley Creek (Kitsap County):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Minimum length 14 inches.
- (49) **Cady Lake (Mason County):**
- (a) Open to fly fishing only.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Catch and release only.
- (50) **Cain Lake (Whatcom County):** Open the fourth Saturday in April through October 31.
- (51) **California Creek (Whatcom County):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (52) **Calligan Lake (King County):**
- (a) Open June 1 through October 31.
- (b) All tributary streams and the upper third of the outlet are closed.
- (c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (53) **Camp Creek (Snohomish County) (Whitechuck River tributary):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (54) **Campbell Creek (Mason County):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Catch and release only.
- (55) **Campbell Lake (Skagit County):** Grass carp: No limit for anglers and bow and arrow fishing.
- (56) **Canyon Creek (Snohomish County) (Suiattle River tributary):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (57) **Canyon Creek (Snohomish County) (S.F. Stillaguamish River):**
- (a) Open the first Saturday in June through August 31 and November 1 through January 31 from the mouth to the forks.
- (b) Selective gear rules apply.
- (c) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (58) **Canyon Creek (Whatcom County) (North Fork Nooksack River):**
- (a) Open the Saturday before Memorial Day through October 31 from Canyon Creek Road Bridge upstream, including tributaries.
- (b) Selective gear rules apply.
- (59) **Capitol Lake (Thurston County):** Closed.
- (60) **Carbon River (Pierce County):**
- (a) From the mouth to Voight Creek:
- (i) Open September 1 through September 30 and December 1 through January 15.
- (ii) From September 1 through November 30: Night closure in effect and anti-snagging rule applies.
- (iii) Trout:
- (A) September 1 through (~~November~~) September 30: Minimum length 14 inches.
- (B) From December 1 through January 15:
- (I) Selective gear rules apply.
- (II) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (iv) Salmon:
- (A) Open September (~~(+)~~) 10 through (~~November 30~~) September 24.
- (B) Limit 6 fish of which no more than (~~(4 may be adult salmon and, of the 4 adults, no more than)~~) 2 may be adult hatchery Chinook.
- (C) Release coho, chum, and wild adult Chinook salmon.
- (b) From Voight Creek to the Highway 162 Bridge:
- (i) Open from (~~November~~) December 1 through January 15.
- (ii) Selective gear rules apply.
- (iii) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (61) **Carney Lake (Pierce County):**
- (a) Open the fourth Saturday in April through June 30 and September 1 through November 30.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Salmon: Landlocked salmon rules apply.
- (62) **Carson Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (63) **Cascade Creek (San Juan County):**
- (a) Open the first Saturday in June through October 31 from the mouth to Cascade Lake.
- (b) Selective gear rules apply.
- (c) Release all fish except anglers may retain eastern brook trout.
- (64) **Cascade Lake (San Juan County):** Open the fourth Saturday in April through October 31.
- (65) **Cascade River (Skagit County):**
- (a) From the mouth to the Rockport-Cascade Road Bridge:
- (i) Open June 1 through July 15 and (~~September 16~~) December 1 through January 31:
- (A) Anti-snagging rule applies and night closure in effect June 1 through July 15 (~~and September 16 through November 30~~).
- (B) Trout: Limit 2; minimum length 14 inches. Anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.
- (ii) Salmon:
- (A) Open June 1 through July 15:
- (~~(H)~~) (~~B~~) Up to 4 hatchery Chinook may be retained; only 2 hatchery Chinook may be adults.
- (~~(H)~~) (~~C~~) Release all other salmon.
- (~~(B)~~) Open ~~September 16 through November 30~~:
- (~~D~~) Up to 4 coho may be retained.
- (~~H~~) Release all other salmon.)
- (b) From the Rockport-Cascade Road Bridge upstream:
- (i) Open the first Saturday in June through September 15 and December 1 through January 31.
- (ii) Selective gear rules apply.
- (iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(66) **Cavanaugh Creek (Whatcom County) and all tributaries:** Open the Saturday before Memorial Day through October 31 upstream from where Cavanaugh Creek first flows into Whatcom County, 0.4 lineal miles from its confluence with the South Fork Nooksack River.

(67) **Cavanaugh Lake (Skagit County):** Chumming is permissible.

(68) **Cayada Creek (Pierce County) (Carbon River tributary):** Open the first Saturday in June through ~~((October 31))~~ September 30.

(69) **Cedar Creek (Mason County):** Open the Saturday before Memorial Day through October 31.

(70) **Cedar River (King County):**

(a) Open the first Saturday in June through August 31 from the mouth to Landsburg Road.

(b) Selective gear rules apply and night closure.

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

(d) Trout: Catch and release only.

(71) **Chain Lake (Snohomish County):**

(a) Selective gear rules apply.

(b) Trout: Limit 2; minimum length 14 inches.

(72) **Chambers Creek (Pierce County):**

(a) From the mouth (Burlington Northern Bridge) to the markers 400 feet below the Boise-Cascade Dam (Pierce County):

(i) Selective gear rules apply, except bait is permissible September 1 through October 15.

(ii) Open July 1 through November 15 for game fish and salmon.

(iii) Night closure in effect and anti-snagging rule applies.

(iv) Trout: Catch and release.

(v) Salmon:

(A) Limit 6 fish of which no more than 4 may be adult salmon.

(B) Release wild coho.

(b) From Boise-Cascade Dam to Steilacoom Lake:

(i) Open July 1 through October 31.

(ii) Night closure in effect and selective gear rules apply.

(iii) Trout: Minimum size 14 inches.

(73) **Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County):**

(a) Selective gear rules apply.

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

(c) Trout: Catch and release only.

(74) **Channel Creek (Skagit County) (Baker River tributary):** Open the first Saturday in June through August 31.

(75) **Chaplain Creek (Snohomish County) (Sultan River tributary):**

(a) Above the falls near the mouth to the inlet to the beaver pond (Grass Lake) below the water filtration plant gate, including tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.

(b) Waters adjacent to the water filtration plant, from the inlet to the beaver pond (Grass Lake) below the water filtration plant gate to the waterfall approximately .4 miles upstream: Closed.

(c) Above the waterfall located approximately .4 miles upstream of the water filtration plant gate, including tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.

(76) **Chaplain Lake (Snohomish County):** Closed.

(77) **Cherry Creek (King/Snohomish County) (tributary to the Snoqualmie River):** Open the Saturday before Memorial Day through October 31 above Cherry Creek Falls (located at river mile 9.3, approximately 1 mile upstream of Stossel/Kelly Rd), including all tributaries and beaver ponds.

(78) **Chilliwack River (Whatcom County):** Open the first Saturday in June through October 31, including all tributaries and their tributaries.

(79) **Church Creek (Mason County):** Open the Saturday before Memorial Day through October 31 upstream of the bridge on U.S. Forest Service Road #2361.

(80) **Clara Lake (also known as "Don Lake") (Mason County):** Open the fourth Saturday in April through October 31.

(81) **Clarks Creek (Pierce County):**

(a) Open the first Saturday in June through August ~~((+5))~~ 31 from the mouth to 12th Avenue S.W.

(b) Selective gear rules apply.

(c) Trout: Limit 2; minimum length 14 inches.

(82) **Clear Creek (Snohomish County) (Sauk River tributary):** Open the Saturday before Memorial Day through October 31 ~~((from))~~ above Asbestos Creek Falls.

(83) **Clear Lake (Pierce County):**

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

(b) Chumming is permissible.

(c) Kokanee: Limit 10; no size restrictions.

(d) Salmon: Landlocked salmon rules apply.

(84) **Clear Lake (Thurston County):** Open the fourth Saturday in April through October 31.

(85) **Clearwater River (Pierce County):**

(a) Open July 1 through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(86) **Clover Creek (Pierce County):**

(a) Open July 1 through October 31 upstream of Steilacoom Lake, including all tributaries.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(87) **Coal Creek (tributary of Lake Washington) (King County):** Open the first Saturday in June through August 31 to juvenile anglers only.

(88) **Coal Creek (near Snoqualmie) (King County):**

(a) From the mouth to Highway I-90:

(i) Open the fourth Saturday in April through October 31 to juvenile anglers only.

(ii) Trout: No minimum length.

(b) From Highway I-90 upstream: Open the Saturday before Memorial Day through October 31.

(89) **Copper Creek (Snohomish County) (Clear Creek tributary, a tributary of Sauk River):** Open the Saturday before Memorial Day through October 31.

(90) **Cottage Lake (King County):** Open the fourth Saturday in April through October 31.

- (91) **Coulter Creek (Kitsap/Mason counties):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Catch and release only.
- (92) **County Line Ponds (Skagit County):** Closed.
- (93) **Crabapple Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (94) **Cranberry Creek (Mason County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Catch and release only.
- (95) **Crescent Creek (Kitsap County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Minimum size 14 inches.
- (96) **Crescent Lake (Pierce County):** Open the fourth Saturday in April through October 31.
- (97) **Cumberland Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from the USFS 17 Road Bridge located 0.7 lineal miles from its confluence with the Skagit River, including all tributaries.
- (98) **Dakota Creek (Whatcom County):**
 (a) Open the first Saturday in June through December 31 from the mouth to Giles Road Bridge.
 (b) Selective gear rules apply.
 (c) Salmon:
 (i) Open October 1 through December 31.
 (ii) Limit 2 salmon.
 (iii) Release wild Chinook and wild coho.
- (99) **De Coursey Pond (Pierce County):**
 (a) Open the fourth Saturday in April through November 30 to juvenile anglers only.
 (b) Salmon: Landlocked salmon rules apply.
- (100) **Decker Creek (Mason County) (Satsop River tributary):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
- (101) **Deer Creek (Mason County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Catch and release only.
- (102) **Deer Lake (Island County):** Open the fourth Saturday in April through October 31.
- (103) **Deer Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (104) **Dempsey Creek (Thurston County) (Black River tributary):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
- (105) **Deschutes River (Thurston County):**
 (a) From Old Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park:
 (i) Selective gear rules apply, except bait is allowed September 1 through October 15.
 (ii) Trout: Open year-round; catch and release only.
 (iii) All other game fish: Open the first Saturday in June through October 15.
 (iv) Salmon:
 (A) Open July 1 through October 15.
- (B) Limit 6; no more than 2 adult salmon may be retained.
 (C) Release coho.
- (b) From Henderson Boulevard Bridge upstream:
 (i) Open year-round.
 (ii) Selective gear rules apply.
 (iii) Trout: Catch and release only.
 (iv) Salmon:
 (A) Open July 1 through October 15.
 (B) Limit 6; no more than 2 adult salmon may be retained.
 (C) Release coho.
- (106) **Devereaux Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (107) **Dewatto River (Mason County):**
 (a) From the mouth to Dewatto-Holly Road Bridge:
 (i) Open the first Saturday in June through August 15 and October 1 through October 31.
 (ii) Selective gear rules apply.
 (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (iv) October 1 through October 31: Night closure in effect.
 (v) Game fish: Catch and release only.
 (vi) Salmon:
 (A) Open October 1 through October 31.
 (B) Limit 2 coho only.
 (b) From Dewatto-Holly Road Bridge upstream:
 (i) Open the first Saturday in June through October 31.
 (ii) Selective gear rules apply.
 (iii) Catch and release only.
- (108) **Diobsud Creek (Skagit County):**
 (a) Open the first Saturday in June through ~~(October 31)~~ September 15.
 (b) Selective gear rules apply.
 (c) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (109) **Dogfish Creek (Kitsap County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Minimum size 14 inches.
- (110) **Dosewallips River (Jefferson County):**
 (a) From the mouth to Highway 101 Bridge:
 (i) Open the first Saturday in June through August 31.
 (ii) Selective gear rules apply.
 (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (iv) Release all gamefish.
 (v) Salmon:
 (A) Open November 1 through December 15.
 (B) Limit 2 chum only.
 (b) From Highway 101 Bridge to Olympic National Park boundary about three-quarters of a mile downstream of the falls:
 (i) Open the first Saturday in June through August 31.
 (ii) Selective gear rules apply.
 (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (iv) Release all gamefish.

(111) Downey Creek (Snohomish County) (Suittle River tributary):

(a) Open the first Saturday in June through ~~((October 31))~~ September 15.

(b) Selective gear rules apply.

(112) Duckabush River (Jefferson County):

(a) From the mouth to Mason County PUD #1 overhead distribution line:

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

(ii) Selective gear rules apply.

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

(iv) Release all game fish.

(v) Salmon:

(A) Open November 1 through December 15.

(B) Limit 2 chum only.

(b) From Mason County PUD #1 overhead distribution line to the Olympic National Park boundary:

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

(ii) Selective gear rules apply.

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

(iv) Catch and release only.

(113) Dyes Inlet (Kitsap County):

(a) Open the first Saturday in June through October 31 for all streams.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(114) Eaton Creek (Thurston County) (Lake St. Clair tributary):

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

(b) Selective gear rules apply.

(115) **Echo Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(116) Eglon Creek (Kitsap County):

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

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(117) **Erie Lake (Skagit County):** Open the fourth Saturday in April through October 31.

(118) **Evans Creek (Pierce County) (Carbon River tributary):** Open the first Saturday in June through ~~((October 31))~~ September 30 from Carbon River Fairfax Road upstream.

(119) **Falls Creek (Snohomish County) (Sauk River tributary):** From the falls located 0.4 mile upstream from the mouth to the headwaters: Open the Saturday before Memorial Day through October 31.

(120) Fazon Lake (Whatcom County):

(a) It is unlawful to fish from any floating device from the first Friday in October through January 27.

(b) Channel catfish: Limit 2.

(121) **Finch Creek (Mason County):** Anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card may fish from the ADA accessible site at the Hoodspout Salmon Hatchery, so long as those anglers follow all applicable rules of the adjoining waters of Marine Area 12.

(122) **Finney Creek (Skagit County) including all tributaries from upstream of the USFS 17 road bridge:** Open the Saturday before Memorial Day through October 31.

(123) Fisher Slough (Snohomish County):

(a) Open the first Saturday in June through ~~((October 31))~~ September 15 from the mouth to the I-5 Bridge.

(b) Trout: Minimum length 14 inches.

(124) **Fishtrap Creek (Whatcom County):** Open from Kok Road to Bender Road from the first Saturday in June through October 31 for juvenile anglers only.

(125) **Fiske Creek (Pierce County) (Puyallup River tributary):** Open upstream from Fiske Road from the first Saturday in June through August 31 and October 16 through October 31.

(126) **Fortson Mill Pond #2 (Snohomish County):** Open the fourth Saturday in April through October 31 for juvenile anglers only.

(127) Found Creek (Skagit County) (Cascade River tributary):

(a) Open the first Saturday in June through ~~((October 31))~~ September 15.

(b) Selective gear rules apply.

(c) Catch and release only.

(128) **Fox Creek (Pierce County) (Puyallup River tributary):** Open upstream from Fiske Road East from the first Saturday in June through August 31 and October 16 through October 31.

(129) Friday Creek (Whatcom County) (Samish River tributary):

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

(b) Selective gear rules apply.

(130) Fulton Creek (Mason County):

(a) From the mouth to falls at river mile 0.8:

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

(ii) Selective gear rules apply.

(iii) Catch and release only.

(b) From the falls at river mile 0.8 upstream: Open the Saturday before Memorial Day through October 31.

(131) **Gale Creek (Pierce County) (South Prairie Creek tributary):** Open upstream of the confluence with Wilkeson Creek from the first Saturday in June through October 31.

