

**WSR 17-12-104**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed June 6, 2017, 3:55 p.m.]

June 5, 2017  
Katherine I. Vasquez  
Rules Coordinator

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-21-081.

Title of Rule and Other Identifying Information: The department is proposing to amend existing sections and create new sections in chapter 388-71 WAC, Home and community services and programs, specifically related to adult day health and adult day care.

Hearing Location(s): Office Building 2, Department of Social and Health Services (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 25, 2017, at 10:00 a.m.

Date of Intended Adoption: Not earlier than July 26, 2017.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m., July 25, 2017.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by July 11, 2017, phone (360) 664-6092, TTY (360) 664-6178, or email [KildaJA@dshs.wa.gov](mailto:KildaJA@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending and adding new sections to chapter 388-71 WAC to define definitions used throughout the chapter, update existing language as it pertains to the center's responsibility in developing a negotiated care plan, and define client rights in regards to restraints including physical restraints, chemical restraints, involuntary seclusion, and the use of medical devices.

Reasons Supporting Proposal: Refer to the purpose statement above.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Statute Being Implemented: RCW 74.39A.400.

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

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Erika Parada, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2450.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The preparation of a small business economic impact statement is not required, as no new costs will be imposed on small businesses or nonprofits as a result of this rule amendment.

A cost-benefit analysis is not required under RCW 34.05.328. Rules are exempt per RCW 34.05.328 (5)(b)(v), rules the content of which is explicitly and specifically dictated by statute.

NEW SECTION

**WAC 388-71-0701 What definitions apply to WAC 388-71-0702 through 388-71-0776?** The following definitions apply to WAC 388-71-0702 through 388-71-0776:

(1) "**Abuse**" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment of a vulnerable adult.

(a) 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.

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

(i) "**Sexual abuse**" means any form of nonconsensual sexual 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 conduct between a staff person, who is not also a client, with a client, of a center.

(ii) "**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, prodding, or use of chemical or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

(iii) "**Mental abuse**" means 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.

(iv) "**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.

(2) "**Adult day care**" or "**ADC**" means a supervised daytime program that provides services under WAC 388-71-0704 for clients who meet the eligibility requirements in WAC 388-71-0708.

(3) "**Adult day center**" means an adult day care or adult day health center.

(4) "**Adult day health**" or "**ADH**" means a supervised daytime program that provides ADC services under WAC 388-71-0704 and skilled services under WAC 388-71-0706 for clients who meet the eligibility requirements in WAC 388-71-0710.

(5) "**Adult day services**" is a generic term that refers to adult day care and adult day health services.

(6) "**Authorizing practitioner**" means a physician, osteopath, nurse practitioner, or physician assistant who has the licensed ability to write medical orders for skilled care and interventions that require a practitioner order.

(7) "**Chemical restraint**" 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.

(8) "**Chronic-care management**" means regular monitoring of the client's chronic health condition, training the client and caregiver, providing treatments or interventions when warranted and regular communication with primary care practitioners and caregivers to help implement and keep current the clinical care plan while ensuring the treatments have the intended effect of improving health, maintaining health, or slowing declining health when the diagnosis is a nonreversible condition.

(9) "**Client**" or "**participant**" means a person who receives services at an adult day center.

(10) "**Department service plan**" means a client's comprehensive assessment reporting evaluation (CARE) assessment including personal care and skilled care needs.

(11) "**Direct care staff**" are staff in an adult day center that interact with participants by providing care, services, and guidance.

(12) "**The discharge plan**" is a plan that outlines specific measurable goals expected to occur due to individualized treatments provided to a participant, indicating discharge is appropriate. This plan is developed and addressed on the participant's ADC and ADH negotiated care plan and is updated with each significant change of condition or when the client partially or completely meets the expected measurable goal(s). Planned discharge outcomes reflect the end of treatment because the client meets the measurable outcomes or he or she is unable to participate in or benefit from treatment.

(13) "**Involuntary seclusion**" means the involuntary confinement of a client to a room or area where the client is physically prevented from leaving.

(14) "**Medical device**" means any piece of medical equipment used to treat a client's assessed need. A medical device is not always a restraint and should not be used as a restraint, unless assessed and approved by a physician or primary care provider. Some medical devices have considerable safety risks associated with use. Examples of medical devices with known safety risks may be, but are not limited to transfer poles, posey or lap belts, and side rails.

(15) "**Maintenance**" is continuing clinically appropriate skilled services that are justified as reasonable, necessary, and appropriate to sustain minimal loss of function. Maintenance interventions have discharge measurable goals that outline when maintenance skilled services are no longer beneficial.

(16) "**Medically necessary**" means the service is reasonably calculated to prevent, diagnose, correct, cure, alleviate, or prevent worsening of conditions in the client that endan-

gers life, causes suffering or pain, results in an illness or infirmity, threatens to cause or aggravate a disability, or causes physical deformity or malfunction.

(17) "**Negotiated care plan**" means a client centered, goal specific service plan that outlines the specific needs of the client, contains measurable, achievable, and realistic goals for the client, states how the adult day center will meet the assessed and agreed upon needs, when the assessed and agreed upon needs will be met, and by what discipline the assessed and agreed upon needs will be met.

(18) "**Physical restraint**" means 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, a vulnerable adult in order to calm or comfort him or her, or holding a vulnerable adults hand to safely escort him or her from one area to another.

(19) "**Preliminary service plan**" means the initial intake, evaluation, and preliminary care plan including the client's strengths, deficits, and potential needs. The adult day center must determine based on the preliminary service plan whether they can meet those needs and accept the client into the adult day program.

(20) "**Rehabilitative service**" means a service provided using applicable physical therapy, occupational therapy, or speech therapy standards of practice and is considered medically necessary if the type, amount, and duration of service outlined in the plan of care increases the likelihood of meeting one or more of the following goals: Improve function, minimize loss of function, improve cognition or minimize loss of cognition, or decrease risk of injury and disease.

(21) "**Significant change**" means:

(a) A lasting change, decline, or improvement in the client's baseline physical, mental, or psychosocial status;

(b) The change is significant enough so that the current assessment or negotiated care plan does not reflect the client's current status; and

(c) A new assessment may be needed when the client's condition does not return to baseline within a two week period of time.

(22) "**Skilled nursing services**" means services that are reasonable and necessary for the treatment of a client's illness or injury and are consistent with the unique nature and severity of the client's illness or injury, his or her particular medical needs, and accepted standards of medical and nursing practices, including WAC 246-840-700, without regard to whether the illness or injury is acute, chronic, terminal, or expected to last for a significant amount of time.

(23) "**Specific goals**" mean expected outcomes individualized to the client's need(s) that stipulate the measurable, detailed, and expected progress the client may make while receiving the service. The specific goals address the who, what, when, why, and how of the expected final outcome. If a client's specific goal is to prevent a decline in his or her condition, the goal must have measurable outcomes that identify the intervention to prevent the decline and how to measure this prevention. If you cannot measure the expected outcome of the clinical intervention then you are not preventing a decline.

AMENDATORY SECTION (Amending WSR 15-01-174, filed 12/23/14, effective 1/23/15)

**WAC 388-71-0702 What is the purpose of adult day services?** (1) WAC 388-71-0702 through 388-71-0776 contains the eligibility requirements for ~~((COPEs))~~ community options program entry system (COPEs) waiver ((and)), roads to community living (RCL) ((demonstration funded)), or other agency approved funding for adult day care and adult day health services.

(2) These rules also contain the requirements that apply to adult day care ~~((or))~~ and adult day health centers that contract with the department, ~~((an))~~ an area agency on aging, ~~((or))~~ other department designee to provide ~~((COPEs waiver and RCL))~~ COPEs waiver and RCL services to department clients, and adult day centers who are owned and operate on a private pay basis. Nothing in these rules may be construed as requiring the department, an area agency on aging, or other designee to contract with an adult day care or adult day health center.

~~((2))~~ (3) An adult day ~~((services program))~~ center is a community-based program designed to meet the needs of adults with impairments through ~~((individual plans))~~ individualized goal specific plans of care. This type of structured, comprehensive, nonresidential program provides a variety of health, social, and related support services in a protective setting. ~~((By supporting))~~ Adult day centers support families and caregivers~~((the goals are))~~ with the following goals:

~~((i) To))~~ (a) Provide ~~((the))~~ an opportunity for the ~~((participant))~~ client to live in ~~((their))~~ his or her community;

~~((ii) To))~~ (b) Provide the ~~((participant))~~ client with ~~((services,))~~ clinical and non~~((clinical))~~ services to meet ~~((their))~~ unmet ~~((skilled))~~ needs;

~~((iii) To))~~ (c) Assist the ~~((participant))~~ client to maintain ~~((maximal))~~ maximum independence in ~~((their))~~ his or her activities of daily living (ADL); and

~~((iv) To))~~ (d) Measure ~~((their))~~ the client's progress through ~~((the))~~ individualized interventions, as outlined in his or her negotiated care plan.

(4) An adult day ~~((services program))~~ center evaluates the client's needs ~~((of the participant served))~~ and offers services with goal specific interventions to meet those needs and enhance ~~((their))~~ his or her quality of life. The ~~((participants served attend))~~ client attends on a scheduled and planned basis. The ~~((centers evaluate the))~~ adult day center evaluates potential ~~((participants))~~ clients to determine if ~~((they are))~~ center is able to ~~((communicate with each participant in order to))~~ meet their identified ~~((need(s)))~~ needs. Nothing in this generic description may be construed to modify the specific services or eligibility requirements referenced in ~~((the definition))~~ this chapter of adult day care and adult day health.

~~((3))~~ The following definitions apply under WAC 388-71-0702 through 388-71-0774:

(a) **"Adult day care"** (ADC) means the services under WAC 388-71-0704 that are provided to clients who meet the eligibility requirement under WAC 388-71-0708.

(b) **"Adult day center"** means an adult day care or adult day health center. A day care or day health center for purposes of these rules is a center operating in a specific location, whether or not the center's owner also operates adult day centers in other locations.

(c) **"Adult day health"** (ADH) means the ADC services and the skilled care services listed under WAC 388-71-0706 that are provided to clients who meet the eligibility requirements under WAC 388-71-0710.

(d) **"Adult day services"** is a generic term referring to adult day care and adult day health services.

(e) **"Authorizing practitioner"** means a physician, osteopath, nurse practitioner and physician assistant who has the licensed ability to write medical orders for skilled care interventions requiring a practitioner order.

(f) **"Chronic care management"** means regular monitoring of the client's chronic health condition, training the client and caregiver, providing treatments or interventions when warranted and regular communication with primary care practitioner and caregivers to help implement and keep current the clinical care plan while ensuring the treatments are having the intended effect of improving health, maintaining health or slowing declining health when the diagnosis is a nonreversible condition.

(g) **"Client"** means an applicant for or recipient of COPEs waiver or RCL reimbursed adult day services.

(h) **"Direct care staff"** are the staff in an adult day center that is interacting with participants by providing care, services, and guidance.

(i) **"The discharge plan" (DC)** outlines specific measurable goals expected to occur due to the skilled individualized treatments provided to the participants indicating discharge is appropriate. This plan is developed and addressed on the client's ADC and/or ADH negotiated care plan and updated with each significant change of condition or when the client partially or completely meets the expected measurable goal(s). Discharge planning outcomes reflect the end of the treatment due to the client meeting the measurable outcomes or stipulating that a client has declined to the point of inability to participate in skilled treatment or is no longer able to benefit from skilled treatment.

(j) **"Maintenance"** is continuing clinically appropriate skilled service(s) which is justified as reasonable, necessary, and/or appropriate to sustain minimal loss of function. Maintenance interventions have discharge measurable goals that outline when maintenance skilled services are no longer beneficial.

(k) **"Medically necessary"** means the service is reasonably calculated to prevent, diagnose, correct, cure, alleviate, or prevent worsening of conditions in the client that endangers life, or causes suffering or pain, or results in an illness or infirmity, or threatens to cause or aggravate a disability, or causes physical deformity or malfunction.

(l) **"Negotiated care plan"** the adult day center must use the participant state assessment, center's evaluation and preliminary service plan to develop a written negotiated care plan. The center must ensure each participant's negotiated care plan includes:

- (1) A list of the care and services to be provided;
- (2) Identification of who will provide the care and services;
- (3) When and how the care and services will be provided;

(4) How medications will be managed, including how the participant will receive their medications when attending the adult day center;

(5) The participant's activities preferences and how the preferences will be met;

(6) Other preferences and choices about issues important to the resident, including, but not limited to:

(a) Food;

(b) Daily routine;

(c) Grooming; and

(d) How the center will accommodate the preferences and choices.

(7) If needed, a plan to:

(a) Follow in case of a foreseeable crisis due to a participant's assessed needs;

(b) Reduce tension, agitation and problem behaviors;

(c) Respond to participant's special needs, including, but not limited to medical devices and related safety plans;

(d) Respond to a participant's refusal of care or treatment, including when the participant's physician or practitioner should be notified of the refusal; and

(8) Identification of any communication barriers the participant may have and how the center will use behaviors and nonverbal gestures to communicate with the resident.

(m) **"Participant"** means clients and other persons receiving adult day services at an adult day center.

(n) The adult day center must ensure that each participant has a preliminary service plan that includes:

(1) The participant's specific problems and needs identified in the assessment;

(2) The needs for which the participant chooses not to accept or refuses care or services;

(3) What the center will do to ensure the participant's health and safety related to the refusal of any care or service;

(4) Participant defined goals and preferences; and

(5) How the center will meet the participant's needs.

(o) **"Rehabilitative service"** is provided using applicable physical therapy or occupational therapy or speech therapy standards of practice and is considered medically necessary if the type, amount, and duration of services outlined in the plan of care increase the likelihood of meeting one or more of these stated goals: To improve function, minimize loss of function, improve cognition or minimize loss of cognition, or decrease risk of injury and disease.

(p) **"Significant change"** means:

(i) A lasting change, decline or improvement in the resident's baseline physical, mental or psychosocial status;

(ii) The change is significant enough so the current assessment and/or negotiated care plan does not reflect the resident's current status; and

(iii) A new assessment may be needed when the resident's condition does not return to baseline within a two-week period of time.

(q) **"Skilled nursing services"** must be reasonable and necessary for the treatment of the illness or injury, that is the services must be consistent with the unique nature and severity of the participant's illness or injury, his or her particular medical needs, and accepted standards of medical and nursing practice, without regard to whether the illness or injury is acute, chronic, terminal, or expected to last a long time. The

standards of nursing conduct or practice must follow WAC 246-840-700.

(r) **"Specific goals"** mean those expected outcomes, individualized to the client's skilled need, that stipulate the measurable, detailed and expected progress the client may make while receiving the skilled service. They address the how, who, what and when of the expected final outcome. If a client's goal is to prevent a decline in their condition(s) the goal(s) must have measurable outcomes which identify the intervention to prevent the decline and how to measure this prevention. If you cannot measure the expected outcome of the clinical intervention then you are not preventing a decline.)

AMENDATORY SECTION (Amending WSR 15-01-174, filed 12/23/14, effective 1/23/15)

**WAC 388-71-0718 What is the adult day care center's responsibility in developing the client's negotiated care plan?** (1) Upon the department's or authorized case manager's referral of a ((COPEs or RCL eligible)) community options program entry system (COPEs), roads to community living (RCL), or other agency approved client ((by the department or authorized case manager)) to an ADC center, the ADC center ((will)) must respond in writing to the department or authorized case manager within two working days ((of)), acknowledging receipt of the referral and ((its)) the center's ability to process and evaluate the referred client. ((The ADC center must conduct an intake evaluation based on an interview with the client and/or the client's representative to assess the center's ability to meet the client's needs as identified in the department service plan.))

(2) The case manager will provide the client's department service plan to the ((adult day care provider)) ADC center within five working days after the client or client's representative has signed it.

(3) The ADC center ((will)) must schedule and conduct an intake ((evaluations visits)) and evaluation visit with the ((referral)) referred client ((and/or their)) or the client and his or her authorized representative to determine the client's willingness to attend the ADC center and evaluate the ADC center's ability to meet the ((needs of the client)) client's assessed needs and specific goals as defined in the client's department service plan. The intake and evaluation must be based on an interview with the client or the client and his or her authorized representative.

(4) Within ten ((working)) paid service days from the ((initial)) date ((of)) the client ((attendance at)) started attending the ((day care)) ADC center, the ADC center must complete and provide a preliminary service plan to the client or the client and his or her representative and the client's case manager that outlines the client's strengths, deficits, and potential needs. The ADC center must determine whether it can meet the client's needs, how ((those)) it will meet the client's needs ((will be met)), and whether ((to)) it will accept the client ((to)) into the program. The ADC center must not accept a client whose needs the center cannot meet. The ADC center ((will)) must document in the client's file the date ((he/she was)) it accepted the client into the ADC program. If the client is not accepted into the ADC program, the prelimi-

nary service plan must include the reason(s) why the client was not accepted.

(5) Within thirty calendar days of ((acceptance)) the date the client was accepted into the ADC program, the ((day care)) ADC center must work with the client ((and/or their)) or the client and his or her authorized representative to develop and complete a negotiated care plan signed by the client or the client's authorized representative and the ((day care)) ADC center.

(6) ((This care plan must be updated)) The negotiated care plan must limit the frequency of services to the number of days authorized in the department authorized service plan. The negotiated care plan must include:

(a) A list of the care and services the ADC center will provide the client;

(b) Identification of who will provide the client's care and services;

(c) When and how the ADC center will provide the care and services;

(d) How the ADC center will manage the client's medications and how the client will receive his or her medications when attending the ADC center;

(e) The client's activity preferences and how the ADC center will meet these preferences;

(f) Other preferences and choices about issues important to the client, including, but not limited to:

(i) Food;

(ii) Daily routine;

(iii) Grooming;

(iv) How the ADC center will accommodate the client's preferences and choices; and

(g) If needed, a plan to:

(i) Follow in case of a foreseeable crisis due to the client's assessed needs;

(ii) Reduce tension, agitation, and problem behaviors;

(iii) Respond to the client's special needs, including, but not limited to medical devices and related safety plans, and if medical devices are used, ADC center staff must ensure the medical device will not be used as a physical restraint for discipline or staff convenience while attending the ADC center;

(iv) Respond to the client's refusal of care or treatment, including when the ADC center should notify the client's physician or practitioner of the client's refusal; and

(v) Identify any communication barriers the client may have and how the ADC center will use the client's behaviors and nonverbal gestures to communicate with him or her.

(7) The ADC center must:

(a) Ensure medical devices will never be used as a physical restraint for discipline or staff convenience;

(b) Update the negotiated care plan annually and ((when their)) whenever there is a significant change in the client's condition and needs((-The care plan when));

(c) Share the negotiated care plan with the client's case manager whenever it is updated, annually ((or)), and after a significant change((-must be shared with the client's case manager. The care plan must:));

(d) Ensure the client's case manager reviews the negotiated care plan to ensure all services are appropriate and all authorized care needs have been included;

(e) Keep the current negotiated care plan in the client's file; and

(f) Offer a copy of the negotiated care plan to the client or the client and his or her authorized representative.

~~((a) Be consistent with the department authorized service plan and include all day care services authorized in the service plan;~~

~~(b) Document the client's needs as identified in the service plan, the adult day care services that will be provided to meet those needs, and when, how, and by whom the services will be provided;~~

~~(c) Document the client's choices and preferences concerning the provision of care and services, and how those preferences will be accommodated;~~

~~(d) Document potential behavioral issues identified in the assessment, service plan, or through the intake evaluation, and how those issues will be managed;~~

~~(e) Document contingency plans for responding to a client's emergent care needs or other crises; and~~

~~(f) Be approved by the client's case manager.~~

~~(7) The adult day care center must keep at least the current negotiated care plan in the client's file, must offer a copy of the plan to the client or client representative, and must provide a copy to the client's case manager. The case manager must review the negotiated care plan for inclusion of services that are appropriate and authorized for the client's care needs.))~~

(8) ((The negotiated care plan must limit the frequency of services to the number of days authorized in the department authorized service plan)) The ADC center must report changes in the client's condition or unanticipated absences more than three consecutive scheduled days of service to the client's case manager within one week.

(a) Unanticipated absences may include but are not limited to absences due to client illness or change in transportation access.

(b) The case manager may follow up with the client or the client and his or her representative and determine if any updates to the assessment, client's department service plan, or service authorizations are needed.

~~((9) The day care center must review each service in the negotiated care plan if the client's condition changes, and determine if the care plan continues to meet the client's needs. Changes in the client's condition or unanticipated absences of more than three consecutive days of scheduled service must be reported to the client's case manager within one week. Unanticipated absences by way of example may include absences due to client illness or injury, or a change in transportation access. The case manager may follow up with the client and determines if any updates to the assessment, service plan, and service authorization are needed.))~~

AMENDATORY SECTION (Amending WSR 15-01-174, filed 12/23/14, effective 1/23/15)

**WAC 388-71-0722 What is the adult day health center's responsibility in developing the client's negotiated care plan?** (1) Upon the department's or authorized case manager's referral of a ((COPEs or RCL eligible)) community options program entry system (COPEs), roads to com-

munity living (RCL), or other agency approved client ((by the department or an authorized case manager)) to an ADH center, the ADH center ((will)) must respond in writing to the department or authorized case manager within two working days ((of)), acknowledging receipt of the referral ((regarding its)) and the center's ability to process and evaluate the referred client.

(2) The ~~((department))~~ case manager ~~((will send))~~ must provide the client's ~~((signed))~~ department service plan to the ADH center within five working days after ~~((signature))~~ obtaining the client or client's authorized representative's signature on the service plan.

(3) The ADH center ~~((will))~~ must schedule and conduct an intake and evaluation ~~((visits))~~ visit with the referred client ~~((and/or their))~~ or the client and his or her authorized representative to ~~((assess))~~ determine the client's willingness to attend the ADH center and evaluate the ADH center's ability to meet the ((needs of the client)) client's needs as defined in the client's department service plan.