(132) Gamble Creek (Kitsap County):

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

(b) Selective gear rules apply.

(c) Catch and release only.

(133) **Geneva Lake (King County):** Open the fourth Saturday in April through October 31.

(134) **Gissberg Pond, North (Snohomish County):** Open for juvenile anglers only.

(135) **Gissberg Ponds (Snohomish County):** Channel catfish limit 2; no minimum size.

(136) Goldsborough Creek (Mason County):

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

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(137) Goodell Creek (Skagit County):

(a) Open the first Saturday in June through ~~((October 31))~~ September 15.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(138) **Goodman Creek (Skagit County) above the Mountain Loop Highway:** Open Saturday before Memorial Day through October 31.

(139) **Goodwin Lake (Snohomish County):** Chumming is permissible.

(140) **Goss Lake (Island County):** Open the fourth Saturday in April through October 31.

(141) **Grade Creek (Snohomish County) (Suittle River tributary):**

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

(b) Selective gear rules apply.

(142) **Granite Lakes (near Marblemount) (Skagit County):** Grayling: Catch and release only.

(143) **Grass Lake (Mason County):** Open the fourth Saturday in April through October 31.

(144) **Green (Duwamish) River (King County):**

(a) From the First Avenue South Bridge to ~~((Tukwila International Boulevard/Old Highway 99))~~ South 277th Bridge in Auburn:

(i) ~~((September))~~ November 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) November 1 through January 15: It is unlawful to fish from any floating device.

(iii) Open the first Saturday in June through July 31 and ~~((September))~~ November 1 through January 15: Trout minimum length 14 inches.

(iv) In years ending in odd numbers, open for game fish and salmon August 20 through August 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use bait.

(D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.

(E) Trout: Minimum length 14 inches.

(v) Salmon:

(A) In years ending in odd numbers:

(I) Open August 20 through December 31.

(II) Limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(III) Release Chinook.

(B) In years ending in even numbers:

(I) Open ~~((September))~~ November 1 through December 31.

(II) ~~((Limit 6; no more than 3 adults may be retained.~~

~~(III) Release Chinook.))~~ Daily limit 3 chum only.

(b) From ~~((Tukwila International Boulevard/Old Highway 99 to the Interstate 405))~~ South 277th Bridge to Auburn-Black Diamond Road Bridge:

(i) ~~((September))~~ November 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) In years ending in odd numbers: Open for salmon and gamefish August 20 through August 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use bait.

(D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.

(E) Trout: Minimum length 14 inches.

(iii) November 1 through January ~~((45))~~ 31: It is unlawful to fish from any floating device.

(iv) Open the first Saturday in June through ~~((July 31))~~ August 15 and ~~((September))~~ November 1 through January ~~((45))~~ 31; trout minimum length 14 inches.

(v) In years ending in odd numbers, open for gamefish and salmon August 20 through December 31.

(vi) Salmon:

(A) In years ending in odd numbers:

(I) Open August 20 through December 31.

(II) Limit 6 salmon; no more than 3 may be any combination of adult coho and adult chum.

(III) Release Chinook.

(B) In years ending in even numbers:

(I) Open ~~((September))~~ November 1 through December 31.

(II) Limit ~~((6; only 3 adults may be retained.~~

~~(III) Release Chinook.))~~ 3 chum only.

(c) From the ~~((Interstate 405 Bridge to South 277th Street Bridge in Auburn:~~

~~(i) October 1 through November 30:~~

~~(A) Anti-snagging rule applies.~~

~~(B) Night closure in effect.~~

~~(ii) November 1 through January 15: It is unlawful to fish from any floating device.~~

~~(iii) Open the first Saturday in June through July 31 and October 1 through January 15: Trout minimum length 14 inches.~~

~~(iv) In years ending in odd numbers, open for game fish and salmon September 1 through September 30:~~

~~(A) Night closure in effect.~~

~~(B) Anti-snagging rule applies.~~

~~(C) It is unlawful to use bait.~~

~~(D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.~~

~~(E) Trout: Minimum length 14 inches.~~

~~(v) Salmon:~~

~~(A) In years ending in odd numbers:~~

~~(I) Open September 1 through December 31.~~

~~(II) Limit 6; no more than 3 may be any combination of adult coho and adult chum.~~

~~(III) Release Chinook.~~

~~(B) In years ending in even numbers:~~

~~(I) Open October 1 through December 31.~~

~~(II) Limit 6; only 3 adults may be retained.~~

~~(III) Release Chinook.~~

~~(d) From the 277th Street Bridge to Auburn-Black Diamond Road Bridge:~~

~~(i) October 16 through November 30:~~

~~(A) Anti-snagging rule applies.~~

~~(B) Night closure in effect.~~

~~(ii) November 1 through January 31: It is unlawful to fish from a floating device.~~

~~(iii) Open the first Saturday in June through August 15 and October 16 through January 31; trout minimum length 14 inches.~~

(iv) In years ending in odd numbers, open for game fish and salmon September 16 through October 15:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use bait.

(D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.

(E) Trout: Minimum length 14 inches.

(v) Salmon:

(A) In years ending in odd numbers:

(I) Open September 16 through December 31.

(II) Limit 6; no more than 3 may be any combination of adult coho and adult chum.

(II) Release Chinook.

(B) In years ending in even numbers:

(I) Open October 16 through December 31.

(II) Limit 6; only 3 adults may be retained.

(III) Release Chinook.

(e) From the Auburn-Black Diamond Road Bridge to the mouth of Cristy Creek at Flaming Geyser State Park:

(i) Closed waters within 150 feet of the mouth of Keta (Crisp) Creek.

(ii) August 1 through September 15 and November 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Open the first Saturday in June through September 15 and November 1 through January 31; trout minimum length 14 inches.

(iv) Salmon open November 1 through December 31.

(A) In years ending in odd numbers:

(I) Limit 6; no more than 3 may be any combination of adult coho and adult chum.

(II) Release Chinook.

(B) In years ending in even numbers:

(I) Limit 6; only 3 adults may be retained.

(II) Release Chinook.

(f) From the mouth of Cristy Creek at Flaming Geyser State Park)) Auburn-Black Diamond Road Bridge to the water pipeline walk bridge (1/2 mile downstream of Tacoma Headworks Dam):

(i) Closed waters within 150 feet of the Palmer Pond outlet rack.

(ii) Closed waters within 150 feet of the mouth of Keta (Crisp) Creek.

(iii) August 1 through August 31 and November 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

((iii)) (iv) Open the first Saturday in June through August 31 and November 1 through January 31: Trout minimum length 14 inches.

((iv)) (v) Salmon open November 1 through December 31:

(A) In years ending in odd numbers:

(I) Limit 6; no more than 3 may be any combination of adult coho and adult chum.

(II) Release Chinook.

(B) In years ending in even numbers((:

(I) Limit 6; only 3 adults may be retained.

(II) Release Chinook)), limit 3 chum only.

((g)) (d) From Friday Creek upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

(145) **Greenwater River (King County):**

(a) From the mouth to Greenwater Lakes:

(i) Open November 1 through January 31.

(ii) Release all fish except whitefish.

(iii) Whitefish gear rules apply.

(b) From Greenwater Lakes upstream: Open the first Saturday in June through August 31 and October 16 through October 31.

(146) **Grovers Creek (Kitsap County):**

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

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(147) **Hamma Hamma River (Mason County):**

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

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

(ii) Selective gear rules apply.

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

(iv) Catch and release only.

(b) From the falls upstream: Open the Saturday before Memorial Day through October 31.

(148) **Hancock Lake (King County):**

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

(b) All tributary streams and the upper third of the outlet are closed.

(c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(149) **Hansen Creek (Skagit County):** Including all tributaries and their tributaries:

(a) Open the first Saturday in June through ((October 31)) September 15.

(b) Selective gear rules apply.

(150) **Harrison Slough (Skagit County):** Open the first Saturday in June through ((October 31)) September 15.

(151) **Hatchery Lake (Mason County):** Open the fourth Saturday in April through October 31.

(152) **Haven Lake (Mason County):** Open the fourth Saturday in April through October 31.

(153) **Heart Lake (near Anacortes) (Skagit County):** Open the fourth Saturday in April through October 31.

(154) **Heins Lake (Kitsap County):** Closed.

(155) **Hicks Lake (Thurston County):** Open the fourth Saturday in April through October 31.

(156) **Hilt Creek (Skagit County) (Sauk River tributary) and all connected tributaries and beaver ponds above the falls (located 0.2 miles above the Highway 530 crossing):** Open the Saturday before Memorial Day through October 31.

(157) **Horseshoe Lake (Kitsap County):**

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

(b) Salmon: Landlocked salmon rules apply.

(158) **Howard Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from where Howard Creek flows into Section 13 of Town-

ship 36N, Range 6E, 0.3 lineal miles upstream from the South Fork Nooksack River, including all tributaries.

(159) **Howard Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(160) **Howell Lake (Mason County):** Open the fourth Saturday in April through October 31.

(161) **Hozomeen Lake (Whatcom County):**

(a) Open July 1 through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(162) **Hylebos Creek (Pierce County):**

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

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(163) **Illabot Creek (Skagit County):**

(a) Open the first Saturday in June through ~~((October 31))~~ September 15.

(b) Selective gear rules apply.

(164) **Illahee Creek (Kitsap County):**

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

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(165) **Issaquah Creek (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.

(166) **Jackman Creek (Skagit County):** Open the Saturday before Memorial Day through October 31 from the falls located 0.7 miles above Highway 20 upstream.

(167) **Jackson Lake (Pierce County):** Open the fourth Saturday in April through October 31.

(168) **Jefferson Creek (Mason County):** Open the Saturday before Memorial Day through October 31.

(169) **Jennings Park Pond (Snohomish County):** Open the fourth Saturday in April through October 31 for juvenile anglers only.

(170) **Johns Creek (Mason County):**

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

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(171) **Johnson Creek (Thurston County) (Skookumchuck River tributary):**

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

(b) Selective gear rules apply.

(172) **Johnson Creek (Whatcom County):** Open the first Saturday in June through October 31 from the Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas for juvenile anglers only.

(173) **Jones Creek (Skagit County):** Open the Saturday before Memorial Day through October 31 above the falls located 0.6 miles above Highway 20 upstream.

(174) **Jordan Creek (Skagit County) (Cascade River tributary):**

(a) Open the first Saturday in June through ~~((October 31))~~ September 15.

(b) Selective gear rules apply.

(175) **Jorsted Creek (Mason County):**

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

(b) Selective gear rules apply.

(c) Catch and release only.

(176) **Kelsey Creek (tributary of Lake Washington) (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.

(177) **Kendall Creek (Whatcom County) (N.F. Nooksack tributary):** ~~((a))~~ Open the Saturday before Memorial Day through October 31 above the hatchery grounds.

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

(178) **Kennedy Creek (Mason County):**

(a) From the mouth to ~~((400 feet below the falls))~~ Highway 101 Bridge:

(i) Open the first Saturday in June through the last day in February.

(ii) October 1 through December 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout minimum length 14 inches.

(iv) Salmon:

(A) Open October 1 through November 30.

(B) Limit 6; no more than 2 adults may be retained.

(C) Release wild coho.

~~(b))~~ From Highway 101 Bridge to 400 feet below the falls:

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

(ii) Selective gear rules apply ((January 1 through September 30)).

(iii) Trout: Catch and release only.

(iv) October 1 through ~~((December))~~ October 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

~~((iv))~~ Trout: Minimum length 14 inches.

~~(v))~~ Salmon:

~~(A) Open October 1 through November 30 from the mouth to the northbound Highway 101 Bridge.~~

~~(B) Limit 6; no more than 2 adults may be retained.~~

~~(C) Release wild coho.~~

~~(b))~~ (c) From the falls upstream, including all tributaries:

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

(ii) Selective gear rules apply within the mainstem of Kennedy Creek.

(179) **Kennedy Creek Pond (Thurston County):** Open the fourth Saturday in April through October 31.

(180) **Ki Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(181) **Kimball Creek (near Snoqualmie) (King County):**

(a) Open the fourth Saturday in April through October 31 for juvenile anglers only.

(b) Trout: No minimum length.

(182) **Kindy Creek (Skagit County) (Cascade River tributary):**

(a) Open the first Saturday in June through ~~((October 31))~~ September 15.

(b) Selective gear rules apply.

(c) Catch and release only.

(183) **King's Creek (Pierce County) (Puyallup River tributary):** Open the first Saturday in June through August 31 and October 16 through October 31.

(184) **Kings Lake Bog (King County):** Closed.

- (185) **Klaus Lake (King County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) The inlet and outlet to first Weyerhaeuser spur are closed.
- (186) **Koeneman Lake (Fern Lake) (Kitsap County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Selective gear rules apply.
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (d) Catch and release only.
- (187) **Ladder Creek (Skagit County):**
 (a) Open the first Saturday in June through (~~October 31~~) September 15.
 (b) Selective gear rules apply.
 (c) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (188) **Langlois Lake (King County):** Open the fourth Saturday in April through October 31.
- (189) **LeBar Creek (Mason County):** Open the Saturday before Memorial Day through October 31 from the falls at river mile one upstream.
- (190) **Lena Creek (Mason County):** Open the Saturday before Memorial Day through October 31.
- (191) **Lilliwaup River (Mason County):**
 (a) From the mouth to 200 feet below the falls:
 (i) Open the first Saturday in June through August 31.
 (ii) Selective gear rules apply.
 (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (iv) Catch and release only.
 (b) From the falls upstream: Open the Saturday before Memorial Day through October 31.
- (192) **Lime Creek (Snohomish County) (Suittle River tributary):**
 (a) Open the first Saturday in June through (~~October 31~~) September 15.
 (b) Selective gear rules apply.
- (193) **Limerick Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (194) **Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties):** Open the first Saturday in June through August 31 for juvenile anglers only.
- (195) **Little Mission Creek (Mason County) from falls upstream:**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Catch and release only.
- (196) **Little Scandia Creek (Kitsap County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Minimum size 14 inches.
- (197) **Lone Lake (Island County):**
 (a) Selective gear rules apply.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Trout: Limit 1; minimum length 18 inches.
 (d) Grass carp: No limit for anglers and bow and arrow fishing.
- (198) **Long's Pond (Thurston County):** Open for juvenile anglers only.
- (199) **Lyle Creek (King County) (White River tributary):** Open the first Saturday in June through August 31 and October 16 through October 31.
- (200) **Maggie Lake (Mason County):** Open the fourth Saturday in April through November 30.
- (201) **Malaney Creek (Mason County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Catch and release only.
- (202) **Maple Creek (Whatcom County) (N.F. Nooksack tributary) above Maple Falls:** Open the Saturday before Memorial Day through October 31.
- (203) **Marble Creek (Skagit County) (Cascade River tributary):**
 (a) Open the first Saturday in June through (~~October 31~~) September 15.
 (b) Selective gear rules apply.
 (c) Catch and release only.
- (204) **Margaret Lake (King County):** Open the fourth Saturday in April through October 31.
- (205) **Marsh Creek (Snohomish County) (Sultan River tributary):** Open the Saturday before Memorial Day through October 31 above the falls, including tributaries and beaver ponds.
- (206) **Martha Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (207) **Martha Lake (Warm Beach) (Snohomish County):**
 (a) Selective gear rules apply.
 (b) Trout: Limit 2; minimum length 14 inches.
- (208) **May Creek (tributary of Lake Washington) (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.
- (209) **McAllister Creek (Thurston County):**
 (a) Open the first Saturday in June through (~~October 31~~) September 30 and November 16 through November 30.
 (b) Selective gear rules apply.
 (c) Trout: Minimum length 14 inches.
 (d) Salmon:
 (i) Open July 1 through September 30 and November 16 through November 30.
 (ii) Limit 6; of which no more than 2 may be adults.
 (iii) Release coho.
- (210) **McLane Creek (Thurston County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Catch and release.
 (d) Night closure in effect.
- (211) **McLane Creek Ponds (Thurston County):** Open the fourth Saturday in April through October 31.
- (212) **McMurray Lake (Skagit County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Landlocked salmon rules apply.
- (213) **Melbourne Lake (Mason County):** Open the fourth Saturday in April through October 31.