(4) Within ten paid ~~((days of service, the day health center must determine if it can meet the client's needs, whether to accept the client to the program, and how those needs will be met. The center must document in the client's file the date of acceptance into their program. The center must not accept a client whose needs the center cannot meet. The center will be reimbursed under WAC 388-71-0724 for any service days provided from the start of the intake evaluation if the case manager has authorized services. The written intake evaluation includes acceptance of the client to the center or reason(s) why not accepted, the development of the evaluation, and the preliminary service plan))~~ service days from the date the client started attending the ADH center, the center must complete an intake and evaluation and provide a preliminary service plan to the client or the client and his or her authorized representative and the client's case manager.

(a) The ADH center's intake and evaluation must include multidisciplinary assessments based on interviews and evaluations of the client's strengths and limitations with the client or the client and his or her authorized representative.

(b) If the department service plan indicates a nursing or rehabilitative need during the intake and evaluation period, licensed professionals must conduct evaluations and assessments of the client's clinical or rehabilitative needs.

(c) The preliminary service plan must include:

(i) Client specific problems or needs as identified in the intake and evaluation;

(ii) The needs for which the client chooses not to accept services or refuse care or services;

(iii) What the center will do to ensure health and safety of the client related to the refusal of any care or service;

(iv) Client specific and agreed upon goals;

(v) Client preferences; and

(vi) How the center will meet the client's needs and preferences.

(d) Based on the ADH center intake and evaluation, the ADH center must determine whether it can meet the client's needs, how it will meet the client's needs, and whether it will accept the client into the ADH program.

(i) The ADH center must not accept a client whose needs the center cannot meet.

(ii) If the client is accepted into the ADH program, the ADH center must document the date of acceptance in the client file.

(iii) If the client is not accepted into the ADH program, the preliminary service plan must include the reason(s) why the client was not accepted.

(e) The ADH center must provide the client, or the client's authorized representative, and the client's case manager, a copy of the evaluation and preliminary service plan within ten paid days of service.

(5) ((When the ADH center conducts the intake evaluation visits there must be a multidisciplinary assessment conducted based on an interview and evaluation of the client's strengths and deficits with the client or the client's representative to determine the center's ability to meet the client's adult day care service needs and potential adult day health needs as identified in the department service plan. If the department service plan indicates a nursing and/or rehabilitative need then during the intake evaluation period these professionals will conduct evaluations and assessment of the client's clinical/rehabilitative needs to determine if they can be met at the center)) The ADH center will be reimbursed under WAC 388-71-0724 for any service days provided from the state of the intake and evaluation, if the case manager has authorized services.

(6) ((The ADH center may provide up to ten days of paid service to the client to complete the evaluation with the development of a preliminary service plan to be provided to the client and the case manager.

(7)) Upon the department's or authorized case manager's approval ((by the case manager)) of the ((adult day health)) ADH center's preliminary service plan, the ((day health)) ADH center ((multidisciplinary team)) must obtain and provide to the case manager any required practitioner's orders for skilled nursing ((and)), rehabilitative therapy ((along with a copy of the preliminary service plan, according to department documentation requirements. Orders must indicate)) services, and medical devices that pertain to those services and interventions the ADH center is providing to the client under WAC 388-71-0712 through 388-71-0714. Orders from authorizing practitioners are not necessary for medical devices that are within the professional scope of practice of occupational or physical therapists working within the day center.

(a) The authorizing practitioner orders must:

(i) Include the frequency of authorized service;

(ii) Include use of and parameters for the authorized medical devices;

(iii) Include how often the client is to be seen by the ((authorized)) authorizing practitioner((-));

(iv) Include the client's consent to follow up with the authorizing practitioner; and

(v) Be reviewed, updated, or revised when a significant change occurs, at least annually, or sooner if required by the prescriber.

(b) The case manager or nursing services staff may follow up with the practitioner, or other pertinent collateral contacts, concerning the client's need for skilled services.

(c) Services ~~((may))~~ must not be authorized for payment without current practitioner orders ~~((and the client's consent to follow up with the practitioner)).~~

(d) The authorizing practitioner must only authorize services, supports, and interventions that are within the practitioner's professional scope of practice.

~~((8)) (7) Within thirty calendar days of ~~((the client's))~~ acceptance into the program, the ~~((day health))~~ ADH center's multidisciplinary team must work with either the client or the client ~~((and/or their))~~ and his or her authorized representative to develop and complete a negotiated care plan signed by the client or the client's authorized representative and the ~~((day health))~~ ADH center. The negotiated care plan ~~((ean))~~ may be developed ~~((initially [initially] in lieu of developing a))~~ initially in lieu of the preliminary service plan. ~~((The care plan must:))~~~~

~~((a) Be)) (8) The negotiated care plan must be consistent with the department-authorized service plan ~~((and)),~~ include all ~~((day health services))~~ authorized ADC and ADH services, limit the frequency of services to the number of days in the ~~((service plan;~~~~

~~(b) Include an))~~ department authorized ~~((practitioner's order(s) for skilled nursing and/or skilled rehabilitative therapy according to applicable state practice laws for licensed nurses or therapists. These authorizing practitioner orders must be reviewed, updated or revised when a significant change occurs or at least annually, or sooner if required by the prescriber;~~

~~(c) Document that the client or the client's representative has consented to follow up with the primary authorizing practitioner;~~

~~(d) Document the client's needs as identified in the))~~ service plan, ~~((the authorized services that will be provided to meet those needs, and when, how, and by whom the services will be provided;))~~ and must include:

~~((e) Establish time)) (a) A list of the care and services the ADH center will provide the client;~~

~~(b) Time specific, measurable, and individualized client goals~~((, not to exceed ninety days from))~~;~~

~~(c) Who will provide the ~~((date of signature of the negotiated))~~ client's care ~~((plan, for accomplishing the goals of adult day health skilled))~~ and services ~~((and/or))~~;~~

~~(d) When and how the ADH center will provide the care and services;~~

~~(e) How the ADH center will manage the client's medications, including how the client will receive his or her medications when attending the ADH center;~~

~~(f) The client's activity preferences and how the ADH center will meet these preferences;~~

~~(g) Other preferences and choices about issues important to the client including, but not limited to:~~

~~(i) Food;~~

~~(ii) Daily routine;~~

~~(iii) Grooming; and~~

~~(iv) How the ADH center will accommodate the preferences and choices;~~

~~(h) Individualized discharging or ~~((transitioning the client to other appropriate settings or services))~~ transition goals;~~

~~((f) Document the client's choices and preferences concerning the provision of care and services, and how those preferences will be accommodated;~~

~~(g) Document))~~

~~(i) If needed, a plan to:~~

~~(i) Address potential behavioral issues identified in the assessment, service plan, or through the intake and evaluation~~((, and how those issues will be managed))~~;~~

~~((h) Document contingency plans for responding)) (ii) Follow in case of a foreseeable crisis due to a client's ~~((emergent care))~~ assessed needs ~~((or other crises; and))~~;~~

~~(iii) Reduce tension, agitation, and problem behaviors;~~

~~((i) Be approved by the case manager.~~

~~(9) The adult day health center must keep the negotiated care plan in the client's file, provide a copy to the client or client representative, and a copy to the client's case manager, including any required authorizing practitioner orders:)) (iv) Respond to the client's special needs, including, but not limited to medical devices and related safety plans, and if medical devices are used, ADH center staff must ensure the medical device will not be used as a physical restraint for discipline or staff convenience, while attending the ADH center;~~

~~(v) Respond to the client's refusal of care or treatment, including when the ADH center should notify the client's physician or practitioner of the client's refusal; and~~

~~(vi) Identify any communication barriers the client may have and how the ADH center will use the client's behaviors and nonverbal gestures to communicate with him or her.~~

~~(9) The ADH center must:~~

~~(a) Ensure medical devices will never be used as a physical restraint for discipline or staff convenience;~~

~~(b) Review and update each service in the negotiated care plan every ninety days or more often if the client's condition changes;~~

~~(c) Share the negotiated care plan with the client's case manager whenever it is updated, annually, or after significant change;~~

~~(d) Ensure the client's case manager reviews the negotiated care plan to ensure all services are appropriate and all authorized care needs have been included;~~

~~(e) Obtain the case manager's approval whenever it is updated, annually, or after a significant change;~~

~~(f) Keep the current negotiated care plan in the client's file, provide; and~~

~~(g) Offer a copy of the negotiated care plan to the client or the client and his or her authorized representative.~~

~~(10) The ~~((department))~~ client's case manager must review the negotiated care plan ~~((for inclusion of))~~ to ensure all services ~~((that))~~ are appropriate and all authorized ~~((for the client's))~~ care needs have been included.~~

~~((10) The negotiated care plan must limit the frequency of department-funded services to the number of days in the department-authorized service plan:))~~

~~(11) The ~~((day health center must review each service in the negotiated care plan every ninety days or more often if the client's condition changes, or if the client is reassessed for eligibility after a break in service of more than thirty days. Changes in the client's))~~ ADH center must report changes in the client's condition or unanticipated absences of more than three consecutive ~~((days of))~~ scheduled days of service~~

~~((must be reported))~~ to the client's case manager within one week.

~~(a) Unanticipated absences ((by way of example)) may include, but are limited to absences due to client illness or ((injury)) a change in transportation access.~~

~~(b) The case manager may ((follow up)) follow up with the client or the client and ((determines)) his or her authorized representative and determine if any updates to the assessment, client's department service plan, or service ((plan, and service authorization)) authorizations are needed.~~

#### NEW SECTION

**WAC 388-71-0723 What is the adult day center's responsibility in the use of medical devices, restraints, and prevention of abuse? (1) Medical Devices.** When the adult day center staff use a medical device, it must not be used as a physical restraint for discipline or staff convenience.

(2) **Physical restraints.** When the adult day center staff provide services for a client, which may include but are not limited to transportation, outings, and services at the facility, the adult day center must ensure the client has a right to be free from physical restraints used for discipline or staff convenience.

(3) **Chemical restraints.** When the adult day center staff provide services for a client, which may include but are not limited to transportation, outings, and services at the facility, the adult day center must ensure the client is free from chemical restraints used for discipline or staff convenience.

(4) **Involuntary seclusion.** When the adult day center staff provides services for a client, which may include but are not limited to transportation, outings, and services at the facility, the adult day center must ensure the client's right to be free from involuntary seclusion or isolation.

(5) **Prevention of abuse.** When the adult day center staff provides services for a client, which may include but are not limited to transportation, outings, and services at the facility, the adult day center must:

(a) Ensure the client's right to be free from abandonment, verbal, sexual, physical, and mental abuse, exploitation, financial exploitation, neglect, and involuntary seclusion;

(b) Protect the client who is an alleged victim of abandonment, verbal, sexual, physical, and mental abuse, exploitation, financial exploitation, neglect, and involuntary seclusion; and

(c) Meet the requirements of chapter 74.34 RCW regarding mandatory reporting.

agriculture (WSDA) procedural rules - commodity boards or commissions).