(214) **Mercer Slough (tributary of Lake Washington) (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.

(215) **Milk Creek (Snohomish County) (Suiattle River tributary):**

(a) Open the first Saturday in June through ~~((October 31))~~ September 15.

(b) Selective gear rules apply.

(216) **Mill Creek (Mason County):**

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

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(217) **Mill Pond (Auburn) (King County):** Open the fourth Saturday in April through October 31 for juvenile anglers only, except open for all anglers during free fishing weekend, as defined by department rule.

(218) **Mima Creek (Thurston County) (Black River tributary):**

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

(b) Selective gear rules apply.

(219) **Minter Creek (Pierce/Kitsap counties):** From the mouth to the fishing boundary markers approximately 50 feet downstream of the hatchery rack:

(a) Open for salmon November 1 through December 31.

(b) Night closure in effect.

(c) Limit 4 chum; release all other salmon.

(220) **Mission Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

(221) **Monte Cristo Lake (Snohomish County):**

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

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(222) **Mountain Lake (San Juan County):** It is unlawful to retain more than one trout over 18 inches in length.

(223) **Mud Lake (Mason County):** Open the fourth Saturday in April through October 31.

(224) **Munn Lake (Thurston County):**

(a) Selective gear rules apply.

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

(c) Catch and release only.

(225) **New Pond Creek (Pierce County) (South Prairie Creek tributary):** Open the first Saturday in June through October 31.

(226) **Newhalem Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 above the power facility.

(227) **Newhalem Ponds (Whatcom County):** Closed.

(228) **Nisqually River (Pierce County):**

(a) From the mouth to Military Tank Crossing Bridge:

(i) ~~((Closed August 3 through August 5, August 10 through August 12, August 17 through August 19, August 24 through August 26, August 31 through September 2, September 8 through September 10, September 14 through September 16, September 21 through September 23, and September 28 through September 29.~~

(ii) July 1 through January 31:

~~((A))~~ Anti-snagging rule applies.

~~((B))~~ (ii) Night closure in effect.

~~((C))~~ (iii) Barbless hooks are required.

~~((iii))~~ (iv) Open July 1 through ~~((January 31:~~

~~((A) From July 1))~~ September 30 and November 16 through November 30: Trout minimum length 14 inches.

~~((B) From))~~ (v) Open December 1 through January 31: Catch and release.

~~((iv))~~ (vi) Salmon ~~((open July 1 through January 31:))~~:

(A) In years ending in even numbers, from July 1 through ~~((October))~~ August 31:

(I) Limit 6; no more than 3 adults may be retained ~~((and only 2 adults may be any combination of chum and coho)).~~

(II) Release coho and wild Chinook.

(B) In years ending in odd numbers, from July 1 through October 31:

(I) Limit 6; no more than 3 adults may be retained plus one pink salmon; no more than 2 adults may be any combination of chum and coho.

(II) Release wild Chinook.

(C) From November ~~((4))~~ 16 through January 31:

(I) Limit 6; only 2 adults may be retained.

(II) Release coho and wild Chinook.

(b) From Military Tank Crossing Bridge to 400 feet below La Grande Powerhouse:

(i) Open July 1 through ~~((October 31))~~ September 30.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((iv))~~ (c) From Alder Reservoir upstream including all tributaries to mainstem and reservoir:

~~((A))~~ (i) Open the Saturday before Memorial Day through October 31.

~~((B))~~ (ii) Selective gear rules apply.

~~((C))~~ (iii) Trout minimum length 14 inches.

~~((v) Alder Reservoir tributaries:~~

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

~~((B) Trout: Daily limit 2 over 14 inches in length.~~

~~((C) Selective gear rules apply:))~~

(229) **Nookachamps Creek (Skagit County):**

(a) Open the first Saturday in June through ~~((October 31))~~ September 15, including all tributaries and their tributaries.

(b) Selective gear rules apply.

(230) **Nooksack River (Whatcom County):**

(a) From the Lummi Indian Reservation boundary to the yellow marker at the FFA High School barn at Deming:

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

(ii) From the first Saturday in June through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open September 1 through December 31:

(I) Limit 2, plus 2 additional hatchery coho; release wild coho.

(II) Release wild Chinook September 1 through September 30.

(B) In odd-numbered years, open July 16 through August 31 from Lummi Indian Reservation boundary to

Highway 544 Bridge at Everson (~~during odd-numbered years~~):

- (I) Limit 4 pink salmon.
- (II) It is unlawful to use bait.
- (III) It is unlawful to use anything other than single-point hooks measuring 1/2 inch or less from point to shank.

(b) From the yellow marker at the FFA High School barn in Deming to the confluence of the forks:

(i) Open from October 1 through January 31.

(ii) October 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(iv) Salmon open October 1 through December 31:

(A) Limit 2, plus anglers may retain 2 additional hatchery coho.

(B) Release wild coho and wild Chinook.

(231) Nooksack River, North Fork (Whatcom County):

(a) From the mouth to Maple Creek:

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

(ii) From the first Saturday in June through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) November 1 through February 15: It is unlawful to fish from a floating device equipped with a motor.

(iv) Trout minimum length 14 inches.

(v) Salmon open October 1 through November 30: Limit 2 salmon, plus anglers may retain 2 additional hatchery coho; release wild coho.

(b) From Maple Creek to Nooksack Falls:

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

(ii) Selective gear rules apply.

(iii) November 1 through January 31: It is unlawful to fish from a floating device equipped with a motor.

(iv) Trout: Minimum length 14 inches.

(c) The waters above Nooksack Falls, including all tributaries and their tributaries are open the Saturday before Memorial Day through October 31.

(232) Nooksack River, Middle Fork (Whatcom County):

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

(b) From the mouth to the city of Bellingham diversion dam:

(i) November 1 through January 31: It is unlawful to use motors.

(ii) Open the first Saturday in June through January 31.

(iii) Selective gear rules apply.

(iv) Trout: Minimum size 14 inches.

(c) The waters above the diversion dam, including all tributaries and their tributaries are open the Saturday before Memorial Day through October 31.

(233) Nooksack River, South Fork (Skagit/Whatcom counties):

(a) Release all fish except mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to Skookum Creek:

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

(ii) Selective gear rules apply.

(iii) From the first Saturday in June through November 30: Night closure in effect.

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

(v) Salmon open October 1 through December 31:

(A) Limit 2; plus anglers may retain 2 additional hatchery coho.

(B) Release chum and wild coho.

(C) In years ending in odd numbers, release pink salmon.

(c) Upstream from and including Wanlick Creek, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31 for fly fishing only.

(ii) Catch and release only except mandatory hatchery steelhead retention.

(234) North Creek (Snohomish/King counties) (tributary of Sammamish River): Open the first Saturday in June through August 31 for juvenile anglers only.

(235) North Lake (King County): Open the fourth Saturday in April through October 31.

(236) Northern State Hospital Pond (Skagit County): Open the fourth Saturday in April through October 31 for juvenile anglers only.

(237) Ohop Creek (Pierce County):

(a) Open July 1 through (~~October 31~~) September 30.

(b) Selective gear rules apply.

(c) Catch and release only.

(238) Ohop Lake (Pierce County): There are no size restrictions for kokanee.

(239) Olalla Creek (Kitsap County):

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

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(240) Old Fishing Hole Pond (Kent, King County): Open the fourth Saturday in April through October 31 for juvenile anglers only.

(241) Olney Creek (Snohomish County) (Wallace River tributary): The waters upstream of Olney Falls, including tributaries and beaver ponds are open the Saturday before Memorial Day through October 31.

(242) Olson Creek (Skagit County):

(a) Open the first Saturday in June through (~~October 31~~) September 15.

(b) Selective gear rules apply.

(243) Osborne Lake (Mason County): Open the fourth Saturday in April through October 31.

(244) O'Toole (Marietta) Creek (Whatcom County): The waters upstream from Marietta Falls, located 0.3 lineal miles from the Skagit River, are open the Saturday before Memorial Day through October 31.

(245) Outlet Creek (Mason County) (Satsop River tributary):

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

(b) Selective gear rules apply.

(246) Owl Creek (Snohomish County) (Whitechuck River tributary):

(a) Open the first Saturday in June through (~~October 31~~) September 15.

(b) Selective gear rules apply.

(247) Padden Lake (Whatcom County):

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

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

(248) **Panhandle Lake (Mason County):** Open the fourth Saturday in April through October 31.

(249) **Panther Lake (Kitsap/Mason counties):** Open the fourth Saturday in April through October 31.

(250) Pass Lake (Skagit County):

(a) Open to fly fishing only.

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

(c) Catch and release only.

(251) Percival Creek (Thurston County):

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

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(252) Perry Creek (Thurston County):

(a) Open the first Saturday in June through October 31 from the mouth to the falls.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(253) **Phillips Lake (Mason County):** Open the fourth Saturday in April through October 31.

(254) Pilchuck Creek (Snohomish County):

(a) From the mouth to the Highway 9 Bridge:

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

(ii) From the first Saturday in June through August 31 and November 1 through November 30: Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(b) From the Highway 9 Bridge to Pilchuck Falls:

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

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(c) From Pilchuck Falls upstream, including all tributaries and their tributaries, and all tributaries to Lake Cavanaugh: Open the Saturday before Memorial Day through October 31.

(255) Pilchuck River (Snohomish County):

(a) Open from December 1 through January 31 from the mouth to 500 feet downstream from the Snohomish City diversion dam.

(b) It is unlawful to fish from any floating device.

(c) Trout: Minimum length 14 inches.

(256) **Pine Creek (Mason County):** Open the Saturday before Memorial Day through October 31.

(257) **Pine Lake (King County):** Open the fourth Saturday in April through October 31.

(258) **Pine Lake (Mason County):** Open the fourth Saturday in April through October 31.

(259) **Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County):** Closed.

(260) **Plumbago Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from the Sierra Pacific 140 road bridge located 0.5 lineal

miles upstream from the South Fork Nooksack River, including all tributaries.

(261) Pratt River (tributary to Middle Fork Snoqualmie River) (King County):

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

(b) Selective gear rules apply.

(c) Catch and release only.

(262) **Pressentin Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from the waterfall located 0.3 miles from the Skagit River, including all tributaries.

(263) Prices Lake (Mason County):

(a) Selective gear rules apply.

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

(c) Catch and release only.

(264) Pugh Creek (Snohomish County) (Whitechuck River tributary):

(a) Open the first Saturday in June through ~~((October 31))~~ September 15.

(b) Selective gear rules apply.

(265) Puyallup River (Pierce County):

(a) From the ~~((mouth))~~ 11th Street Bridge to Freeman Road:

(i) Open for game fish ~~((and salmon))~~ August 10 through August 31 and October 16 through December 31.

(ii) ~~((Closed August 30 through August 31, September 6 through September 8, September 13 through September 15, September 20 through September 23, September 27 through September 30, October 4 through October 7, and October 11 through October 14.~~

~~((iii)))~~ Closed within 400 feet of the mouth of Clarks Creek.

~~((iv)))~~ (iii) August 10 through August 31 and October 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) Barbless hooks are required.

~~((v)))~~ (iv) Trout: Minimum length 14 inches.

~~((vi)))~~ (v) Salmon:

(A) In years ending in odd numbers:

(I) Limit 6. No more than 2 adults may be retained. Two pink adults may be retained in addition to the 2 adult limit.

(II) Release wild adult Chinook.

(B) In years ending in even numbers:

(I) ~~((Limit 6; no more than 2 adults may be retained.~~

~~((H) Release wild adult Chinook.))~~ Open October 16 through December 31.

(II) Limit 2 chum only.

(b) From Freeman Road to the East Main Avenue Bridge:

(i) Open for game fish ~~((and salmon))~~ August ((+) 10 through August 30 and October 16 through December 31.

(ii) ~~((Closed August 9, August 30 through August 31, September 6 through September 8, September 13 through September 15, September 20 through September 23, and September 27 through September 30.~~

~~((iii)))~~ August ((+) 10 through November 30:

(A) Anti-snagging rule applies.

- (B) Night closure in effect.
 (C) Barbless hooks are required.
 ((iv)) (iii) Trout: Minimum length 14 inches.
 ((v)) (iv) Salmon:
 (A) In years ending in odd numbers:
 (I) Limit 6. No more than 2 adults may be retained. In addition to the 2 adults, 2 adult pinks may also be retained.
 (II) Release wild adult Chinook.
 (B) In years ending in even numbers:
 (I) Open October 16 through December 31.
 (II) Limit ((6; no more than 2 adults may be retained. (H) Release wild adult Chinook)) 2 chum only.
 (c) From the East Main Avenue Bridge to Carbon River:
 (i) Open for game fish ((and salmon)) August 1 through August 31 and October 16 through December 31.
 (ii) August 1 through August 31 and October 16 through November 30:
 (A) Anti-snagging rule applies.
 (B) Night closure is in effect.
 (C) Barbless hooks are required.
 (iii) Trout: Minimum length 14 inches.
 (iv) Salmon:
 (A) In years ending in odd numbers:
 (I) Limit 6. No more than 2 adults may be retained. In addition to the 2 adults, 2 adult pinks may be retained.
 (II) Release wild adult Chinook.
 (B) In years ending in even numbers:
 (I) Open October 16 through December 31.
 (II) Limit ((6; no more than 2 adults may be retained. (H) Release wild adult Chinook)) 2 chum only.
 (d) From Carbon River upstream:
 (i) Open ((September 1)) October 16 through January 15.
 (ii) Selective gear rules apply.
 (iii) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (266) **Pyramid Creek (King County) upstream of Forest Service Road 7000:** Open the first Saturday in June through October 31.
- (267) **Racehorse Creek (Whatcom County) (N.F. Nooksack tributary) above the falls located 0.2 miles above the North Fork Road:** Open the Saturday before Memorial Day through October 31.
- (268) **Raging River (King County):**
 (a) From the mouth to the Highway 18 Bridge:
 (i) Open the first Saturday in June through August 31 and November 1 through January 31.
 (ii) Trout: Minimum length 14 inches.
 (b) From Highway 18 Bridge upstream: Open the first Saturday in June through ((October)) August 31.
- (269) **Rapjohn Lake (Pierce County):** Open the fourth Saturday in April through October 31.
- (270) **Rattlesnake Lake (King County):**
 (a) Selective gear rules apply.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Trout: Limit 2; minimum length 14 inches.
- (271) **Ravensdale Lake (King County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Selective gear rules apply.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (d) Trout: Limit 2; minimum length 12 inches.
- (272) **Red Creek (King County) (White River tributary):** Open the first Saturday in June through October 31.
- (273) **Rendsland Creek (Mason County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Catch and release only.
- (274) **Riley Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (275) **Roaring Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from the confluence with Deer Creek, including all tributaries.
- (276) **Robbins Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (277) **Rocky Creek (Mason County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Catch and release only.
- (278) **Roesiger Lake (Snohomish County):** Crappie limit 10; minimum length 9 inches.
- (279) **Rose Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (280) **Ross Lake (Reservoir) (Whatcom County):**
 (a) Open July 1 through October 31:
 (b) Selective gear rules apply.
 (c) Trout, except eastern brook trout: Limit 1; minimum length 16 inches.
 (d) Eastern brook trout: Limit 5; no minimum length.
- (281) **Ross Lake tributary streams, and their tributaries, except Big Beaver Creek and Ruby Creek (Whatcom County):**
 (a) From one mile above the mouths to the headwaters: Open July 1 through October 31.
 (b) Tributaries to Ruby Creek: Open July 1 through October 31.
- (282) **Salmon Creek (Thurston County) (Black River tributary):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Night closure in effect.
 (d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
- (283) **Salmonberry Creek (Kitsap County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Minimum size 14 inches.
- (284) **Samish Lake (Whatcom County):** Cutthroat trout limit 2; minimum length 14 inches.
- (285) **Samish River (Skagit County):**
 (a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 (b) From the mouth to the I-5 Bridge:
 (i) Open the first Saturday in June through November 30.
 (ii) From the first Saturday in June through November 30: Trout minimum length 14 inches.

- (iii) From August 1 through November 30:
 - (A) Night closure in effect.
 - (B) It is unlawful to use anything other than one single-point hook.
- (iv) From December 1 through December 31:
 - (A) Selective gear rules apply.
 - (B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 - (v) Salmon:
 - (A) Open August 1 through November 30.
 - (B) Limit 2; anglers may only retain fish hooked inside the mouth.
 - (C) Release wild coho.
- (c) From the I-5 Bridge to the ~~((Hickson))~~ Old Highway 99 Bridge:
 - (i) Closed from the Old Highway 99 Bridge to the WDFW salmon rack.
 - (ii) ~~((Closed from the I-5 Bridge to the Old Highway 99 Bridge September 1 through November 30.~~
 - ~~((iii))~~ Open the first Saturday in June through ~~((November))~~ August 30:
 - ~~((A))~~ (ii) Selective gear rules apply.
 - ~~((B))~~ (iv) Release all fish except mandatory hatchery steelhead retention.
 - (d) From the WDFW hatchery rack to Hickson Bridge upstream:
 - (i) Open the first Saturday in June through ~~((October 31))~~ November 30.
 - (ii) Selective gear rules apply.
 - (iii) Release all fish except mandatory hatchery steelhead retention.
 - (e) From Hickson Bridge upstream:
 - (i) Open the first Saturday in June through October 31.
 - (ii) Selective gear rules apply.
 - (iii) Mandatory hatchery steelhead retention.
- (286) **Sammamish Lake (King County):**
 - (a) Closed to fishing within 100 yards of the mouth of Issaquah Creek August 16 through November 30.
 - (b) Kokanee: Catch and release only.
 - (c) December 1 through June 30: Release all steelhead and rainbow trout over 20 inches in length.
- (287) **Sammamish River (Slough) (King County):** From the 68th Avenue N.E. Bridge to Lake Sammamish:
 - (a) Open from January 1 through August 31.
 - (b) Selective gear rules apply.
 - (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (d) Trout: Catch and release only.
- (288) **Sauk River (Skagit/Snohomish counties):**
 - (a) Selective gear rules apply.
 - (b) Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (c) From the mouth to ~~((the mouth of the White Chuck River))~~ Darrington Bridge:
 - (i) Open the first Saturday in June through September 15 and December 1 through January 31.
 - (ii) ~~((From the mouth to Darrington Bridge.))~~ It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) From Darrington Bridge to the mouth of the White Chuck River, open the first Saturday in June through September 15 and December 1 through January 31.

(e) From the Whitechuck River to the headwaters, including the North Fork from mouth to North Fork Falls and the South Fork ~~((upstream))~~ from mouth to Elliot Creek~~((:))~~, open the first Saturday in June through ((October 31)) September 15.

~~((e))~~ (f) In the South Fork upstream from Elliot Creek: Open the first Saturday in June through August 31.

(289) **Sauk, North Fork, (Snohomish County):** Open the Saturday before Memorial Day through October 31 above North Fork falls including all tributaries.

(290) **Sawyer Lake (King County):** Chumming is permissible.

(291) **Scatter Creek (King County) (White River tributary):** Open the first Saturday in June through October 31.

(292) **Scatter Creek (Thurston County) (Chehalis River tributary):**

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

(b) Selective gear rules apply.

(293) **Schneider Creek (Thurston County):**

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

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(294) **Serene Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(295) **Shady Lake (King County):**

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

(b) Trout: It is unlawful to retain more than one trout over 14 inches in length.

(296) **Shannon, Lake (Skagit County):**

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

(b) Chumming is permissible.

(c) Trout: Minimum length 6 inches and maximum length 18 inches.

(297) **Shelton Creek (Mason County):**

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

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(298) **Sherman Creek (Thurston County) (Chehalis River tributary):**

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

(b) Selective gear rules apply.

(299) **Sherwood Creek (Mason County):**

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

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(300) **Sherwood Creek Mill Pond (Mason County):**

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

(b) Trout: Limit 2; minimum length 14 inches.

(301) **Shoe Lake (Mason County):** Open the fourth Saturday in April through October 31.

(302) **Silesia Creek (Chilliwack River tributary) (Whatcom County):** Open the first Saturday in June through October 31.

(303) Silver Creek (Skagit County) (Samish River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(304) Silver Creek (Whatcom County) (Nooksack River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(305) Silver Lake (Pierce County): Open the fourth Saturday in April through October 31.**(306) Silver Lake (Whatcom County):** Open the fourth Saturday in April through October 31.**(307) Sixteen Lake (Skagit County):** Open the fourth Saturday in April through October 31.**(308) Skagit River (Skagit/Whatcom counties):**

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

(b) From the mouth to Highway 530 Bridge at Rockport: ~~((+))~~ Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull Trout with a minimum length of 20 inches as part of the trout limit.

~~((ii) From Highway 530 Bridge in Rockport to Cascade River Road in Marblemount: June 1 through January 31: Catch and release only except mandatory hatchery steelhead retention.))~~

(c) From the mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon):

(i) Open March 1 through September 15 and December 1 through January 31.

(ii) March 1 through ~~((July 31))~~ September 15:

(A) Selective gear rules apply, except anglers fishing for sturgeon must use bait.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

~~((iii) Salmon:~~

~~(A) Open September 1 through December 31 in years ending in even numbers.~~

~~(B) Open August 1 through December 31 in years ending in odd numbers.~~

~~(C) Limit 4; only 2 wild coho may be retained.~~

~~(D) Release Chinook and chum.))~~

(d) From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek:

(i) Open June 1 through September 15 and December 1 through January 31, except closed waters July 17 through July 20 and July 24 through July 27.

~~((ii) June 1 through November 30:~~

~~(A) September 1 through November 30: Anti-snagging rule applies, except anglers fishing for sturgeon must use bait.~~

~~(B))~~ (A) Night closure in effect June 1 through September 15.

~~((C))~~ (B) June 1 through June 15 and July 16 through ~~((July 31))~~ September 15:

(I) Selective gear rules apply, except for sturgeon.

(II) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fish-

ing for sturgeon may use single-point barbless hooks of any size.

~~((iii))~~ (ii) Salmon:

(A) Open June 16 through July 15; Limit 3 sockeye only.

~~(B) ((Open September 1 through December 31 in years ending in even numbers.~~

~~(C))~~ Open August 1 through December 31 in years ending in odd numbers.

~~((D) Limit 4 salmon; only 2 wild coho may be retained.~~

~~(E) Release Chinook and chum.))~~

(e) From Gilligan Creek to The Dalles Bridge at Concrete:

(i) Open June 1 through September 15 and December 1 through January 31, except closed waters July 17 through July 20 and July 24 through July 27.

(ii) ~~((June 1 through November 30:~~

~~(A) September 1 through November 30: Anti-snagging rule applies.~~

~~(B) Night closure in effect August 16 through November 30.~~

~~(C))~~ From June 1 through ~~((August))~~ September 15:

(I) Selective gear rules apply.

(II) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(III) Night closure in effect.

(iii) Salmon:

~~(A) ((In years ending in even numbers, open September 1 through December 31.~~

~~(B))~~ In years ending in odd numbers, open August 16 through December 31.

~~((C))~~ (B) Limit 4 salmon; only 2 wild coho may be retained.

~~((D))~~ (C) Release Chinook and chum.

(f) From The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport:

(i) Open June 1 through September 15 and December 1 through January 31, except closed waters July 17 through July 20 and July 24 through July 27.

(ii) June 1 through August 31: Closed between a line projected across the thread of the river 200 feet above the east bank of the Baker River to a line projected across the thread of the river 200 feet below the west bank of the Baker River.

(iii) June 1 through ~~((November 30))~~ September 15:

~~(A) ((September 1 through November 30: Anti-snagging rule applies.~~

~~(B))~~ Night closure in effect.

~~((C) June 1 through August 31:~~

~~(H))~~ (B) Selective gear rules apply.

~~((H))~~ (C) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

~~((iv) Salmon:~~

~~(A) Open September 1 through December 31.~~

~~(B) Limit 4 salmon; only 2 wild coho may be retained.~~

~~(C) Release Chinook and chum.))~~

(g) From the Highway 530 Bridge at Rockport to the Cascade River Road (Marblemount Bridge):

(i) Open June 1 through September 15 and December 1 through January 31:

(A) Trout catch and release only, except mandatory hatchery steelhead retention.

~~((ii) June 1 through November 30:
(A)) (B) June 1 through July 15 ((and September 1 through November 30:))~~ anti-snagging rule applies.

~~((B)) (C) June 1 through September 15~~ night closure in effect.

~~((C)) (D) July 16 through ((August 31)) September 15:~~

(I) Selective gear rules apply.

(II) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

~~((iii)) (ii) Salmon: ((A)) Open June 1 through July 15:~~

~~((H)) (A) Limit 4 hatchery Chinook only.~~

~~((H)) (B) Only 2 adult hatchery Chinook may be retained as part of the limit.~~

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

~~(I) Limit 4 salmon; only 2 wild coho may be retained.~~

~~(H) Release Chinook and chum:))~~

(h) From Cascade River Road to the Gorge Powerhouse:

(i) Open June 1 through September 15 and December 1 through January 31.

(ii) Selective gear rules apply.

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

(iv) Release all fish except anglers may retain up to 2 hatchery steelhead.

(i) Gorge and Diablo lakes' tributary streams and their tributaries, except Stetattle Creek: Open the first Saturday in June through October 31.

(309) Skokomish River (Mason County):

(a) From the mouth to the city of Tacoma PUD overhead distribution lines: Closed.

(b) From the city of Tacoma PUD overhead distribution lines to the ~~((Highway 106 Bridge:~~

~~(i) Open the first Saturday in June through July 13 and October 1 through December 15 for game fish: Catch and release only.~~

~~(ii) August 1 through November 30:~~

~~(A) Anti-snagging rule applies.~~

~~(B) Night closure in effect.~~

~~(C) It is unlawful to use anything other than single point, barbless hooks.~~

~~(iii) September 15 through December 15: Terminal gear (hooks, weights, lures, or baits) may not be within 25 feet of tribal gillnets.~~

~~(iv) Salmon:~~

~~(A) Open August 1 through September 1:~~

~~(I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.~~

~~(H) Release chum and wild Chinook.~~

~~(B) Open September 15 through December 15:~~

~~(I) Limit 6; no more than 4 adults may be retained.~~

~~(H) Release Chinook; release chum through October 15.~~

~~(e) From the Highway 106 Bridge to the mouth of Purdy Creek:~~

~~(i) Open the first Saturday in June through July 13 and October 1 through December 15 for game fish: Catch and release only.~~

~~(ii) July 24 through November 30:~~

~~(A) Anti-snagging rule applies.~~

~~(B) Night closure in effect.~~

~~(C) It is unlawful to use anything other than single point, barbless hooks.~~

~~(iii) September 15 through December 15: Terminal gear (hooks, weights, lures, or baits) may not be within 25 feet of tribal gillnets.~~

~~(iv) July 24 through July 31: Bait or lure must be suspended below a float.~~

~~(v) Salmon:~~

~~(A) Open July 24 through July 31:~~

~~(I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.~~

~~(H) Release chum and wild Chinook.~~

~~(B) Open August 1 through August 21 on Fridays, Saturdays, and Sundays only:~~

~~(I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.~~

~~(H) Release chum and wild Chinook.~~

~~(C) Open August 22 through September 1:~~

~~(I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.~~

~~(H) Release chum and wild Chinook.~~

~~(D) Open September 15 through December 15:~~

~~(I) Limit 6; no more than 4 adults may be retained.~~

~~(H) Release Chinook; release chum through October 15.~~

~~(d) From the mouth of Purdy Creek to the Highway 101 Bridge:~~

~~(i) Open the first Saturday in June through July 13 and October 1 through December 15 for game fish: Catch and release only.~~

~~(ii) July 24 through November 30:~~

~~(A) Anti-snagging rule applies.~~

~~(B) Night closure in effect.~~

~~(C) It is unlawful to use anything other than single point, barbless hooks.~~

~~(iii) July 24 through December 15: Terminal gear (hooks, weights, lures, or baits) may not be within 25 feet of tribal gillnets.~~

~~(iv) July 24 through September 1: Bait or lures must be suspended below a float.~~

~~(v) Salmon:~~

~~(A) Open July 24 through September 1:~~

~~(I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.~~

~~(H) Release chum and wild Chinook.~~

~~(B) Open September 15 through December 15:~~

~~(I) Limit 6; no more than 4 adults may be retained.~~

~~(H) Release Chinook; release chum through October 15.~~

~~(e) From the Highway 101 Bridge upstream to the)) forks:~~

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

~~(ii) Selective gear rules apply.~~

~~(iii) Catch and release only.~~

(310) Skokomish River, North Fork (Mason County):

(a) Selective gear rules apply.

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

(c) Catch and release only.

(d) From the mouth to the lower dam: Open the first Saturday in June through October 31.

(e) Above Lake Cushman, from the mouth to Olympic National Park boundary: Open the first Saturday in June through August 31.

(311) Skokomish River, South Fork (Mason County):

(a) From the mouth to the mouth of LeBar Creek:

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

(ii) Selective gear rules apply.

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

(iv) Catch and release only.

(b) From the mouth of Rule Creek to the headwaters:

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

(ii) Selective gear rules apply.

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

(iv) Trout: Minimum length 12 inches.

(312) Skookum Creek (Mason County):

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

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(313) Skookum Creek (Whatcom County): From the mouth of Arlecho Creek upstream, including Arlecho Creek and all other tributaries: Open the Saturday before Memorial Day through October 31.

(314) Skookumchuck Reservoir (Thurston County):

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

(b) Trout: Daily limit 2; minimum length 12 inches.

(315) Skykomish River (Snohomish County):

(a) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(b) From the mouth to the mouth of Wallace River:

(i) Open June 1 through August 31 and November 1 through January 31.