Hearing Location(s): WSDA, Natural Resources Building, 1111 Washington Street S.E., Conference Room 205, Olympia, WA 98504-2560, on July 26, 2017, at 10:30 a.m.

Date of Intended Adoption: August 9, 2017.

Submit Written Comments to: Henri Gonzales, Agency Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, email [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov), fax (360) 902-2094, by July 26, 2017.

Assistance for Persons with Disabilities: Contact agency receptionist by June [July] 20, 2017, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The director has established, by rule, a method to fund administrative staff support given by the department to all commodity boards and commodity commissions. The board or commission's annual contribution to the department for administrative support is formulated based on the previous year's assessments received by those boards or commissions. In order to distribute administrative support costs fairly, the department is proposing including net proceeds collected by the beer commission from beer festivals to the base formula to determine a board or commission's contribution.

Reasons Supporting Proposal: The majority of the beer commission's funds come from revenue collected from beer festivals, rather than from assessments. The proposed amendment includes net proceeds from festival revenue to the commission's financial contribution in order to more fairly distribute costs to all commodity commissions.

Statutory Authority for Adoption: RCW 43.23.025, 15.89.150, and chapter 34.05 RCW.

Statute Being Implemented: Chapter 15.89 RCW.

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

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

Name of Agency Personnel Responsible for Drafting and Implementation: Teresa Norman, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-2043; and Enforcement: Elizabeth McNagny, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1809.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule making affects only state agencies (commodity commissions). No businesses are impacted.

A cost-benefit analysis is not required under RCW 34.05.328. WSDA is not a listed agency under RCW 34.05.-328 (5)(a)(i).

June 13, 2017  
Kirk Robinson  
Deputy Director

**WSR 17-13-011**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed June 9, 2017, 7:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-07-128.

Title of Rule and Other Identifying Information: WAC 16-501-005 Definitions (Washington state department of

AMENDATORY SECTION (Amending WSR 02-16-045, filed 8/1/02, effective 9/1/02)

**WAC 16-501-005 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout the chapter:



**"Assessment level"** means the total annual assessment collected by an agricultural commodity board or commission under the provisions of its marketing order or authorizing statute. For the Washington beer commission, "assessment level" includes net proceeds collected from commission-sponsored beer festivals in addition to the total annual assessment collected by the commission.

**"Department"** means the Washington state department of agriculture (WSDA).

**"Total financial contribution"** means the contributions from all agricultural commodity boards and commissions to cover one-half the annual salary and benefits of the department's commodity commission coordinator for commodity boards and commissions plus the annual costs for goods and services, travel, training and equipment necessary to support the commodity commission coordinator.

**WSR 17-13-074**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed June 16, 2017, 1:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-10-071.

Title of Rule and Other Identifying Information: WAC 220-340-430 Commercial crab fishery—Buoy tag, pot tag, and buoy requirements and 220-340-440 Commercial crab gear—Possession of another's gear and tag tampering.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on August 4-5, 2017, at 8:00 a.m.

Date of Intended Adoption: On or after August 6, 2017.

Submit Written Comments to: Scott Bird, Washington Department of Fish and Wildlife (WDFW) Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, email Rules.Coordinator@dfw.wa.gov, fax (360) 902-2403, by August 5, 2017.

Assistance for Persons with Disabilities: Contact Tami Lininger by August 3, 2017, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the rule changes is to streamline and clarify rules concerning the transport of coastal Dungeness crab gear from another state in order to improve efficiency for stakeholders and regulatory enforcement. In addition, the rule changes are needed to provide a broader application of the electronic fish ticket program.

Changes to coastal commercial Dungeness crab regulations are needed to revise the structure of the replacement buoy tag program and provide a mechanism for commercial Dungeness crab fishermen to lawfully transport commercial crab pots through Washington waters that have buoy tags issued by another state.

**WAC 220-340-430**, buoy tags are used to enforce pot limit regulations. These changes would reduce the number of

replacement buoy tags that are available to licensed crab fishermen and shorten the period when replacement tags are available. Replacement buoy tags are available to each coastal Dungeness crab license holder on an as needed basis to replace tags that may have been lost during the season. A historical review of replacement issuance shows that very few anglers use replacement tags during the commercial season however, when pots or buoys with their associated tags are lost, this program allows commercial fishermen to continue to fish with their specified amount of gear. The replacement tag program can be a means for exceeding the pot limit if a vessel operator uses replacement tags in addition to their full buoy tag allotment rather than as a replacement tool, creating issues with the ability of enforcement staff to insure that pot limits are not exceeded. Reducing the time period when replacement tags are available during the season and the number that are available to each license holder will not only streamline the program but also improve enforceability of the pot limit.

**WAC 220-340-440**, under current regulations, it is unlawful to have crab pots without buoy tags issued by the department. This rule is in place to assure that commercial crab gear from another state is not deployed and fished in Washington waters. However, the coastal Dungeness crab fishery is a coastwide fishery with a significant number of Washington licensed fishermen also participating in the commercial Dungeness crab fishery off Oregon, California and even Alaska. The issue is primarily for vessels that fish in both Washington and Oregon. In most cases, fishermen can transport Oregon gear via trucks to Oregon prior to the opening of the season. Yet, under certain situations it may be prohibitive to transport or find sufficient dockside storage in Oregon particularly in years when the season has been delayed in both Washington and Oregon for a significant period of time. To address these situations, we are revising the regulations to allow gear transport through Washington waters when the vessel operator has received a gear transport permit issued by WDFW. The permit will allow transport during a short time period (three days) and require specific information including the location where the non-Washington gear has been deployed. These changes will address difficulties with gear transport for fishermen that participate in the commercial crab fishery across state boundaries and will improve enforceability of crab pot limits.

Reasons Supporting Proposal: Changes are needed to streamline the coastal Dungeness crab replacement buoy tag program and allow the transport of commercial crab gear through Washington waters on a limit [limited] basis. Both measures improve enforceability of the Washington crab pot limit program.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047.

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

Name of Proponent: [WDFW], governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Heather Reed, 1111 Washington Street S.E., Olympia, WA, (360) 902-2487; and Enforcement:

Chief Chris Anderson, 1111 Washington Street S.E., Olympia, WA, (360) 902-2403.

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

A cost-benefit analysis is not required under RCW 34.05.328. These [This] rule proposal does not affect hydraulics.

June 16, 2017  
Scott Bird  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-340-430 Commercial crab fishery—Buoy tag, pot tag, and buoy requirements. (1) Buoy tag and pot tag required.**

(a) It is unlawful to place in the water, pull from the water, possess on the water, or transport on the water any crab buoy or crab pot without an attached buoy tag and pot tag that meet the requirements of this section, except as provided by (b) and (c) of this subsection. A violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(b) Persons operating under a valid coastal gear recovery permit as provided in WAC (~~220-340-450~~) 220-340-440 may possess crab pots or buoys missing tags or bearing the tags of another license holder, provided the permittee adheres to provisions of the permit. Failure to adhere to the provisions of the permit is a gross misdemeanor, punishable under RCW 77.15.750 Unlawful use of a department permit—Penalty.

(c) Persons operating under a valid coastal gear transport permit as provided in WAC 220-340-440 may possess crab pots or buoys bearing the tags issued by another state, provided the permittee adheres to provisions of the permit. Failure to adhere to the provisions of the permit is a gross misdemeanor, punishable under RCW 77.15.750 Unlawful use of a department permit—Penalty.

(2) **Commercial crab fishery pot tag requirements:** Each shellfish pot used in the commercial crab fishery must have a durable, nonbiodegradable tag securely attached to the pot that is permanently and legibly marked with the license owner's name or license number and telephone number. If the tag information is illegible, or the tag is lost for any reason, the pot is not in compliance with state law. A violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(3) **Commercial crab fishery buoy tag requirements.**

(a) The department issues crab pot buoy tags to the owner of each commercial crab fishery license upon payment of an annual buoy tag fee per crab pot buoy tag. Prior to setting gear, each Puget Sound crab license holder must purchase 100 tags, and each coastal crab fisher must purchase 300 or 500 tags, depending on the crab pot limit assigned to the license.

(b) In coastal waters each crab pot must have the department-issued buoy tag securely attached to the first buoy on the crab pot buoy line (the buoy closest to the crab pot), and

the buoy tag must be attached to the end of the first buoy, at the end away from the crab pot buoy line.

(c) In Puget Sound, all crab buoys must have the department-issued buoy tag attached to the outermost end of the buoy line.

(d) If there is more than one buoy attached to a pot, only one buoy tag is required.

(e) Replacement crab buoy tags.

(i) Puget Sound: The department only issues additional tags to replace lost tags to owners of Puget Sound commercial crab fishery licenses who obtain, complete, and sign a declaration, under penalty of perjury, in the presence of an authorized department employee. The declaration must state the number of buoy tags lost, the location and date where the licensee last observed lost gear or tags, and the presumed cause of the loss.

(ii) Coastal: The department only issues replacement buoy tags for the coastal crab fishery (~~(15 days after the season is opened)~~) beginning March 1 and after a signed affidavit is received by an authorized department employee. The affidavit must be signed by the primary or alternate operator fishing the commercial crab gear and state the number of buoy tags lost, the location and date where the licensee last observed lost gear or tags, and the presumed cause of the loss.

(A) Coastal crab license holders with a 300-pot limit may replace lost tags according to the following schedule:

(I) Period 1, up to (~~15~~) 10 tags.

(II) Period 2, (~~10~~) 5 additional tags with no more than (~~25~~) 15 tags total issued through the end of Period 2.

(~~III) Period 3, 5 additional tags with no more than 30 tags total issued through the end of the season.~~)

(B) Coastal crab license holders with a 500-pot limit may replace lost tags according to the following schedule:

(I) Period 1, up to (~~25~~) 15 tags.

(II) Period 2, (~~15~~) 10 additional tags with no more than (~~40~~) 25 tags total issued through the end of Period 2.

(~~III) Period 3, 10 additional tags with no more than 50 tags total issued through the end of the season.~~)

(C) Replacement tag periods are defined as follows:

(I) Period 1: (~~The first business day after 15 days following the season opening through the next 30 days.~~) March 1 through April 30.

(II) Period 2: (~~The first business day after the end of Period 1 through the next 30 days.~~)

(~~III) Period 3: The first business day after the end of Period 2 through the end of the season.~~) May 1 through June 30. No replacement tags will be issued for the current season after July 1.

(D) In the case of extraordinary loss of crab pot gear, the department may issue replacement tags in excess of the amount listed in this subsection on a case-by-case basis.

(4) A violation of subsection (3) of this section is a gross misdemeanor, punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(5) **Commercial crab fishery buoy requirements.**

(a) All buoys attached to commercial crab gear must consist of a durable material and remain floating on the water's surface when 5 pounds of weight is attached.

(b) No buoys attached to commercial crab gear in Puget Sound may be both red and white in color unless a minimum

of 30 percent of the surface of each buoy is also prominently marked with an additional color or colors other than red or white. Red and white colors are reserved for personal use crab gear as described in WAC 220-330-020.

(c) It is unlawful for any coastal Dungeness crab fishery license holder to fish for crab unless the license holder has registered the buoy brand and buoy color(s) to be used with the license. A license holder may register only one unique buoy brand and one buoy color scheme with the department per license. Persons holding more than one state license must register buoy color(s) for each license that are distinctly different. The buoy color(s) will be shown in a color photograph.

(i) All buoys fished under a single license must be marked in a uniform manner with one buoy brand number registered by the license holder with the department and be of identical color or color combinations.

(ii) It is unlawful for a coastal Dungeness crab fishery license holder to fish for crab using any other buoy brand or color(s) than those registered with and assigned to the license by the department.

(6) Violation of subsection (5) of this section is a gross misdemeanor, punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-340-440 Commercial crab gear—Possession of another's gear and tag tampering.** (1) **Possession of gear bearing another's crab pot tag or crab buoy tag.** It is unlawful for any person to possess, use, control, or operate any crab pot bearing a tag identifying the pot as belonging to another person, or any buoy not bearing tags issued by the department to the person possessing them, except:

(a) An alternate operator designated on a primary license may possess and operate crab buoys and crab pots bearing the tags of the license holder.

(b) Persons operating under a valid coastal gear recovery permit issued by the department may possess crab pots or buoys bearing the tags of another license holder, provided the permittee adheres to provisions of the permit.

(c) Persons operating under a valid coastal gear transport permit issued by the department may possess crab pots or buoys bearing the tags issued by another state, provided the permittee adheres to provisions of the permit.

(2) Violation of subsection (1) of this section is punishable under RCW 77.15.520, 77.15.522, 77.15.750, or 77.70.500, depending on the circumstances of the violation.

(3) **Pot tag or buoy tag tampering.** It is unlawful for any person to remove, damage, or otherwise tamper with crab buoy or pot tags not issued to that person, except: A person may possess the buoy tags or pot tags of another when the person is operating under a valid coastal gear recovery permit or emergency gear recovery permit issued by the department, and adheres to the permit's provisions.

(4) Violation of subsection (3) of this section is a gross misdemeanor punishable under RCW 77.15.180 Unlawful interference with fishing or hunting gear—Penalty.

**WSR 17-13-075**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed June 16, 2017, 1:39 p.m.]

Supplemental Notice to WSR 17-06-077.

Preproposal statement of inquiry was filed as WSR 17-03-076 on January 11, 2017.

Title of Rule and Other Identifying Information: WAC 220-47-307 Closed areas—Puget Sound salmon, 220-47-311 Purse seine—Open periods, and 220-47-411 Gillnet—Open periods.

Hearing Location(s): Natural Resources Building, Room 630, 1111 Washington Street S.E., Olympia, WA 98504, on Tuesday, July 25, 2017, at 2:30 p.m. to 3:30 p.m.

Date of Intended Adoption: On or after July 26, 2017.

Submit Written Comments to: Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, email Rules.Coordinator@dfw.wa.gov, fax (360) 902-2155, by July 24, 2017.

Assistance for Persons with Disabilities: Contact Tami Lininger by July 24, 2017, (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 [Fishery] Management Council. This proposal reflects additional changes to WAC 220-47-307, 220-47-311, and 220-47-411 from what was proposed in WSR 16-06-102, filed on March 1, 2016. For a summary of the changes from the initial CR-102 filing contained in this proposal.

This summarizes changes made since the filing of the original CR-102 that was filed as WSR 17-06-077. 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 30.

**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 7C Chinook: Added additional fishing days in September.

Areas 8 and 8A: Closed due to low pink forecasts and to protect weak coho stocks.

Area 8D: Adjustments to schedule to align with chum openings in other areas.

Area 10 pink: Adjustment to days scheduled in first week of September.

Areas 10 and 11 chum: Adjustment to days scheduled in weeks 42 through 48, including removal of second day of

fishing in week 44 and adding one day of fishing in weeks 42 and 45.

Areas 12 and 12B chum: Adjustment to days scheduled in weeks 42 through 48, including removal of second day of fishing in week 44 and adding one day of fishing in week 42 and 45.

**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.

Area 7C Chinook: Added additional fishing days in September.

Areas 8 and 8A: Closed due to low pink forecasts and to protect weak coho stocks.

Area 8D: Reduction in schedule to protect weak coho stocks.

Areas 10 and 11 chum: Adjustment to days scheduled in weeks 43 through 48 and the addition of one day of fishing in week 42.

Areas 12 and 12B chum: Adjustment to days scheduled in weeks 43 through 48 and the addition of one day of fishing in week 42.

Reasons Supporting Proposal: These changes incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries [Fishery] 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 77.12.045, 77.12.047, and 77.04.020.

Statute Being Implemented: RCW 77.12.045, 77.12.047, and 77.04.020.

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

Name of Proponent: Washington department of fish and wildlife (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: Chief Chris Anderson, 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 [Fishery] 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:**

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. 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 for use 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, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2403, fax (360) 902-2155, email rules.coordinator@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

June 16, 2017

Scott Bird

Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-18-067, filed 9/2/16, effective 10/3/16)

**WAC 220-47-307 Puget Sound salmon—Closed areas**(~~—Puget Sound salmon~~). It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section 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)~~) 220-354-330.

**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)~~) 220-354-320.

(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)~~) 220-354-310.

**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).

**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°44'50"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°44'50"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.

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 ((3+)) 30.

(2) Those waters of Area 12 within 2 miles of the Hood Canal Bridge are closed to purse seines on October 24 and October ((3+)) 30.

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.

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 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.

NEW SECTION

The following section of the Washington Administrative Code is decodified and recodified as follows:

Old WAC Number	New WAC Number
220-47-307	220-354-080

AMENDATORY SECTION (Amending WSR 16-18-067, filed 9/2/16, effective 10/3/16)

WAC 220-47-311 Puget Sound salmon—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	- 10/10, ((10/12, 10/13)) 10/11, 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, 10/29, 10/30, 10/31, 11/1, 11/2, 11/3, 11/4((+1/5))
	7AM - 5PM	- 11/5, 11/6, 11/7, 11/8, 11/9, 11/10, 11/11((+1/12))

Note: In Areas 7 and 7A, it is unlawful to fail to trail when fishing with purse seine gear. Any time trailing is required, purse seine fishers must also use a recovery box in compliance with WAC ((220-47-301)) 220-354-100 (7)(a) through (f).

7B, 7C:	6AM - 8PM	- ((8/10, 8/17, 8/24, 8/31)) 8/16, 8/23, 8/30, 9/6
	7AM - 7PM	= 9/11, 9/13, 9/15
7B:	((6AM-8PM	- 9/5, 9/7, 9/9))
	7AM - 7PM	- ((9/12, 9/14, 9/16)) 9/18, 9/20, 9/22
	7AM ((9/18)) 9/24	- 6PM ((10/29)) 11/4
	7AM ((10/31)) 11/6	- 4PM ((11/4)) 11/10
	7AM ((11/7)) 11/13	- 4PM ((11/11)) 11/17
	7AM ((11/14)) 11/20	- 4PM ((11/18)) 11/24
	7AM ((11/21)) 11/27	- 4PM ((11/25)) 11/30
	7AM 12/4	= 4PM 12/8

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:	Closed	
8A:	Closed	
8D:	((Closed))	- 9/19, 9/26, 10/3, 10/10
	7AM - 7PM	
	7AM - 6PM	= 10/18, 10/24, 10/30
	7AM - 5PM	= 11/7, 11/9, 11/13, 11/21, 11/29

AREA	TIME	DATE	AREA	TIME	DATE
10:	7AM - 7PM	-	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)) <u>220-354-100</u> (7)(a) through (f).		
10, 11:	7AM - 6PM	-	(2) It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:		
	7AM - 5PM	-	(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.		
12, 12B:	7AM - 6PM	-	(b) Coho salmon - At all times in Areas 7, 7A, 10, and 11, and prior to September 1 in Area 7B.		
	7AM - 5PM	-	(c) Chum salmon - Prior to October 1 in Areas 7 and 7A, and at all times in 8A.		
12C:	<del>((7AM-6PM</del>	-	(d) All other saltwater and freshwater areas - Closed for all species at all times.		
	7AM - 5PM	-			

AMENDATORY SECTION (Amending WSR 16-18-067, filed 9/2/16, effective 10/3/16)

**WAC 220-47-411 ~~Puget Sound salmon—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)) <u>220-350-170</u> and lawful gear description WAC ((220-47-302)) <u>220-354-140</u> .	7AM - 7PM	9/21, 9/22, <del>((9/23))</del> <u>9/25</u> , 9/26, 9/27, 9/28, 9/29, <del>((9/30))</del> <u>10/2</u> , 10/3, 10/4, 10/5, 10/6, <del>((10/7))</del> <u>10/9</u> , 10/10, 10/11, 10/12, 10/13, <del>((10/14))</del> <u>10/16</u> , 10/17, 10/18, 10/19, 10/20, <del>((10/21))</del> <u>10/23</u> , 10/24, 10/25, 10/26, 10/27, <del>((10/28))</del>	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	10/10, <del>((10/12, 10/13,))</del> <u>10/11, 10/14</u> , 10/15, <del>((10/16, 10/17,))</del> 10/18, 10/19, 10/20, 10/21, <del>((10/22))</del>	6 1/4"
	7AM - Midnight	<u>10/22</u> , 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30, 10/31, 11/1, 11/2, 11/3, 11/4, 11/5, 11/6, 11/7, 11/8, 11/9, 11/10, 11/11, <del>((11/12))</del>	6 1/4"

Note: In Areas 7 and 7A after October 9 and prior to October 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)) 220-354-140 (5)(a) through (f) when coho and Chinook release is required.

7B, 7C:	7PM - 8AM	NIGHTLY <del>((8/7, 8/8, 8/9))</del> <u>8/13</u> , 8/14, 8/15, <del>((8/16, 8/17))</del> <u>8/20</u> , 8/21, 8/22, 8/23, <del>((8/24))</del> <u>8/27</u> , 8/28, 8/29, 8/30	7"
<del>((7B, 7C:))</del>	7AM <del>((8/28))</del> <u>9/3</u>	7AM <del>((9/2))</del> <u>9/8</u>	5"
<del>((7B:))</del>	7AM <del>((9/4))</del> <u>9/10</u>	7AM <del>((9/9))</del> <u>9/15</u>	5"
<u>7B:</u>	7AM <del>((9/11))</del> <u>9/17</u>	7AM <del>((9/16))</del> <u>9/22</u>	5"
	7AM <del>((9/18))</del> <u>9/24</u>	Midnight <del>((10/29))</del> <u>11/4</u>	5"
	7AM <del>((10/31))</del> <u>11/6</u>	4PM <del>((11/4))</del> <u>11/10</u>	6 1/4"
	6AM <del>((11/7))</del> <u>11/13</u>	4PM <del>((11/11))</del> <u>11/17</u>	6 1/4"

AREA	TIME	DATE(S)	MINIMUM MESH
	6AM ((H/H4)) <u>11/20</u>	- 4PM ((H/H8)) <u>11/24</u>	6 1/4"
	7AM ((H/H2+)) <u>11/27</u>	- 4PM ((H/H25)) <u>11/30</u>	6 1/4"
	<u>7AM 12/4</u>	- <u>4PM 12/8</u>	

Note: In Area 7C the minimum mesh size is 7" through 9/15.