(ii) Anti-snagging rule applies and night closure in effect(=

(A) August 1 through November 30 from the mouth to Lewis Street Bridge in Monroe; and

(B) June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River)) August 1 through August 31 and November 1 through November 30.

(iii) November 1 through January 31: It is unlawful to fish from any floating device from the boat ramp below Lewis Street Bridge at Monroe downstream 2,500 feet.

(iv) ((Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of twenty inches as part of the trout limit.

(v)) Salmon:

(A) Open June 1 through July 31: Limit 4 hatchery Chinook only; no more than 2 of which may be adults.

(B) ((For years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit 3 coho only.

(C)) For years ending in odd numbers:

(I) Open August 16 through December 31 from the mouth to Lewis Street Bridge in Monroe.

(II) Open September 1 through December 31 from the Lewis Street Bridge to Wallace River.

(III) Limit 3 salmon plus 1 additional pink; release Chinook and chum.

~~((b))~~ (c) From the mouth of the Wallace River to the forks:

(i) Open June 1 through August 31 and November 1 through January 31.

(ii) From the Highway 2 Bridge at the Gold Bar/Big Eddy Access to the confluence of the North and South Forks: Also open February 1 through February 15.

(iii) August 1 through August 31 and November 1 through November 30: Anti-snagging rule applies and night closure in effect from Wallace River to Gold Bar/Big Eddy Access.

(iv) August 1 through November 30: Anti-snagging rule applies and night closure in effect from Gold Bar/Big Eddy Access to the forks.

(v) June 1 through February 15: It is unlawful to fish from any floating device in the area 1,500 feet upstream and 1,000 feet downstream of the outlet at Reiter Ponds.

~~((v) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.~~

~~(vi) Salmon:~~

~~(A) Open September 1 through December 31.~~

~~(B) For years ending in even numbers: Limit 3 coho only.~~

~~(C) For years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.))~~

(316) Skykomish River, North Fork (Snohomish County):

(a) From the mouth to 1,000 feet downstream of Bear Creek Falls:

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

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(b) From Deer Falls (about 1/4 mile upstream of Goblin Creek) upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

(317) Skykomish River, South Fork (King/Snohomish counties):

(a) From the mouth to 600 feet downstream from the Sunset Falls fishway:

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

(ii) August 1 through August 31 and November 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(b) From Sunset Falls to the source, including all tributaries and their tributaries:

(i) Open the first Saturday in June through ~~((November 30))~~ August 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(iv) December 1 through the last day in February:

(A) All tributaries of this river section are closed.

(B) Open for whitefish only; release all other fish.

(318) Smith Creek (Whatcom County) (Nooksack River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(319) Snohomish River (Snohomish County):

(a) From the Burlington-Northern Railroad bridges to Highway 9 Bridge, including all channels, sloughs, and interconnected waterways, but excluding all tributaries:

(i) Sturgeon catch and release is permissible (~~(year-round)~~) July 1 through August 31 and November 1 through June 30.

(ii) August 1 through August 31 and November 1 through November 30:

(A) Anti-snagging rule applies; except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(B) Night closure in effect.

(iii) Gamefish:

(A) Open the first Saturday in June through August 31 and November 1 through January 31.

(B) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(iv) Salmon(=

~~(A) For years ending in even numbers:~~

~~(I) Open September 1 through December 31.~~

~~(II) Limit 3 coho only.~~

~~(B))~~, for years ending in odd numbers:

~~((H)) (A) Open August 1 through December 31.~~

~~((H)) (B) Limit 3 salmon plus 1 additional pink; release Chinook and chum.~~

(b) From the Highway 9 Bridge to the confluence of the Skykomish and Snoqualmie rivers (all channels):

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

(ii) August 1 through August 31 and November 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(iv) Salmon(=

~~(A) For years ending in even numbers:~~

~~(I) Open September 1 through December 31.~~

~~(II) Limit 3 coho only.~~

~~(B))~~, for years ending in odd numbers:

~~((H)) (A) Open August 16 through December 31.~~

~~((H)) (B) Limit 3 plus 1 additional pink; release Chinook and chum.~~

(320) Snoqualmie River (King County):

(a) From the mouth to Snoqualmie Falls:

(i) Closed within the Puget Power tunnel at the falls and within 50 feet of any point on Puget Power's lower Plant #2 building (north bank).

(ii) From the first Saturday in June through August 31 and November 1 through November 30: Selective gear rules apply.

(iii) ~~((September))~~ November 1 through November 30: Night closure in effect.

(iv) From the mouth to the boat ramp at the Plum access: Open the first Saturday in June through August 31 and November 1 through January 31.

(v) From the boat ramp at the Plum access to the falls: Open the first Saturday in June through August 31 and November 1 through February 15.

(vi) From November 1 through February 15: It is unlawful to fish from any floating device in the waters from the boat ramp at the Plum access to the mouth of Tokul Creek (about 1/4 mile).

(vii) Trout: Minimum length 14 inches.

(viii) Salmon (~~open September 1 through December 31.~~ ~~(A) For years ending in even numbers: Limit 3 coho only.~~

~~(B))~~, for years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(b) From Snoqualmie Falls upstream, including the North and South Forks:

(i) Selective gear rules apply.

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

(iii) Open the Saturday before Memorial Day through October 31: Trout minimum length 10 inches.

(iv) Open November 1 through the Friday before Memorial Day: Catch and release only.

(c) Snoqualmie River tributaries upstream of the falls, and the tributaries of the North and South Forks (except Tate, Sunday and Phillapa creeks): Open the Saturday before Memorial Day through October 31. From November 1 through the Friday before Memorial Day: Catch and release only.

(d) In the Snoqualmie River Middle Fork from the mouth to the source, including all tributaries except Pratt and Taylor rivers:

(i) Open year-round.

(ii) Selective gear rules apply.

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

(iv) Catch and release only.

(321) South Prairie Creek (Pierce County): Open the Saturday before Memorial Day through August 31 and October 16 through October 31 from the city of Buckley diversion dam upstream.

(322) Spada Lake (Reservoir) (Snohomish County):

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

(b) Selective gear rules apply.

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

(d) Trout: Maximum length 12 inches.

(323) Spada Lake (Reservoir) tributaries (Snohomish County): Closed.

(324) Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Open year-round.

(325) Squalicum Creek (Whatcom County):

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

(b) Selective gear rules apply.

(326) Squalicum Lake (Whatcom County):

(a) Open for fly fishing only.

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

(c) Trout: Limit 2.

(327) Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary):

(a) Open the first Saturday in June through ~~((October))~~ August 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(328) Steel Lake (King County): Open the fourth Saturday in April through October 31.

(329) Stetattle Creek (Whatcom County): Open the first Saturday in June through October 31 above the mouth of Bucket Creek (approximately 1.5 miles upstream).

(330) Stevens, Lake (Snohomish County):

(a) Chumming is permissible.

(b) Kokanee: Limit 10; kokanee do not count toward the trout limit.

(331) Steves Lake (Mason County): Open the fourth Saturday in April through October 31.

(332) Stickney Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(333) Stillaguamish River (Snohomish County):

(a) From the mouth to Marine Drive, including all sloughs:

(i) Open ~~((year-round))~~ July 1 through August 31 and November 1 through June 30.

(ii) Night closure in effect.

(iii) August 1 through August 31 and November 1 through November 30: Anti-snagging rule applies~~((;))~~, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iv) Trout: Minimum length 14 inches.

(v) Salmon ~~((open September 1 through November 30~~

~~(A) For years ending in even numbers: Limit 2 coho only.~~

~~((B))~~, for years ending in odd numbers: Limit 2; release Chinook and chum.

(b) From Marine Drive to the forks:

(i) From the barrier dam (downstream of I-5) downstream 200 feet: Closed.

(ii) Open the first Saturday in June through August 31 and November 1 through November 30.

(A) Selective gear rules apply.

(B) Night closure in effect from August 1 through August 31 and November 1 through November 30.

(C) Release all fish except anglers may retain up to 2 hatchery steelhead.

(iii) Open December 1 through January 31: ~~((A))~~ Trout~~((;))~~ minimum length 14 inches.

~~((B))~~ (iv) Salmon ~~((open September 1 through November 30~~

~~(A) For years ending in even numbers: Limit 2 coho only.~~

~~((B))~~, for years ending in odd numbers: Limit 2; release Chinook and chum.

(334) Stillaguamish River, North Fork (Snohomish County):

(a) From the North Fork mouth to the mouth of French Creek:

(i) August 1 through August 31 and November 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) It is unlawful to fish from any floating device upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).

(iii) It is unlawful to fish from any floating device equipped with a motor downstream from the Highway 530 Bridge.

(iv) Open the first Saturday in June through ~~((January 31))~~ August 31 and November 1 through November 30:

~~((A))~~ ~~((From the first Saturday in June through November 30~~

~~((B))~~ Fly fishing only.

~~((C))~~ (B) Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((D))~~ (v) Open from December 1 through January 31: Trout minimum length 14 inches.

(b) From the mouth of French Creek to Swede Heaven Bridge:

(i) August 1 through August 31 and November 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) Open the first Saturday in June through ~~((February 15))~~ August 31 and November 1 through November 30:

~~((A))~~ ~~((From the first Saturday in June through November 30~~

~~((B))~~ Fly fishing only.

~~((C))~~ (B) Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((D))~~ (iii) Open December 1 through February 15: Trout minimum length 14 inches.

(c) From Swede Heaven Bridge to the falls approximately one mile upstream of Cascade Creek:

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

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(d) Upstream of the falls, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

(335) Stillaguamish River, South Fork (Snohomish County):

(a) From the mouth to 400 feet downstream of the outlet to Granite Falls fishway:

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

(ii) August 1 through August 31 and November 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(b) From the Mountain Loop Highway Bridge above Granite Falls upstream to the source:

(i) Open the first Saturday in June through August 31 and November 1 through November 30.

(ii) Selective gear rules apply.

(iii) August 1 through August 31 and November 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(336) Stimson Creek (Mason County):

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

(b) Selective gear rules apply

(c) Catch and release only.

(337) Storm Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(338) Straight Creek (Snohomish County) (Suiattle River tributary):

(a) Open the first Saturday in June through (~~October 31~~) September 15.

(b) Selective gear rules apply.

(339) Suiattle River (Skagit County):

(a) Open the first Saturday in June through (~~October 31~~) September 15.

(b) Selective gear rules apply.

(c) Trout: It is permissible to retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of trout limit.

(340) Sulphur Creek (Snohomish County) (Suiattle River tributary):

(a) Open the first Saturday in June through (~~October 31~~) September 15.

(b) Selective gear rules apply.

(341) Sultan River (Snohomish County):

(a) From the mouth to a point 400 feet downstream from the diversion dam at river mile 9.7:

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

(ii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(b) Upstream of the diversion dam to Culmback Dam: Open the first Saturday in June through October 31.

(342) Sumas River (Whatcom County): Open the first Saturday in June through October 31, including all tributaries except Johnson Creek.

(343) Summit Lake (Thurston County):

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

(b) Trout: It is unlawful to retain more than 2 over 14 inches in length, except there are no size restrictions for kokanee.

(344) Susan Lake (Thurston County):

(a) Selective gear rules apply.

(b) Catch and release only.

(345) Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Open the first Saturday in June through August 31 for juvenile anglers only.

(346) Swan's Mill Pond (Stossel Creek) (King County): Open the first Saturday in June through October 31.

(347) Symington Lake (Kitsap County):

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

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(348) Tahuya River (Mason County):

(a) From the mouth to the steel bridge approximately 1 mile upstream of North Shore Road Bridge:

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

(ii) Selective gear rules apply.

(iii) October 1 through October 31: Night closure in effect.

(iv) Release all gamefish.

(b) From the steel bridge approximately one mile upstream of North Shore Road Bridge upstream:

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

(ii) Selective gear rules apply.

(iii) October 1 through October 31: Night closure in effect.

(iv) Catch and release only.

(349) Tanwax Creek (Thurston County):

(a) Open the first Saturday in June through (~~October 31~~) September 30.

(b) Selective gear rules apply.

(c) Catch and release only.

(350) Tanwax Lake (Pierce County): Crappie: Limit 10; minimum length 9 inches.

(351) Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Open year-round.

(352) Taylor River (tributary to the Middle Fork Snoqualmie) (King County):

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

(b) Selective gear rules apply.

(c) Catch and release only.

(353) Tenmile Creek (Whatcom County) (Nooksack River tributary):

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

(b) Selective gear rules apply.

(354) Tenas Creek (Skagit County) (Suiattle River tributary):

(a) Open the first Saturday in June through (~~October 31~~) September 15.

(b) Selective gear rules apply.

(355) Tenas Lake (Mason County): Open the fourth Saturday in April through October 31.

(356) Tennant Lake (Whatcom County): It is unlawful to fish from any floating device from the first Friday in October through January 27.

(357) Terrell Creek (Whatcom County):

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

(b) Selective gear rules apply.

(358) Terrell, Lake (Whatcom County): It is unlawful to fish from any floating device from the first Saturday after Labor Day through the following Friday and from October 1 through January 31, except fishing from a floating dock is permissible.

(359) Texas Pond (Skagit County): No limit for eastern brook trout.

(360) Thomas Creek (Skagit County) (Samish River tributary):

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

(b) Selective gear rules apply.

(361) Thompson Creek (Thurston County) (Skookumchuck River tributary):

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

(b) Selective gear rules apply.

(362) Thornton Creek (tributary to Lake Washington) (King County): Open the first Saturday in June through August 31 for juvenile anglers only.

(363) Thornton Creek (Whatcom County):

(a) Open the first Saturday in June through ~~(October 31)~~ September 15.

(b) Release all fish except anglers may retain up to 2 hatchery steelhead and there is no limit on cutthroat trout.

(364) Thornton Lake, lower (Whatcom County): Cutthroat trout: No limit.

(365) Tibbetts Creek (tributary to Lake Sammamish) (King County): Open the first Saturday in June through August 31 for juvenile anglers only.

(366) Tiger Lake (Kitsap/Mason counties): Open the fourth Saturday in April through October 31.

(367) Toad Lake (Whatcom County): Open the fourth Saturday in April through October 31.

(368) Tokul Creek (King County) (Snoqualmie River tributary):

(a) From the mouth to the Fish Hatchery Road Bridge:

(i) Open December 1 through February 15, except closed to fishing from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rule applies.

(iii) Trout: Minimum length 14 inches.

(b) From Fish Hatchery Road Bridge to the posted cable boundary marker located approximately 400 feet downstream of the hatchery intake:

(i) Open January 15 through February 15, except closed to fishing from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rule applies.

(iii) Trout: Minimum length 14 inches.

(c) From Tokul Road S.E. upstream, including all tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.

(369) Tolt River (King County):

(a) From the mouth to the USGS trolley cable near the confluence of the North and South Forks:

(i) Open the first Saturday in June through August 31 and November 1 through January 31: Selective gear rules apply.

(ii) Trout: Minimum length 14 inches.

(b) From the falls upstream, on the North Fork, including all tributaries:

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

(ii) Selective gear rules apply.

(iii) Catch and release only.

(c) On the South Fork, from the dam upstream:

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

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 10 inches.

(370) Twenty-two Lake Creek (Snohomish County): Open the Saturday before Memorial Day through October 31

upstream from the falls located approximately at river mile 0.25 upstream.