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	Closed	5"
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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:	6PM	- 8AM	Closed	((5"))
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Note: In Area 8A fishers must use minimum 5" and maximum 5 1/2" mesh during pink salmon management periods.

8D:	((6PM)) <u>6AM</u>	- ((8AM)) <u>10PM</u>	((Closed)) <u>9/19</u>	5"
	<u>6AM 9/21</u>	= <u>10PM 9/22</u>		<u>5"</u>
	<u>7AM</u>	= <u>9PM</u>	<u>9/26, 10/3, 10/10</u>	5"
	<u>7AM 9/28</u>	= <u>9PM 9/29</u>		<u>5"</u>
	<u>7AM 10/5</u>	= <u>9PM 10/6</u>		<u>5"</u>
	<u>7AM 10/12</u>	= <u>9PM 10/13</u>		<u>5"</u>
	<u>7AM</u>	= <u>8PM</u>	<u>10/17, 10/24</u>	5"
	<u>7AM 10/19</u>	= <u>8PM 10/20</u>		5"
	<u>7AM 10/26</u>	= <u>8PM 10/27</u>		5"
	<u>7AM</u>	= <u>7PM</u>	<u>10/31</u>	5"
	<u>7AM 11/2</u>	= <u>7PM 11/3</u>		5"
	<u>6AM</u>	= <u>6PM</u>	<u>11/7</u>	5"
	<u>6AM 11/9</u>	= <u>6PM 11/10</u>		5"
	<u>6AM</u>	= <u>6PM</u>	<u>11/15, 11/16, 11/17, 11/22, 11/23, 11/24</u>	6 1/4"
	<u>7AM</u>	= <u>6PM</u>	<u>11/29, 11/30, 12/1</u>	6 1/4"

9A: Skiff gillnet only, definition WAC ((220-16-046)) 220-350-170 and lawful gear description WAC ((220-47-302)) 220-354-140.	7AM ((8/14)) <u>8/21</u>	- 7PM ((40/29)) <u>11/4</u>		5"
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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	((Closed)) <u>Limited participation - 5 boats 8/22, 8/28, 8/30, 9/5, 9/7</u>	4 1/2" minimum and 5 1/2" maximum
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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)) 220-354-140 (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 ((40/16, 10/25, 10/27, 11/1, 11/3)) <u>10/19, 10/22, 10/25, 10/31, 11/2</u>	6 1/4"
	((5PM)	- 7AM	NIGHTLY 10/19	6-1/4")
	4PM	- 8AM	((11/6, 11/9, 11/15, 11/20, 11/23)) <u>11/5, 11/14, 11/16, 11/19, 11/22</u>	6 1/4"
	4PM	- 7AM	NIGHTLY ((H/H7)) <u>11/8</u>	6 1/4"

12A: Skiff gillnet only, definition WAC ((220-16-046)) 220-350-170 and lawful gear description WAC ((220-47-302)) 220-354-140.	7AM	- 7PM	Dates determined per agreement with tribal co-managers in-season if Summer Chum Salmon Conservation Initiative goals are met allowing for openings of gillnet gear.	5"
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AREA	TIME	DATE(S)	MINIMUM MESH
12, 12B:	7AM - 8PM	(( <del>4/17</del> ), 10/19, <u>10/23, 10/25</u> )	6 1/4"
	7AM - 7PM	(( <del>4/25, 10/27, 11/1, 11/3</del> )) <u>10/31, 11/2</u>	6 1/4"
	6AM - 6PM	(( <del>11/7, 11/9, 11/15, 11/17</del> )) <u>11/6, 11/8, 11/14, 11/16, 11/20, 11/22</u>	6 1/4"
12C:	((7AM - 7PM	<del>11/1, 11/3</del> ))	
	6AM - 6PM	(( <del>11/7, 11/9, 11/15, 11/17</del> )) <u>11/6, 11/8, 11/14, 11/16, 11/20, 11/22</u>	6 1/4"
	7AM - 6PM	(( <del>11/21, 11/23</del> )) <u>11/28, 11/30</u>	6 1/4"

All other saltwater and freshwater areas - Closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

**NEW SECTION**

The following section of the Washington Administrative Code is decodified and recodified as follows:

Old WAC Number	New WAC Number
220-47-311	220-354-120
220-47-411	220-354-160

**WSR 17-13-077**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed June 16, 2017, 2:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-09-096.

Title of Rule and Other Identifying Information: WAC 220-413-130 Special use permits, 220-413-140 Hunting of game birds and animals by persons with a disability, 220-413-150 Definition of a person with a disability, 220-310-150 Fly fishing, and 220-220-240 Fishing for shellfish, freshwater fish or saltwater fish by persons of disability.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on August 4-5, 2017, at 8:00 a.m.

Date of Intended Adoption: On or after August 6, 2017.

Submit Written Comments to: Scott Bird, Washington Department of Fish and Wildlife (WDFW) Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, email Rules.Coordinator@dfw.wa.gov, fax (360) 902-2403, by August 5, 2017.

Assistance for Persons with Disabilities: Contact Tami Lininger by August 3, 2017, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the rule changes and recodification of selected regulations is to streamline and clarify rules related to people with disabilities who hunt and fish and to ensure compliance with the Ameri-

cans with Disabilities Act (ADA) Title II and Section 504 of the Rehabilitation Act.

Reasons Supporting Proposal: Ensure that the public can find and understand the rules concerning hunting and fishing activities for individuals with a disability.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047.

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

Name of Proponent: [WDFW], governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dolores Noyes, 1111 Washington Street S.E., Olympia, WA, (360) 902-2349; and Enforcement: Chief Chris Anderson, 1111 Washington Street S.E., Olympia, WA, (360) 902-2403.

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

A cost-benefit analysis is not required under RCW 34.05.328. These [This] rule proposal does not affect hydraulics.

June 16, 2017  
 Scott Bird  
 Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-220-240 ((Fishing for)) Harvesting of shellfish, ((freshwater)) food fish or ((saltwater)) game fish by persons ((of)) with a disability.** (1) Definitions:

(a) ("~~Designated harvester~~" means a licensed fisher who ~~accompanies a disabled fisher and assists the disabled fisher in the taking of shellfish, game fish or food fish.~~

(b) "~~Disabled fisher~~") "Harvester with a disability" means a person ((of)) with a permanent disability who possesses a valid ((~~fishing license or shellfish license~~)) disabled harvester permit issued by the department. ((~~A disabled fisher must have all required licenses and catch record cards before fishing.~~

~~(e) "Disabled"~~

~~(b)(i) "Disabled harvester permit" means a permit, card, or endorsement to a license issued by the department to any person with a permanent disability who applies to the department and presents such evidence as the director may require showing that the applicant is a person with a qualifying disability;~~

~~(ii) A designated harvester companion card will be issued to the holder of a disabled harvester permit along with the issuance of a harvesting license.~~

~~(c) "Designated harvester companion" means a designated person who only assists with that physical function the harvester with a disability is unable to perform during his or her recreational activity in the taking of shellfish, food fish, or game fish.~~

~~(d) "Designated harvester ((identification)) companion card" means ((a)) an identification card issued by the department to ((any person of)) a harvester with a disability ((who applies to the department and presents such evidence as the director may require showing that the applicant is a person of disability. Upon issuance of a disabled license, the department will also issue a designated harvester identification card.~~

~~(d) "Person of disability" means:~~

~~(i) A permanently disabled person who is not ambulatory over natural terrain without a prosthesis or assistive device; or~~

~~(ii) A permanently disabled person who is unable to hold or use any legal fishing or shell fishing device; or~~

~~(iii) A person who is totally blind or visually impaired.~~

~~This definition includes, but is not limited to, permanently disabled persons with upper or lower extremity impairments who have lost the use of one or both upper or lower extremities, or who have a significant limitation in the use of upper or lower extremities, or who have a diagnosed disease or disorder which substantially impairs or interferes with mobility of the use of upper extremities.~~

~~(e) "Visually impaired" means central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field is no greater than 20 degrees)) for use by another person in assisting or acting on the behalf of the harvester with a disability while engaging in fishing or harvesting activities.~~

~~(2) It is unlawful for a harvester with a disability to fail to obtain all licenses, permits and catch record cards prior to fishing.~~

~~(3) The designated harvester companion, when accompanied by the ((disabled fisher)) harvester with a disability, may assist the ((disabled fisher)) harvester with a disability in taking shellfish, game fish and food fish or engage in the taking of shellfish, game fish, and food fish on behalf of the ((disabled fisher)) harvester with a disability.~~

~~((3)) (4)(a) It is unlawful for a designated harvester companion to assist a ((disabled fisher)) harvester with a disability unless the ((disabled fisher)) harvester with a disability is present and participating in the fishing activity((; except, the disabled fisher)), except:~~

~~(b) The harvester with a disability is not required to be present at the location where the designated harvester companion is harvesting shellfish for the ((disabled person)) har-~~

~~vester with a disability. The ((license)) harvester with a disability is required to be in the direct line of sight of the designated harvester companion who is harvesting shellfish for him or her, unless it is not possible to be in a direct line of sight because of a physical obstruction or other barrier. If such a barrier or obstruction exists, the ((license)) harvester with a disability is required to be within one-quarter mile of the designated harvester companion who is harvesting shellfish for him or her and must have a form of reliable and direct communication.~~

~~((4)) (5) It is unlawful for a designated harvester companion to assist a ((disabled fisher)) harvester with a disability unless the designated harvester companion is licensed and has the designated harvester ((identification)) companion card on his or her person.~~

~~((5)) (6) Shellfish, game fish or food fish harvested by a designated harvester companion on behalf of a ((disabled fisher)) harvester with a disability becomes part of the ((disabled fisher's)) harvester with a disability's bag or possession limit, and must be kept separate from the designated ((harvester's)) harvester companion's bag or possession limit.~~

~~(7) A violation of this section is punishable under RCW 77.15.380.~~

#### NEW SECTION

The following section of the Washington Administrative Code is decodified and recodified as follows:

Old WAC Number	New WAC Number
220-220-240	220-305-120

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-310-150 Fly fishing.** (1) It is unlawful to fish in waters restricted to "fly fishing only" with the use of:

(a) A fixed spool reel.

(b) Fishing line other than conventional fly line or conventional "Tenkara" fly line, except that other line may be used for backing and leader if it is attached to not less than 25 feet of conventional fly line.

(c) Hooks that exceed 1/2 inch when measured from point to shank.

(d) Not more than two flies each with a barbless single hook.

(e) Bait.

(f) Weight attached to the leader or line.

(2) Only knotless nets may be used to land fish in waters restricted to "fly fishing only."