(371) Tye River (King County):

(a) From Foss River to Alpine Falls:

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

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(iv) Open November 1 through the last day in February for whitefish only; release all other fish.

(b) From Alpine falls upstream, and all tributaries to the Tye River, including their tributaries: Open the first Saturday in June through October 31.

(372) U Lake (Mason County): Open the fourth Saturday in April through October 31.

(373) Uncle John Creek (Mason County):

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

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(374) Union River (Mason County):

(a) From the mouth to the North Shore Road Bridge:

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

(ii) Catch and release only.

(b) From the North Shore Road Bridge to the lower bridge on Old Belfair Highway:

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

(ii) Selective gear rules apply.

(iii) Catch and release only.

(c) From the lower bridge on Old Belfair Highway upstream:

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

(ii) Selective gear rules apply.

(iii) Catch and release only.

(375) Vogler Lake (Skagit County):

(a) Fly fishing only.

(b) Catch and release only.

(376) Voight Creek (Pierce County): Open the Saturday before Memorial Day through August 31 and October 16 through October 31 from the falls, approximately 4.0 river miles upstream of the mouth and under the power lines, upstream.

(377) Waddell Creek (Thurston County) (Black River tributary):

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

(b) Selective gear rules apply.

(378) Wagners Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(379) Walker Lake (King County): Open the fourth Saturday in April through October 31.

(380) Wallace River (Snohomish County):

(a) From the mouth to 363rd Ave. S.E./Reece Rd:

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

(ii) From first Saturday in June ~~(+)~~ through August 31 and November 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) From November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(v) Salmon open September 16 through November 30(~~(A) In years ending in even numbers: Limit 3 coho only.~~
~~(B))~~) in years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(b) From 363rd Avenue S.E./Reece Road to 200 feet upstream of the water intake of the salmon hatchery:

(i) Open (~~(September 16))~~ November 1 through February 15.

(ii) (~~(September 16))~~ November 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(v) Salmon open September 16 through November 30(~~(A) In years ending in even numbers: Limit 3 coho only.~~
~~(B))~~) in years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(c) From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls:

(i) Open November 1 through January 31.

(ii) It is unlawful to fish from any floating device.

(iii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(d) From Wallace Falls upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

(381) **Wapato Lake (Pierce County):** Open to juvenile anglers only.

(382) **Washington Creek (Mason County):** Open the Saturday before Memorial Day through October 31.

(383) **Washington Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County):**

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

(b) Open year-round.

(c) It is unlawful to fish from a floating device within 100 yards of either side of the floating bridges.

(d) Chumming is permissible.

(e) Trout:

(i) December 1 through the last day in February: Release steelhead and rainbow trout over 20 inches in length.

(ii) March 1 through June 30:

(A) Minimum length 12 inches.

(B) Release steelhead and rainbow trout over 20 inches in length.

(f) Salmon:

(i) Open September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge.

(ii) Limit 4 coho only.

(384) **Washington Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish**

ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge):

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

(b) East of the Fremont Bridge: Chumming is permissible.

(c) From the west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed.

(d) From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary:

(i) Open year-round for game fish.

(ii) Trout:

(A) Open December 1 through the last day in February: No minimum length.

(B) Open March 1 through June 30: Minimum length 12 inches.

(C) Open July 1 through November 30: No minimum length.

(D) Release steelhead and rainbow trout over 20 inches in length.

(385) **Wauhup Lake (Pierce County):** Landlocked salmon rules apply.

(386) **Whatcom Creek (Whatcom County):**

(a) From the mouth to the markers below the footbridge below Dupont Street in Bellingham:

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

(ii) August 1 through December 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(iv) Salmon: Open August 1 through December ~~(30)~~ 31.

(A) Limit 6; anglers may retain up to 2 adult salmon.

(B) Release wild coho.

(C) Anglers fishing lawfully within 50 yards of the Bellingham Technical College Hatchery Collection Tube and on the hatchery side of the creek that hook and land chum salmon may remove those chum salmon from the water and immediately place them unharmed into the Hatchery Collection Tube.

(b) From the footbridge below Dupont Street in Bellingham to the stone bridge at Whatcom Falls Park:

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

(ii) August 1 through October 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(c) From the stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Open the fourth Saturday in April through October 31 for juvenile anglers only. Trout: No minimum length.

(387) **Whatcom, Lake (Whatcom County):**

(a) Open the fourth Saturday in April through October 31, except the waters between the Electric Avenue Bridge and the outlet dam are closed.

(b) Cutthroat trout: Catch and release only.

(388) **Whatcom, Lake, tributaries (Whatcom County):** Closed.

(389) White (Stuck) River (Pierce County):

(a) From the mouth to R Street Bridge in Auburn(=~~(i) Open October~~), open November 1 through (~~October~~

31)) January 15:

~~((A) Fly fishing only.~~

~~(B) Catch and release only.~~

~~(ii) Open November 1 through January 15: Trout minimum length 14 inches.~~

~~(iii) October 1 through January 15:~~

~~(A) Selective gear rules apply.~~

~~(B) Night closure in effect.)) (i) Night closure in effect.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Trout minimum length 14 inches.~~

(b) From R Street Bridge to the Highway 410 Bridge at Buckley:

(i) Open October 1 through October 31, except closed in the Puget Power canal, including the screen bypass channel above the screen at Dingle Basin.

(ii) Selective gear rules apply.

(iii) Night closure in effect.

(iv) Trout: Minimum length 14 inches.

(c) From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) upstream to the source:

(i) Open July 1 through October 31.

(A) October 1 through October 31: Night closure in effect.

(B) Selective gear rules apply.

(C) Catch and release only.

(ii) Open for whitefish only November 1 through January 31; whitefish gear rules apply.

(390) Whitechuck River (Snohomish County):

(a) Open the first Saturday in June through (~~October~~ 31)) September 15.

(b) Selective gear rules apply.

(c) It is permissible to retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(391) **Wildberry Lake (Mason County):** Open the fourth Saturday in April through October 31.

(392) **Wildcat Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

(393) Wilderness Lake (King County):

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

(b) Landlocked salmon rules apply.

(394) **Wilkeson Creek (Pierce County) (South Prairie Creek tributary) upstream of confluence with Gale Creek:** Open the first Saturday in June through August 31 and October 16 through October 31.

(395) Woodard Creek (Thurston County):

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

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(396) **Wood Lake (Mason County):** Open the fourth Saturday in April through October 31.

(397) Woodland Creek (Thurston County):

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

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(398) **Woods Creek, East Fork (Snohomish County) (Skykomish River tributary):** Open the first Saturday

before Memorial Day through October 31 upstream of Old Pipeline Road above Woods Creek Falls, including tributaries and beaver ponds.

(399) **Wooten Lake (Mason County):** Open the fourth Saturday in April through October 31.

(400) **Wye Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

(401) **Youngs Creek (Snohomish County) (Skykomish River tributary) (Elwell Creek tributary, Skykomish River tributary near town of Sultan):** Open the Saturday before Memorial Day through October 31 above Potson Road (299th Avenue S.E. Bridge) including all tributaries and beaver ponds.

AMENDATORY SECTION (Amending WSR 15-13-081, filed 6/12/15, effective 7/13/15)

WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits. (1) It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas and during the seasons, in the quantities, and for the species designated in this section, and in the sizes as defined in WAC 220-56-180. An area is open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters under WAC 232-28-620.

(2) Catch Record Card Area 5:

(a) May 1 through June 30: Closed.

(b) July 1 through August 15:

(i) Daily limit of 2 salmon.

(ii) Release chum, wild Chinook and (~~wild~~) coho.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(iv) In years ending in even numbers, 2 additional sockeye salmon may be retained as part of the daily limit.

~~(c) ((August 16 through September 11:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release chum, Chinook and wild coho.~~

~~(iii) In years ending in odd numbers, any combination of 2 additional pink or sockeye salmon through September 11 may be retained as part of the daily limit.~~

~~(d) September 12 through September 30:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release chum and Chinook.~~

~~(iii) Release wild coho salmon September 15 through September 18, September 22 through September 25, and September 28 through September 30.~~

~~(e) October 1 through October 31:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release Chinook.~~

~~(f) November 1)) August 16 through February 15: Closed.~~

~~((g)) (d) February 16 through April 30:~~

~~(i) Daily limit of 2 salmon.~~

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

(3) Catch Record Card Area 6:

(a) May 1 through June 30: Closed.

(b) July 1 through August 15:

(i) Daily limit of 2 salmon.

(ii) Release chum, wild Chinook and (~~wild~~) coho.

(iii) Release all Chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.

(iv) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(v) In years ending in even numbers, 2 additional sockeye salmon may be retained as part of the daily limit.

~~(c) ((August 16 through September 30:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release chum, Chinook and wild coho.~~

~~(iii) In years ending in odd numbers, any combination of 2 additional pink or sockeye salmon may be retained as part of the daily limit.~~

~~(iv) In years ending in even numbers, 2 additional sockeye salmon may be retained as part of the daily limit.~~

~~(d))~~ Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through October 31.

~~((e) October 1 through October 31:~~

~~(i) Daily limit of 2 salmon, release wild Chinook.~~

~~(ii) Waters inside the line described in this subsection are closed at all times except during October.~~

~~(f) November 1 through November 30: Closed.~~

~~(g))~~ (d) August 16 through November 30: Closed except in Dungeness Bay as described in this section.

(e) December 1 through April ((40)) 15:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook and coho.

~~((h))~~ (f) April ((41)) 16 through April 30: Closed.

~~((i))~~ (g) Waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy, and then to the Port Williams Boat Ramp are closed except:

(i) For years ending in odd numbers, July 16 through August 15: Daily limit of 4 pink salmon only: Bait prohibited, and only one single-point barbless hook measuring one-half inch or less from point to shank may be used.

(ii) October 1 through October 31: Daily limit of 2 hatchery coho only.

(4) Catch Record Card Area 7:

(a) May 1 through June 30: Closed.

(b) July 1 through July 31:

(i) Daily limit of 2 salmon (~~no more than one may be a Chinook salmon~~).

(ii) Release wild Chinook and coho.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

~~((j))~~ (iv) In years ending in even numbers, 2 additional sockeye salmon may be retained as part of the daily limit.

~~((k))~~ (v) Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7-))

(c) August 1 through September 30:

(i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(ii) Release chum and wild coho.

(iii) In years ending in odd numbers, any combination of 2 additional pink or sockeye salmon may be retained as part of the daily limit.

(iv) In years ending in even numbers, any combination of 2 additional sockeye salmon may be retained as part of the daily limit.

(v) Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(d) October 1 through October 31:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook and coho.

(e) Waters of Samish Bay described in WAC 220-56-195(4): Closed April 1 through April 30 and July 1 through October 15.

(f) November 1 through November 30: Closed.

(g) December 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook and coho.

(h) Waters of Bellingham Bay described in WAC 220-56-195(1):

(i) Closed April 1 through April 30 and July 1 through August 15.

(ii) August 16 through September 30: Daily limit of 4 salmon; no more than 2 may be Chinook salmon.

(iii) October 1 through October 31:

(A) Daily limit of 4 salmon; no more than 2 may be Chinook salmon.

(B) Release wild Chinook and coho.

(iv) November 1 through March 31 and June 1 through June 30: Same rules as Area 7.

(i) Waters east of a line from Gooseberry Point to Sandy Point: Closed September 8 through October 15.

(5) Catch Record Card Area 8-1:

(a) May 1 through ~~((July))~~ October 31: Closed.

~~((b) ((August 1 through September 30:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release Chinook.~~

~~(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.~~

~~(c) October 1 through October 31:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release Chinook.~~

~~((d))~~ November 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook and coho.

(6) Catch Record Card Area 8-2:

(a) May 1 through ~~((July))~~ October 31 are closed, except~~((:))~~ waters described in this subsection.

(i) Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point are open only from Friday through 11:59 a.m. the following Monday of each week, May ((27)) 26 through ((June 10 and June 12 through July 31)) September 5:

~~((j))~~ (A) Daily limit of 2 salmon.

~~((k))~~ (B) Release wild Chinook and coho.

(C) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(ii) Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Her-

mosa Point are open only from Saturday through Sunday of each week, September 6 through September 30:

~~(A) Daily limit of 2 salmon.~~

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

(C) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

~~(b) ((August 1 through September 30:~~

~~(i) Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort, to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point:~~

~~(A) August 1 through September 7: Open only from Friday through 11:59 a.m. the following Monday of each week.~~

~~(f) Daily limit of 2 salmon.~~

~~(H) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.~~

~~(B) September 8 through September 27, open only Saturday and Sunday of each week:~~

~~(f) Daily limit of 2 salmon.~~

~~(H) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.~~

~~(C) September 28 through September 30: Same rules as remainder of Area 8-2.~~

~~(ii) All other waters of Area 8-2:~~

~~(A) Daily limit of 2 salmon.~~

~~(B) Release Chinook.~~

~~(C) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.~~

~~(e) October 1 through October 31:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release Chinook.~~

~~(d)) November 1 through April 30:~~

~~(i) Daily limit of 2 salmon.~~

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

(7) Catch Record Card Area 9:

(a) May 1 through June 30: Closed.

(b) July 1 through July 15:

(i) Daily limit of 2 salmon.

(ii) Release coho, Chinook and chum.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) July 16 through August ~~((34))~~ 16:

(i) Daily limit of 2 salmon; no more than one may be a Chinook.

(ii) Release coho, chum and wild Chinook~~((; release Chinook from August 16 through August 31))~~.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(iv) Closed south of a line from Foulweather Bluff to Olele Point through August 15~~((; except it is permissible to fish from shore between the southern and northern boundaries of Salsbury Point Park:~~

~~(A) Daily limit of 2 salmon.~~

~~(B) Release Chinook and chum.~~

~~(C) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.~~

~~(d) September 1 through September 30:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release chum and Chinook.~~

~~(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.~~

~~(e) October 1 through October 31:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release Chinook).~~

~~(d) August 16 through October 31: Closed.~~

~~((f)) (e) November 1 through November 30:~~

~~(i) Daily limit of 2 salmon.~~

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

~~((g)) (f) December 1 through January 15: Closed.~~

~~((h)) (g) January 16 through April 15:~~

~~(i) Daily limit of 2 salmon.~~

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

~~((i)) (h) April 16 through April 30: Closed.~~

~~((j)) (i) Edmonds Fishing Pier:~~

~~(i) Open ((year-round)) November 1 through August 31.~~

~~(ii) Daily limit of 2 salmon; no more than one may be a Chinook salmon.~~

~~(ii) Release coho, Release chum from August 1 through September 30.~~

~~(iv) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.~~

(8) Catch Record Card Area 10:

(a) May 1 through May 31: Closed.

(b) June 1 through June 30: Open only north of a line from Point Monroe to Meadow Point. Catch and release.

(c) July 1 through ~~((August 31))~~ July 15:

(i) Daily limit of 2 salmon.

(ii) Release coho, Chinook and chum.