(3)(a) A violation of gear restrictions in subsection (1) or (2) of this section is an infraction, punishable under RCW 77.15.160, unless the person possesses fish taken with prohibited gear.

(b) It is unlawful to possess fish taken with gear in violation of the provisions of this section. Possession of fish while using gear in violation of the provisions of this section is a rebuttable presumption that the fish were taken with such gear. Possession of such fish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree

—Penalty, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

(4) "Fly" means a lure on which thread, feathers, hackle, foam, rubber, or yarn cover a minimum of half the shank of the hook. Metallic colored tape, metal wire, metal tape, tinsel, mylar, or beadeyes may be used as an integral part of the design of the fly pattern.

~~((5) Notwithstanding the provisions of this section, persons who have a permanent disability that significantly limits the use of one or both upper extremities may use spinning gear and may fish from a floating device equipped with an electric motor in lakes where fishing from a floating device is allowed in fly fishing only waters as provided for in this section.~~

~~(a) A fisher with a disability must apply for a fly fishing special use permit by presenting a letter from a physician stating that the fisher's disability is permanent and that, because of the inability to use one or both upper extremities, the fisher is physically incapable of using conventional fly fishing gear.~~

~~(b) The fisher will be issued a fly fishing special use permit in the form of a wearable tag. The fisher must have the special use permit in his or her possession at all times while using spin casting gear in fly fishing only waters, and may display the permit on outer clothing.~~

~~(c) It is permissible for persons in possession of a fly fishing special use permit to use the following gear:~~

~~(i) Fishers may use spin casting gear with a casting bubble.~~

~~(ii) Monofilament line with no limit on the breaking strength of the line.~~

~~(iii) Hook size and barb restrictions, fishing fly requirements, and bait and weight prohibitions as provided for in this section apply to both conventional fly fishing and spin bubble fly fishing.)~~

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-413-140 Hunting of game birds and animals by persons with a disability.** (1) Definitions:

(a) "Hunter with a disability" means a person with a permanent disability who possesses a disabled hunter permit issued by the department.

(b) "Disabled hunter permit" means a permit, card, or endorsement to a license issued by the department to any person with a permanent disability who applies to the department and presents such evidence as the director may require showing that the applicant is a person with a qualifying disability.

(i) Upon approval of the application, the department will issue a vehicle identification placard.

(ii) A designated hunter companion card will be issued to the holder of a disabled hunter permit along with the issuance of a hunting license.

(c) "Designated hunter companion" means a designated person who only assists ~~((or acts on behalf of a hunter with a disability in the))~~ with that physical function the hunter with a disability is unable to perform, such as stalking, shooting,

tracking, retrieving, or the tagging of game birds and game animals.

(d) "Designated hunter companion card" means an identification card issued by the department to a hunter with a disability for use by another person in assisting or acting on the behalf of the hunter with a disability while engaging in hunting activities.

(e) "Accompany" means the hunter with a disability and the designated hunter companion are in the physical presence of each other, not to exceed a 1/4-mile separation. While stalking or shooting an animal, the hunter with a disability and the designated hunter companion must have a form of reliable and direct communication.

(2) It is unlawful for a hunter with a disability to fail to obtain all required licenses, tags, or stamps before hunting.

(3) It is unlawful for a designated hunter companion to assist a hunter with a disability unless the designated hunter companion has the designated hunter companion card on his or her person. A designated hunter companion must have a valid hunting license issued by Washington state or another state.

(a) The designated hunter companion must accompany the hunter with a disability when stalking or shooting game on behalf of the hunter with a disability.

(b) The designated hunter companion does not need to accompany the hunter with a disability while tracking an animal wounded by either hunter, or while tagging or retrieving a downed animal on behalf of the hunter with a disability.

(4) It is unlawful for the hunter with a disability or the designated hunter companion to fail to:

(a) Immediately cut, notch, or date any required tag upon harvesting a game bird or animal; and

(b) Affix the tag to the carcass of the game bird or animal as soon as reasonably possible after killing the game.

(5) A violation of subsection (2), (3), or (4) of this section is punishable under RCW 77.15.400, 77.15.410, 77.15.430, or 77.15.750 or other statutes under chapter 77.15 RCW depending on the circumstances of the violation.

(6) Game birds or game animals killed, tagged or retrieved by a designated hunter companion on behalf of a hunter with a disability do not count against the designated hunter companion's bag or possession limit.

(7) It is unlawful for a hunter with a disability to possess a loaded firearm in a motor vehicle, or shoot from a motor vehicle, unless the vehicle is stopped, the vehicle is removed from the maintained portion of the roadway, and the motor is turned off. A disabled hunter vehicle identification placard must be displayed and visible.

NEW SECTION

The following sections of the Washington Administrative Code are decodified and recodified as follows:

Old WAC Number	New WAC Number
220-413-130	220-200-170
220-413-150	220-200-160

**WSR 17-13-087  
PROPOSED RULES  
TRANSPORTATION COMMISSION**

[Filed June 19, 2017, 8:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-10-054.

Title of Rule and Other Identifying Information: State ferries and toll bridges, WAC 468-300-010, 468-300-020, 468-300-040, and 468-300-220.

To meet legislative budget requirements, the transportation commission is proposing adjustments to ferry fares in October 2017 and October 2018. Proposed revisions to WAC 468-300-010, 468-300-020 and 468-300-040 increase passenger tolls and vehicle tolls effective on October 1, 2017; and a second increase effective on October 1, 2018. Proposed revisions to WAC 468-300-220 regarding ferry charters state that the ferry operating costs will be as published by Washington state ferries (WSF) on its public web site, with annual or other periodic updates for such costs.

Hearing Location(s): Puget Sound Regional Council, Board Room, 1011 Western Avenue, Seattle, WA 98104, on Wednesday, July 26, 2017, at 10:00 a.m.

Date of Intended Adoption: Wednesday, July 26, 2017.

Submit Written Comments to: Reema Griffith, Executive Director, Transportation Commission, 2404 Chandler Court S.W., Suite 270, Olympia, WA 98501, email griffir@wstc.wa.gov, fax (360) 705-6802, by July 21, 2017.

Assistance for Persons with Disabilities: Contact transportation commission office by July 21, 2017, TTY 711 connect to (360) 705-7070.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule is to: (i) Increase ferry tolls and provide more timely cost data for ferry charter rates; and (ii) modify certain fare

categories, all within the specified WAC. The revisions follow the annual review of WSF's fares and policies.

The anticipated effects of this proposal: (i) General ferry fares will increase and some fare categories will be modified; and (ii) more timely vessel operating cost data will be available to the public on WSF's web site, as the basis for calculating the ferry charter rates under the WAC rule, which process remains unchanged.

Reasons Supporting Proposal: The proposed fare changes are to meet requirements in state law, including adjustments to ferry fares to meet the fare revenue target established in the two-year transportation budget.

Statutory Authority for Adoption: RCW 47.56.030 and 47.60.315.

Statute Being Implemented: RCW 47.56.030 and 47.60-315.

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

Name of Proponent: Washington state department of transportation, ferries division, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Raymond G. Deardorf, 2901 Third Avenue, Suite 500, Seattle, WA 98121-3014, (206) 515-3491.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Pursuant to RCW 19.85.030, the proposed rules will not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is not required under RCW 34.05.328. WSF is anticipated to take in more farebox revenue from the proposed fare increase which is estimated to generate approximately \$8.3 million more than existing fares generate[d] for fiscal years 2018 and 2019 combined.

June 19, 2017  
Reema Griffith  
Executive Director

AMENDATORY SECTION (Amending WSR 15-18-002, filed 8/19/15, effective 10/1/15)

**WAC 468-300-010 Ferry passenger tolls.**

**EFFECTIVE 03:00 A.M. October 1, (~~2015~~) 2017**

ROUTES	Full Fare <sup>9</sup>	Senior/ Disabled, Youth <sup>9</sup>	Multiride Media 20 Rides <sup>1, 9</sup>	Monthly Pass <sup>5, 9</sup>	Bicycle Surcharge <sup>2</sup>
Via Auto Ferry	((6.05))	((2.90))	((48.40))	((77.45))	
*Fautleroy-Southworth	6.55	3.25	52.90	84.65	1.00
*Seattle-Bremerton					
*Seattle-Bainbridge Island	((7.85))	((3.80))	((62.80))	((100.50))	
*Edmonds-Kingston	8.40	4.20	67.70	108.35	1.00
Port Townsend-Coupeville	((3.00))	((1.35))	((48.40))	((77.45))	
*Fautleroy-Vashon	3.40	1.70	55.40	88.65	0.50
*Southworth-Vashon					
*Pt. Defiance-Tahlequah	((5.00))	((2.35))	((40.00))	((64.00))	
	5.45	2.70	44.10	70.60	1.00
*Mukilteo-Clinton	((4.60))	((2.15))	((36.80))	((58.90))	
	5.05	2.50	40.90	65.45	1.00
*Anacortes to Lopez, Shaw, Orcas or Friday Harbor	((12.85))	((6.30))	((83.55))		
	13.60	6.80	89.30	N/A	2.00 <sup>6</sup>
Between Lopez, Shaw, Orcas and Friday Harbor <sup>4</sup>	N/C	N/C	N/C	N/A	N/C

ROUTES	Full Fare <sup>9</sup>	Senior/ Disabled, Youth <sup>9</sup>	Multiride Media 20 Rides <sup>1,9</sup>	Monthly Pass <sup>5,9</sup>	Bicycle Surcharge <sup>2</sup>
Anacortes to Sidney and Sidney to all destinations	<del>((19.00))</del> 19.95	<del>((9.35))</del> 9.95	N/A	N/A	4.00 <sup>7</sup>
From Lopez, Shaw, Orcas and Friday Harbor to Sidney	<del>((11.80))</del> 12.45	<del>((5.70))</del> 6.15	N/A	N/A	2.00 <sup>8</sup>
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>3</sup>	<del>((23.60))</del> 24.65	<del>((11.65))</del> 11.90	N/A	N/A	4.00 <sup>7</sup>

All fares rounded to the next multiple of \$0.05.

\*These routes operate as a one-point toll collection system.

<sup>1</sup>MULTIRIDE MEDIA - Shall be valid only for 90 days from date of purchase after which time the tickets shall not be accepted for passage. Remaining value will not be eligible for refund or exchange. There shall be no commercial resale of this fare media. For mail order deliveries, WSF may add additional days to allow for delivery times.

<sup>2</sup>BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare. Customers using multiride media and monthly passes are exempt from the bicycle surcharge. On all routes except Anacortes/San Juan Island/Sidney, B.C., customers paying with the ePurse or the ORCA card are exempt from the bicycle surcharge. For the purpose of WSF fare determination, the bicycle fare category shall include both bicycles and electric bicycles that do not require registration or license plates as defined by RCW 46.04.071 and 46.04.169. Bicycles towing a trailer are to be charged the motorcycle/driver (stowage) rate in WAC 468-300-020. This rate includes the fare for the walk on passenger with the bicycle, and the trailer being towed by the bicycle.

<sup>3</sup>ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the Islands served.

<sup>4</sup>INTER-ISLAND FARES - Passenger fares included in Anacortes tolls.