~~(d) July 16 through August 15:~~

~~(i) Daily limit of 2 salmon; no more than one may be a Chinook.~~

~~(ii) Release coho, chum and wild Chinook.~~

~~(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.~~

~~((d) September 1 through September 30:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release chum through September 15.~~

~~(iii) Release Chinook.~~

~~(iv) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.)~~

~~(e) August 16 through October 31: Closed.~~

~~(f) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point: Closed July 1 through August 31.~~

~~((f)) (g) Waters of Elliott Bay east of a line from West Point to Alki Point: Closed July 1 through August 31, except: In years ending in odd numbers: Those waters north of a line from Jack Block Park through the north tip of Harbor Island to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W), open August 14 through August 31 from Friday through Sunday of each week only.~~

~~(i) Daily limit of 2 salmon plus 2 additional pink salmon.~~

~~(ii) Release Chinook and chum.~~

~~(iii) Bait prohibited, and only one single-point barbless hook measuring one-half inch or less from point to shank may be used.~~

~~((g)) (h) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true~~

west from Battle Point, and west of a line drawn true south from Point White:

- (i) Daily limit of 3 salmon, July 1 through September 30.
- (ii) Release wild Chinook and wild coho.
- (iii) Release chum from August 1 through September 15.
- (iv) In years ending in odd numbers, one additional pink salmon may be retained as part of the daily limit.

~~((h) October)) (i) November 1 through ((January 31)) February 28:~~

- (i) Daily limit of 2 salmon.
- (ii) Release wild Chinook and coho.
- ~~((h))~~ (j) Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point: Fly fishing only, lead core lines prohibited, and catch and release from January 1 through January 31.

~~((j) February)) (k) March 1 through April 30: Closed.~~

~~((k))~~ (l) Elliott Bay Fishing Pier at Terminal 86~~(;)~~ and Seacrest Pier~~(; Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier, open year-round))~~ open November 1 through August 31:

- (i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.
- (ii) Release coho. Release chum from August 1 through September 15.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.

~~((h))~~ (m) Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier, open year-round:

(i) Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(ii) Release wild coho. Release chum from August 1 through September 15.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.

(n) Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line projected through Southwest Hanford Street on Harbor Island, from July 1 through October 31 night closure, anti-snagging rule, and only fish hooked inside the mouth may be retained.

~~((m))~~ (o) Free-flowing freshwaters are closed downstream of the mouth at Chico Creek and Gorst Creek.

(9) Catch Record Card Area 11:

(a) May 1 through May 31: Closed.

(b) June 1 through June 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook and coho.

(iii) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock are closed.

(c) July 1 through ~~((September 30))~~ August 31:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook and coho.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(iv) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock, closed July 1 through July 31.

~~((October 1 through December 31:~~

~~(i) Daily limit of 2 salmon.~~

~~(ii) Release wild Chinook.~~

~~((e) January))~~ September 1 through January 31: Closed.

~~((f))~~ (e) February 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook and coho.

(iii) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock, closed from April 1 through April 30.

~~((g))~~ (f) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier, and Point Defiance Boathouse Dock are open ~~((year-round))~~ November 1 through August 31:

(i) Daily limit of 2 salmon, not more than one of which may be a Chinook salmon. Release coho.

(ii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.

(10) Catch Record Card Area 12:

(a) May 1 through June 30: Closed.

(b) July 1 through ~~((October 15))~~ September 30, in waters south of Ayock Point except waters listed in this subsection:

(i) Daily limit of 4 salmon~~((; no more than 2 may be Chinook salmon))~~.

(ii) Release chum and wild Chinook.

(iii) Waters within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodspport Salmon Hatchery:

(A) Daily limit of 4 salmon.

(B) Release wild Chinook and chum.

(C) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

(D) Hoodspport Salmon Hatchery ADA-access site: Persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-55-065 may fish from the ADA-access site at the Hoodspport Salmon Hatchery, as long as persons follow all applicable department rules.

(c) ~~((July 1))~~ In years ending in even numbers, August 16 through ~~((October 15))~~ September 30, in waters north of Ayock Point:

(i) Daily limit of 4 salmon.

(ii) Release chum and Chinook.

(iii) Waters north of a line true east from Broad Spit: Closed September 16 through September 30.

(d) In years ending in odd numbers, July 1 through August 15, in waters north of Ayock Point:

(i) Daily limit of 4 salmon.

(ii) Release chum and Chinook.

(iii) July 1 through July 31: Bait prohibited, and only one single-point barbless hook measuring one-half inch or less from point to shank may be used.

(iv) Waters north of a line true east from Broad Spit: Closed September 16 through ~~((October 15-~~

~~((4))~~) September 30.

(e) October ~~((46))~~ (1) through December 31:

(i) Waters north of a line true east from Broad Spit - Closed.

(ii) All other waters except ~~((Hoodspport Hatchery Zone))~~ waters listed in this subsection:

(A) Daily limit of 4 salmon; no more than 2 may be Chinook salmon.

(B) Release wild Chinook. Release chum October 1 through October 15.

(iii) Waters within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodspport Salmon Hatchery:

(A) Daily limit of 4 salmon.

(B) Release wild Chinook. Release chum October 1 through October 15.

(C) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

(D) Hoodspport Salmon Hatchery ADA-access site: Persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-55-065 may fish from the ADA-access site at the Hoodspport Salmon Hatchery, as long as persons follow all applicable department rules.

~~((e))~~ January 1 through January 31: Closed.

~~((February))~~ January 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

~~(g) ((July 1 through December 31, the Hoodspport Hatchery Zone is managed separately from the remainder of Area 12. See WAC 220-56-124.~~

~~((h))~~ July 1 through ((October 15)) September 30: Free-flowing freshwater is closed downstream of the mouth of the Dewatto, Dosewallips, Duckabush, Hamma Hamma, and Skokomish rivers.

(11) Catch Record Card Area 13:

(a) May 1 through June 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook and coho.

(b) July 1 through ~~((September 30))~~ August 31:

(i) Daily limit of 2 salmon.

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

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) September 1 through September 30: Closed.

(d) October 1 through October 31:

(i) Daily limit of 2 salmon.

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

~~((e))~~ (e) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed April 16 through September 30.

~~((e))~~ (f) Waters of Budd Inlet south of the Fourth Avenue Bridge are closed.

(i) Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 16 through October 31.

(ii) Waters north of the Thriftway Market-railroad bridge line and south of a line projected due west from the KGY radio tower: Night closure and anti-snagging rule from July 16 through October 31.

~~((f))~~ (g) November 1 through April 30:

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook and coho.

~~((g))~~ (h) Fox Island Public Fishing Pier, open ((year-round)) November 1 through August 31:

(i) Daily limit 2 salmon; no more than one may be a Chinook salmon. Release coho.

(ii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit July 1 through September 30.

(12) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested salmon. If the person has harvested salmon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

WSR 16-13-147

PROPOSED RULES SOUTHWEST CLEAN AIR AGENCY

[Filed June 22, 2016, 10:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-10-044 and 11-12-047.

Title of Rule and Other Identifying Information: See Reviser's note below.

Hearing Location(s): Office of the Southwest Clean Air Agency (SWCAA), 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, on September 1, 2016, at 3:00 p.m.

Date of Intended Adoption: September 1, 2016.

Submit Written Comments to: Wess Safford, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, e-mail wess@swcleanair.org, fax (360) 576-0925, by August 25, 2016.

Assistance for Persons with Disabilities: Contact Tina Hallock by August 25, 2016, TTY (360) 574-3058.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: See Reviser's note below.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 70.94.141.

Statute Being Implemented: RCW 70.94.141.

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

Name of Proponent: SWCAA, governmental.

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. Changes proposed by SWCAA are consistent with federal or state rules already in

effect. This agency is not subject to the small business economic impact provision of chapter 19.85 RCW. A fiscal analysis has been performed to establish the basis for any proposed fee increases. Copies of this analysis are available from SWCAA.

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

June 22, 2016
Uri Papish
Executive Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 16-15 issue of the Register.

WSR 16-13-152
PROPOSED RULES
GAMBLING COMMISSION

[Filed June 22, 2016, 11:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-09-032.

Title of Rule and Other Identifying Information: Amending WAC 230-15-135 Wagering limits for nonhouse-banked card games.

Hearing Location(s): South Puget Sound Community College, Lacey Campus, 4220 6th Avenue S.E., Lacey, WA 98503, (360) 709-2075, on August 8 or 9, 2016, at 11:30 a.m. NOTE: Meeting dates and times are tentative. Visit our web site at www.wsgc.wa.gov and select public meeting about ten days before the meeting to confirm meeting date/location/start time.

Date of Intended Adoption: August 8 or 9, 2016.

Submit Written Comments to: Susan Newer, P.O. Box 42400, Olympia, WA 98504-2400, e-mail Susan.Newer@wsgc.wa.gov, fax (360) 486-3625, by August 1, 2016.

Assistance for Persons with Disabilities: Contact Julie Anderson by August 1, 2016, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Mr. Teeny is requesting increased wagering limits for nonhouse-banked card games, such as poker. Specifically, the proposed change would:

- Increase the maximum amount of a single wager on any authorized poker game, not just Texas Hold 'Em, from \$40 to \$100 at a Class F card rooms [room]; and
- Increase the maximum amount of a single wager on any authorized poker game, not just Texas Hold 'Em, played at house-banked card room licensees to \$300, the same limits as those for house-banked card games.

Statutory Authority for Adoption: RCW 9.46.070 and 9.46.0282.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Washington state gambling commission, governmental.

Name of Agency Personnel Responsible for Drafting: Tina Griffin, Assistant Director, Lacey, (360) 486-3546; Implementation: David Trujillo, Director, Lacey, (360) 486-3512; and Enforcement: Josh Stueckle, Acting Agent-in-Charge, Spokane, (509) 325-7909.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement was not prepared because the rule changes would not impose additional costs.

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.

June 22, 2016
Michelle Rancour
Assistant to Deputy Director

AMENDATORY SECTION (Amending WSR 12-21-048, filed 10/12/12, effective 1/1/13)

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; however, class F may offer a maximum single wager not to exceed one hundred dollars; and house-banked card game licensees may offer a single wager not to exceed ~~((one hundred dollars for the game of Texas Hold'em))~~ three hundred dollars;

(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.

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 16-13-155
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 22, 2016, 11:53 a.m.]

Supplemental Notice to WSR 16-06-102.

Preproposal statement of inquiry was filed as WSR 16-02-118 on January 6, 2016.

Title of Rule and Other Identifying Information: WAC 220-47-307 Closed areas—Puget Sound salmon, 220-47-311 Purse seine—Open periods, 220-47-401 Reef net—Open periods, 220-47-411 Gillnet—Open periods, and 220-47-428 Beach seine—Open periods.

Hearing Location(s): Natural Resources Building, Room 630, 1111 Washington Street S.E., Olympia, WA 98504, on Tuesday, July 26, 2016, at 1 p.m. to 2 p.m.

Date of Intended Adoption: On or after August 2, 2016.

Submit Written Comments to: Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail rules.coordinator@dfw.wa.gov, fax (360) 902-2156, by July 22, 2016.

Assistance for Persons with Disabilities: Contact Tami Lininger by July 22, 2016, (360) 902-2207 or TTY 1-800-833-6388.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal includes rule changes to the Puget Sound commercial salmon fishery needed as a result of the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council. This proposal reflects additional changes to WAC 220-47-307, 220-47-311, 220-47-401, 220-47-411, and 220-47-428 from what was proposed in WSR 16-06-102, filed on March 1, 2016.

The following summarizes changes made since the filing of the original CR-102 that was filed as WSR 16-06-102. These changes were made based on public input received and negotiations with tribal comanagers.

For Puget Sound salmon closed areas, WAC 220-47-307, changes include:

Closure during chum directed fisheries of that portion of Area 10 east of a line from Alki Point to Fourmile Rock.

Addition of purse seine closure in Area 12 in those waters within two miles of the Hood Canal Bridge on October 24 and October 31.

Season Structure Changes:

For purse seine open periods, WAC 220-47-311, changes include:

Areas 7 and 7A chum: Adjustment to open days during the chum fishery, per tribal agreement.

Area 8A and 8D: Closed to protect weak coho stocks.

Areas 10 and 11 chum: Adjustment to days scheduled in weeks 43, 44, 46, 47, including removal of second day of fishing in weeks 44, 46 and adding one day of fishing in week 47.

Areas 12 and 12B chum: Adjustment to days scheduled in weeks 43, 44, 46, 47, including removal of second day of fishing in weeks 44, 46 and adding one day of fishing in week 47.

For gillnet open periods, WAC 220-47-411, changes include:

Areas 7 and 7A chum: Adjustment to open days during the chum fishery, per tribal agreement.

Areas 7B and 7C Chinook: Adjustment to start fishery in week 33, similar to recent years.

Area 8A and 8D: Closed to protect weak coho stocks.

Areas 10 and 11 chum: Adjustment to days scheduled in weeks 43 and 44.

Areas 12 and 12B chum: Adjustment to days scheduled in weeks 43 and 44.

For beach seine open periods, WAC 220-47-428, changes include:

Area 12C, Hoodsport Hatchery Zone: Opening Chinook directed beach seine fishery in the Hoodsport Hatchery Zone.

Reasons Supporting Proposal: These changes incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable fish in commercial salmon fisheries in Puget Sound while protecting species of fish listed as endangered.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.020, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.013, 77.04.020, 77.12.045, and 77.12.047.

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

Name of Proponent: Washington department of fish and wildlife (WDFW), governmental.

Name of Agency Personnel Responsible for Drafting: Kendall Henry, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2717; Implementation: Ron Warren, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2799; and Enforcement: Steven Crown, 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, Recordkeeping, and Other Compliance Requirements of the Proposed Rule:

These rules will incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable salmon in Puget Sound while protecting species of fish, marine mammals, and sea birds listed as endangered. The rules 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:

These rule changes clarify dates for anticipated open periods and areas for full-fleet and limited-participation salmon fisheries, and legal gear requirements for those fisheries. There are no anticipated professional services required to comply.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs:

The proposed rules adjust opening and closing dates. The proposed rules do not require any additional equipment, supplies, labor, or administrative costs.

Therefore, there is no additional cost to comply with the proposed rules.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? The proposed rules do not affect the harvestable numbers of salmon available to nontreaty fleets. Therefore, the proposed rules should not cause any businesses to lose sales or revenue.

5. Cost of Compliance for Small Businesses Compared with the Cost of Compliance for the Ten Percent 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:

1. Cost per employee;
2. Cost per hour of labor; or
3. Cost per one hundred dollars of sales.

None, the proposed rules do not require any additional equipment, supplies, labor, or administrative costs.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses, or Reasonable Justification for Not Doing So: Most businesses affected by these rules are small businesses. As indicated above, all of the gear restrictions proposed by the rules are identical to gear restrictions WDFW has required in past salmon fishery seasons. Therefore, the gear restrictions will not impose new costs on small businesses.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: As in previous years, WDFW interacts with and receives input from affected businesses through the North of Falcon process, which is a series of public meetings occurring from February through April each year. These meetings allow small businesses to participate in formulating these rules.

8. A List of Industries That Will Be Required to Comply with the Rule: All licensed fishers attempting to harvest salmon in the all-citizen commercial salmon fisheries occurring in Puget Sound will be required to comply with these rules.

9. An Estimate of the Number of Jobs That Will Be Created or Lost as a Result of Compliance with the Proposed Rule: As explained above, these rules impose similar requirements to those used in the previous years' commercial salmon fisheries. Compliance with the rules will not result in the creation or loss of jobs.

A copy of the statement may be obtained by contacting Scott Bird, WDFW Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2403, fax (360) 902-2156, e-mail rules.coordinator@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

June 22, 2016
Scott Bird
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-17-034, filed 8/11/15, effective 9/11/15)

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 pur-

poses 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 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 -

(1) 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.

(2) That portion of Bellingham Bay and Portage Bay adjacent to Lummi Indian Reservation is closed north and west of a line from the intersection of Marine Drive and Hoff Road (48°46'59"N, 122°34'25"W) projected 180° true for 2.75 nautical miles (nm) to a point at 48°45'11"N, 122°34'25"W, then 250° true for 1.4 nm to a point at 48°44'50"N, 122°35'42"W, then 270° true for 1.4 nm to

48°44'50"N, 122°37'08"W, then 230° true for 1.3 nm to 48°44'24"N, 122°37'52"W, then 200° true for 1 nm to 48°43'45"N, 122°38'12"W, then 90° true for 1 nm to a point just northeast of Portage Island (48°43'45"N, 122°37'14"W), then 160° true for 1.4 nm to a point just east of Portage Island (48°42'52"N, 122°36'37"W).

~~((3) Additional coho seasonal closure: September 1 through September 21, closed to gillnets in the waters of Area 7B west of a line from Point Francis (48°41'46"N, 122°36'32"W) to the red and green buoy southeast of Point Francis (48°40'27"N, 122°35'24"W), then to the northernmost tip of Eliza Island (48°39'38"N, 122°35'14"W), then along the eastern shore of the island to its southernmost tip (48°38'40"N, 122°34'57"W) and then north of a line from the southernmost tip of Eliza Island to Carter Point (48°38'24"N, 122°36'31"W). Nontreaty purse seiners fishing September 1 through September 21 in this area must release coho.))~~

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 McGlenn 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, except when open for pink fisheries.

(2) Additional 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 westerly of a line projected from Point Jefferson to the northernmost portion of Point Monroe.

(3) Additional pink seasonal closure: The area east inside of the line originating from West Point and extending west to the closest midchannel buoy, thence true through Point Wells until reaching latitude 47°44'500"N, thence extending directly east to the shoreline.

(4) Additional purse seine pink seasonal closure: The area within 500 feet of the eastern shore in Area 10 is closed to purse seines north of latitude 47°44'500"N.

(5) Additional coho and chum seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light

at Fourmile 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.

Areas 12, 12B, and 12C - Those waters within 1,000 feet of the eastern shore.

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.

~~((2) Additional purse seine chum seasonal closure: Those waters of Area 12 within 2 statute miles of the Hood Canal Bridge are closed to purse seines on October 26 and November 3.))~~

Area 12 - Additional purse seine chum seasonal closures:

(1) 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 are closed to purse seines except this area is open for purse seines on October 24 and October 31.

(2) Those waters of Area 12 within 2 miles of the Hood Canal Bridge are closed to purse seines on October 24 and October 31.

Area 12A -

(1) Those waters north of a line projected due east from Broad Spit.

(2) Those waters within 1,000 feet of the mouth of the Quilcene River.

Area 12B -

(1) Those waters within 1/4-mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

(2) 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 Hoodsport 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.

~~((Area 12—Chum seasonal closures:~~

~~(1) 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 are closed to purse seines except this area is open for purse seines on October 27 and November 3.~~

~~(2) Those waters of Area 12 within 2 miles of the Hood Canal Bridge are closed to purse seines on October 27 and November 3.)~~

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 15-17-034, filed 8/11/15, effective 9/11/15)

WAC 220-47-311 Purse seine—Open periods. (1) 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 - 6PM	- <u>10/10, 10/12, 10/13, 10/15, 10/16, 10/17, 10/18, 10/19, 10/20, 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29</u> (10/30, 10/31)
	7AM - 5PM	- <u>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</u>

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—9PM	- 8/12)
7B, 7C:	6AM - 8PM	- ((8/19, 8/26, 9/2)) <u>8/10, 8/17, 8/24, 8/31</u>
7B:	6AM - 8PM	- <u>9/5, 9/7, 9/9</u> ((9/11))
	7AM - 7PM	- <u>9/12, 9/14, 9/16</u> ((9/18))
	7AM ((9/20))	- 6PM ((10/24)) <u>10/29</u>
	<u>9/18</u>	
	7AM ((10/26))	- 4PM ((10/30)) <u>11/4</u>
	<u>10/31</u>	
	7AM ((11/2))	- 4PM ((11/6)) <u>11/11</u>
	<u>11/7</u>	

AREA	TIME	DATE
	7AM ((11/9))	- 4PM ((11/13)) <u>11/18</u>
	<u>11/14</u>	
	7AM ((11/16))	- 4PM ((11/20)) <u>11/25</u>
	<u>11/21</u>	
	((7AM—11/23	- 4PM 11/27))

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squilicum 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:	((6AM—8PM))	- ((8/25, 9/2, 9/9))
	<u>Closed</u>	
8A:	((7AM—7PM))	- ((8/18, 8/26, 9/1))
	<u>Closed</u>	
	((7AM—7PM	- Limited participation—Two boats—9/14, 9/21))
8D:	((7AM—7PM))	- ((9/21, 9/28, 10/5))
	<u>Closed</u>	
	((7AM—6PM	- 10/12, 10/20, 10/26, 10/28
	7AM—5PM	- 11/3, 11/9, 11/11, 11/17, 11/24
10:	7AM—7PM	- Limited participation—Five boats—only 8/19, 8/25, 8/27, 8/31, 9/2))
10, 11:	7AM - 6PM	- ((10/15, 10/19, 10/26)) <u>10/20, 10/24, 10/31</u>
	7AM - 5PM	- ((11/3, 11/9, 11/11, 11/17, 11/24)) <u>11/08, 11/14, 11/16, 11/22</u>
12, 12B:	7AM - 6PM	- ((10/15, 10/19, 10/26)) <u>10/20, 10/24, 10/31</u>
	7AM - 5PM	- ((11/3, 11/9, 11/11, 11/17)) <u>11/08, 11/14, 11/16</u>
12C:	7AM - 5PM	- ((11/3, 11/9, 11/11, 11/17, 11/24)) <u>10/31, 11/08, 11/14, 11/16, 11/22</u>

Note: In Area 10 during any open period occurring in August or September, it is unlawful to fail to brail or use a brailing bunt 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).

(2) It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

(a) Chinook salmon - At all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C, and after October 20 in Area 7B.

(b) Coho salmon - At all times in Areas 7, 7A, 10, and 11, and prior to September 1 in Area 7B.

(c) Chum salmon - Prior to October 1 in Areas 7 and 7A, and at all times in 8A.

(d) All other saltwater and freshwater areas - Closed for all species at all times.

AMENDATORY SECTION (Amending WSR 15-17-034, filed 8/11/15, effective 9/11/15)

WAC 220-47-411 Gillnet—Open periods. It is unlawful to take, fish for, or possess salmon taken with gillnet gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for in each respective fishing area:

AREA	TIME		DATE(S)	MINIMUM MESH
6D: Skiff gillnet only, definition WAC 220-16-046 and lawful gear description WAC 220-47-302.	7AM	-	7PM 9/21, 9/22, 9/23, ((9/24, 9/25)) <u>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, 10/27, 10/28</u> ((10/29, 10/30))	5"

Note: In Area 6D, it is unlawful to use other than 5-inch minimum mesh in the skiff gillnet 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:	7AM	-	Midnight; use of recovery box required <u>10/10, 10/12, 10/13, 10/15, 10/16, 10/17, 10/18, 10/19, 10/20, 10/21, 10/22</u>	6 1/4"
	7AM	-	Midnight ((10/18, 10/19, 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, <u>11/8, 11/9, 11/10, 11/11, 11/12</u>	6 1/4"

Note: In Areas 7 and 7A after October 9 ~~((but))~~ and prior to October ~~((18))~~ 23, 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 gillnet web enters the water, until the gillnet is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-47-302 (5)(a) through (f) when coho and Chinook release is required.

7B, 7C:	7PM	-	8AM NIGHTLY ((8/9, 8/11, 8/12)) <u>8/7, 8/8, 8/9, 8/14, 8/15, 8/16, 8/17, ((8/18, 8/19)) 8/21, 8/22, 8/23, 8/24</u> ((8/25, 8/26))	7"
7B, 7C:	7AM ((8/30)) <u>8/28</u>	-	7AM ((9/4)) <u>9/2</u>	5"
7B:	7AM ((9/6)) <u>9/4</u>	-	7AM ((9/11)) <u>9/9</u>	5"
	7AM ((9/13)) <u>9/11</u>	-	7AM ((9/18)) <u>9/16</u>	5"
	7AM ((9/20)) <u>9/18</u>	-	Midnight ((10/23)) <u>10/29</u>	5"
	7AM ((10/26)) <u>10/31</u>	-	4PM ((10/30)) <u>11/4</u>	6 1/4"
	6AM ((11/2)) <u>11/7</u>	-	4PM ((11/6)) <u>11/11</u>	6 1/4"
	6AM ((11/9)) <u>11/14</u>	-	4PM ((11/13)) <u>11/18</u>	6 1/4"
	((6AM-11/16)) <u>7AM</u> <u>11/21</u>	-	4PM ((11/20)) <u>11/25</u>	6 1/4"
	((7AM-11/23))	-	4PM 11/27	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 gillnets using 6 1/4-inch minimum mesh beginning 12:01 AM on the last day in October and until 4:00 PM on the first Friday in December.

8:	5AM	-	11PM ((8/26, 9/1, 9/8)) <u>closed</u>	5"
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AREA TIME DATE(S) MINIMUM MESH
 Note: In Area 8 it is unlawful to take or fish for pink salmon with drift gillnets greater than 60-mesh maximum depth. Fishers must also use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.

8A: ((5AM - 11PM 8/19, 8/25, 9/2 5"))
 6PM - 8AM ((Limited participation; 2 boats only- 5"
 9/16)) Closed
 ((6PM - 8AM NIGHTLY 9/22, 9/23 5"))

Note: In Area 8A fishers must use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.

8D: 6PM - 8AM ((NIGHTLY 9/20, 9/24, 9/27, 10/1, 5"
 10/4, 10/8)) Closed
 ((6PM- 8AM 9/24 5"
 9/21
 6PM 9/28 - 8AM 10/1 5"
 6PM 10/5 - 8AM 10/8 5"
 5PM - 8AM 10/11, 10/15 5"
 5PM- 8AM 10/15 5"
 10/12
 5PM - 9AM 10/18, 10/22, 10/25, 10/29 5"
 5PM- 9AM 10/22 5"
 10/19
 5PM- 9AM 10/29 5"
 10/26
 4PM - 8AM 11/1, 11/5 5"
 4PM 11/2 - 8AM 11/5 5"
 6AM - 6PM 11/11, 11/12, 11/18, 11/19 6 1/4"
 6AM - 4PM 11/13, 11/20 6 1/4"
 7AM - 6PM 11/25, 11/26 6 1/4"
 7AM - 4PM 11/27 6 1/4"))
 9A: Skiff gillnet only, definition 7AM - 7PM ((10/31) 5"
 WAC 220-16-046 and lawful gear ((8/16)) 10/29
 description WAC 220-47-302. 8/14

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: 7PM - 7AM ((Limited participation - 5 boats only- 4 1/2" minimum and 5 1/2"
 8/18, 8/24, 8/26, 9/1, 9/3)) closed maximum

Note: In Area 10 fishers must use minimum 4 1/2" and maximum 5 1/2" mesh during pink salmon management periods. Also, during August or September openings, coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 90 minutes. Net soak time is defined as the time elapsed from when the first of the gillnet web enters the water, until the gillnet is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-47-302 (5)(a) through (f). During all limited participation fisheries, it is unlawful for vessels to take or fish for salmon without department observers on board.

10, 11: 5PM - 9AM NIGHTLY ((10/13, 10/20, 10/22, 6 1/4"
 10/27, 10/29)) 10/16, 10/25, 10/27,
11/1, 11/3
 5PM - 7AM NIGHTLY ((10/44)) 10/19 6 1/4"
 4PM - 8AM ((11/1, 11/4, 11/12)) 11/6, 11/15, 6 1/4"
 ((11/18, 11/22, 11/23)) 11/17, 11/20,
11/23
 4PM - 7AM NIGHTLY ((11/40)) 11/9 6 1/4"
 12A: Skiff gillnet only, definition 7AM - 7PM Dates determined per agreement with 5"
 WAC 220-16-046 and lawful gear description WAC 220-47-302. tribal co-managers in-season if Summer
 Chum Salmon Conservation Initiative
 goals are met allowing for openings of
 gillnet gear.

Note: In Area 12A, it is unlawful to use other than 5-inch minimum mesh in the skiff gillnet 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: 7AM - 8PM ((10/13, 10/14, 10/20, 10/22)) 10/17, 6 1/4"
10/19

AREA	TIME	DATE(S)	MINIMUM MESH
	7AM - 7PM	((10/27, 10/29)) 10/25, 10/27, 11/1, 11/3	6 1/4"
	6AM - 6PM	((11/2, 11/4, 11/10, 11/12, 11/16, 11/18)) 11/7, 11/9, 11/15, 11/17	6 1/4"
12C: ((12C:))	7AM - 7PM	11/1, 11/3	
	6AM - 6PM	((11/2, 11/4, 11/10, 11/12, 11/16, 11/18)) 11/7, 11/9, 11/15, 11/17	6 1/4"
	7AM - 6PM	11/21, 11/23((11/24)))	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.

AMENDATORY SECTION (Amending WSR 15-17-034, filed 8/11/15, effective 9/11/15)

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)))	5AM - 9PM Daily	((9/27-11/7)) 9/18 - 11/12

(2) It is unlawful at all times to retain unmarked Chinook salmon taken with reef net gear, and it is unlawful prior to October 1 to retain chum or unmarked coho salmon taken with reef net gear.

(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 the 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: 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 15-17-034, filed 8/11/15, effective 9/11/15)

WAC 220-47-428 Beach seine—Open periods. (1) It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

All areas:

AREA	TIME	DATE(S)
((6D:))	7AM - 7PM	Limited participation - 2 boats only 7/20, 7/21, 7/22, 7/23, 7/24, 7/27, 7/28, 7/29, 7/30, 7/31))
12A:	7AM - 7PM	((8/24)) 8/22, 8/23, 8/24, 8/25, 8/26, ((8/27, 8/28)) 8/29, 8/30, 8/31, 9/1, 9/2, ((9/3, 9/4)) 9/5, 9/6, 9/7, 9/8, 9/9, ((9/10, 9/11)) 9/12, 9/13, 9/14, 9/15, 9/16, ((9/17, 9/18)) 9/19, 9/20, 9/21, 9/22, 9/23, ((9/24, 9/25)) 9/26, 9/27, 9/28, 9/29, 9/30
((12H))	7AM - 7PM	7/25, 7/27, 8/1, 8/3, 8/8, 8/10, 8/15, 12C, Hoodspout Hatchery Zone: November (dates determined per agreement with tribal co-managers in-season if harvestable surplus of salmon remain).

(2) It is unlawful to retain ~~((Chinook))~~ the following salmon species taken with beach seine gear ~~((in all areas, and it is unlawful to retain chum from Area 12A))~~ within the following areas during the following periods:

- (a) Chinook salmon - At all times in Area 12A.
- (b) Chum salmon - In all areas prior to October 10.