<sup>5</sup>PASSES - Passenger passes are available for all routes except Anacortes/San Juan Island/Sidney. Passes are valid for the period printed on the pass and will be presented to Washington state ferries staff or scanned through an automated turnstile whenever a passenger fare is collected. This pass is based on 16 days of passenger travel with a 20% discount. A \$1.00 retail/shipping and handling fee will be added to the price of the pass.

A combination ferry-transit pass may be available for a particular route when determined by Washington state ferries and a local public transit agency to be a viable fare instrument. The WSF portion of the fare is based on 16 days of passenger travel per month at a 20% discount.

The monthly pass is valid for a maximum of 31 round trips per month, is nontransferable, is nonreproducible, and is intended for a single user. Monthly passes purchased through the regional SmartCard program are also nontransferable and intended for a single user, but allow for unlimited usage.

<sup>6</sup>BICYCLE SURCHARGE - This becomes \$4.00 during peak season (May 1 through September 30).

<sup>7</sup>BICYCLE SURCHARGE - This becomes \$6.00 during peak season.

<sup>8</sup>BICYCLE SURCHARGE - This becomes \$3.00 during peak season.

<sup>9</sup>CAPITAL SURCHARGE - ~~((There will be an additional))~~ Included is a \$0.25 capital surcharge on each single passenger fare collected. On all multiride cards except for Port Townsend/Coupeville, there ((will be an additional)) is included a capital surcharge of \$2.50. For Port Townsend/Coupeville, the ((additional)) included capital surcharge ((will be)) is \$5.00 on multiride cards. On all monthly passes except Port Townsend/Coupeville, there ((will be an additional)) is included a \$4.00 capital surcharge. For Port Townsend/Coupeville, the ((additional)) included capital surcharge ((will be)) is \$8.00 on monthly passes.

CHILDREN/YOUTH - Children under six years of age will be carried free when accompanied by parent or guardian. Children/youths six through eighteen years of age will be charged the youth fare, which will be 50% of full fare rounded to the next multiple of \$0.05.

SENIOR CITIZENS - Passengers age 65 and over, with proper identification establishing proof of age, may travel at half-fare passenger tolls on any route where passenger fares are collected.

PERSONS OF DISABILITY - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, upon presentation of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes a disability may travel at half-fare passenger tolls on any route. In addition, those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant to travel free as a passenger.

BUS PASSENGERS - Passengers traveling on public transit buses pay the applicable fare. Passengers traveling in private or commercial buses will be charged the half-fare rate.

MEDICARE CARD HOLDERS - Any person holding a medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act may travel at half-fare passenger tolls on any route upon presentation of a WSF Disability Travel Permit or a Regional Reduced Fare Permit at time of travel.

IN-NEED ORGANIZATIONS - For qualified organizations serving in-need clients by providing tickets for transportation on WSF at no cost to clients, program would offer a monthly discount to approximate appropriate multiride media discount rates. Appointing bodies (those that appoint Ferry Advisory Committees) will nominate to the Washington State Transportation Commission those organizations that meet the criteria of the program. The Commission will review such nominations and certify those organizations that qualify. The following criteria will be used for nominating and certifying in-need organizations: Nongovernmental and not-for-profit organizations whose primary purpose is one or more of the following: Help clients with medical issues; provide clients with low-income social services; help clients suffering from domestic violence; provide clients with employment-seeking services; and/or help clients with Social Security. Travel will be initially charged based on full fare and billed monthly. The credits will be approximately based on the discount rates offered to multiride media users applicable on the date of travel.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specific discount in order to enhance total revenue and effective only at designated times on designated routes. A promotional fare product may also be established to support tourism or other special events. The promotional fare or product may be bundled and sold as part of a multiparty promotional program.

Special passenger fare rate(s) may be established for a pilot program in conjunction with the Central Puget Sound Regional Fare Integration project on ferry route(s) serving King, Pierce, Snohomish and Kitsap counties. The rate(s) may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specific discount not to exceed fifty percent of full fare.

SCHOOL GROUPS - Passengers traveling in authorized school groups (~~for institution-sponsored activities~~), including home-school groups, will be charged a flat rate of \$1 per walk-on group or per vehicle of students and/or advisors and staff. All school groups require a letter of authorization and prior notification. In the case of home-school groups, in addition to prior notification, a copy of the filed Declaration of Intent (as outlined in RCW 28A.200.010) shall be submitted to the tollbooth at the time of travel. Notification shall be made no less than 72 hours before the scheduled departure and will include the expected number of school-age children and adults that will be traveling to ensure WSF can satisfy U.S. Coast Guard lifesaving equipment requirements. Failure to provide adequate notification may result in delayed travel. Vehicles and drivers will be charged the fare applicable to vehicle size. The special school rate is \$2 on routes where one-point toll systems are in effect.

BUNDLED SINGLE FARE BOOKS - WSF may bundle single fare types into multiride media as a customer convenience. Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days for delivery times.

FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency call. ~~(WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.)~~

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiride media or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

**EFFECTIVE 03:00 A.M. (~~May 1, 2016~~) October 1, 2018**

ROUTES	Full Fare <sup>8</sup>	Multiride Media		Monthly Pass <sup>5, 8</sup>	Bicycle Surcharge <sup>2</sup>
		Senior/ Disabled, Youth <sup>8</sup>	20 Rides <sup>1, 8</sup>		
Via Auto Ferry	<del>((6.10))</del>	<del>((2.90))</del>	<del>((48.80))</del>	<del>((78.10))</del>	
*Fauntleroy-Southworth	<u>6.65</u>	<u>3.30</u>	<u>53.70</u>	<u>85.95</u>	1.00
*Seattle-Bremerton					
*Seattle-Bainbridge Island	<del>((7.95))</del>	<del>((3.85))</del>	<del>((63.60))</del>	<del>((101.80))</del>	
*Edmonds-Kingston	<u>8.55</u>	<u>4.25</u>	<u>68.90</u>	<u>110.25</u>	1.00
Port Townsend-Coupeville	<del>((3.05))</del>	<del>((1.40))</del>	<del>((48.80))</del>	<del>((78.10))</del>	
	<u>3.45</u>	<u>1.70</u>	<u>56.20</u>	<u>89.95</u>	0.50
*Fauntleroy-Vashon					
*Southworth-Vashon	<del>((5.05))</del>	<del>((2.40))</del>	<del>((40.40))</del>	<del>((64.65))</del>	
*Pt. Defiance-Tahlequah	<u>5.55</u>	<u>2.75</u>	<u>44.90</u>	<u>71.85</u>	1.00
	<del>((4.65))</del>	<del>((2.20))</del>	<del>((37.20))</del>	<del>((59.55))</del>	
*Mukilteo-Clinton	<u>5.15</u>	<u>2.55</u>	<u>41.70</u>	<u>66.75</u>	1.00
*Anacortes to Lopez, Shaw, Orcas or Friday Harbor	<del>((13.00))</del>	<del>((6.35))</del>	<del>((84.50))</del>		
	<u>13.85</u>	<u>6.90</u>	<u>90.90</u>	N/A	2.00 <sup>6</sup>
Between Lopez, Shaw, Orcas and Friday Harbor <sup>4</sup>	N/C	N/C	N/C	N/A	N/C
Anacortes to Sidney and Sidney to all destinations	<del>((19.20))</del>	<del>((9.45))</del>			
	<u>20.35</u>	<u>10.15</u>	N/A	N/A	4.00 <sup>7</sup>
From Lopez, Shaw, Orcas and Friday Harbor to Sidney	<del>((11.90))</del>	<del>((5.75))</del>			
	<u>12.70</u>	<u>6.30</u>	N/A	N/A	2.00 <sup>8</sup>
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>3</sup>	<del>((23.80))</del>	<del>((11.75))</del>			
	<u>25.15</u>	<u>12.00</u>	N/A	N/A	4.00 <sup>7</sup>

All fares rounded to the next multiple of \$0.05.

\*These routes operate as a one-point toll collection system.

<sup>1</sup>MULTIRIDE MEDIA - Shall be valid only for 90 days from date of purchase after which time the tickets shall not be accepted for passage. Remaining value will not be eligible for refund or exchange. There shall be no commercial resale of this fare media. For mail order deliveries, WSF may add additional days to allow for delivery times.

- <sup>2</sup>BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare. Customers using multiride media and monthly passes are exempt from the bicycle surcharge. On all routes except Anacortes/San Juan Islands/Sidney, B.C., customers paying with the ePurse on the ORCA card are exempt from the bicycle surcharge. For the purposes of WSF fares determination, the bicycle fare category shall include both bicycles and electric bicycles that do not require registration or license plates as defined by RCW 46.04.071 and 46.04.169. Bicycles towing a trailer are to be charged the motorcycle/driver (stowage) rate in WAC 468-300-020. This rate includes the fare for the walk on passenger with the bicycle, and the trailer being towed by the bicycle.
- <sup>3</sup>ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the Islands served.
- <sup>4</sup>INTER-ISLAND FARES - Passenger fares included in Anacortes tolls.
- <sup>5</sup>PASSES - Passenger passes are available for all routes except Anacortes/San Juan Island/Sidney. Passes are valid for the period printed on the pass and will be presented to Washington state ferries staff or scanned through an automated turnstile whenever a passenger fare is collected. This pass is based on 16 days of passenger travel with a 20% discount. A \$1.00 retail/shipping and handling fee will be added to the price of the pass.
- A combination ferry-transit pass may be available for a particular route when determined by Washington state ferries and a local public transit agency to be a viable fare instrument. The WSF portion of the fare is based on 16 days of passenger travel per month at a 20% discount.
- The monthly pass is valid for a maximum of 31 round trips per month, is nontransferable, is nonreproducible, and is intended for a single user. Monthly passes purchased through the regional SmartCard program are also nontransferable and intended for a single user, but allow for unlimited usage.
- <sup>6</sup>BICYCLE SURCHARGE - This becomes \$4.00 during peak season (May 1 through September 30).
- <sup>7</sup>BICYCLE SURCHARGE - This becomes \$6.00 during peak season.
- <sup>8</sup>BICYCLE SURCHARGE - This becomes \$3.00 during peak season.
- <sup>9</sup>CAPITAL SURCHARGE - ~~((There will be an additional))~~ Included is an \$0.25 capital surcharge on each single passenger fare collected. On all multiride cards except for Port Townsend/Coupeville, ~~there ((will be an additional))~~ is an included capital surcharge of \$2.50. For Port Townsend/Coupeville, ~~the ((additional)) included~~ capital surcharge ~~((will be))~~ is \$5.00 on multiride cards. On all monthly passes except Port Townsend/Coupeville, ~~there ((will be an additional))~~ is an included \$4.00 capital surcharge. For Port Townsend/Coupeville, ~~the ((additional)) included~~ capital surcharge ~~((will be))~~ is \$8.00 on monthly passes.
- CHILDREN/YOUTH - Children under six years of age will be carried free when accompanied by parent or guardian. Children/youths six through eighteen years of age will be charged the youth fare, which will be 50% of full fare rounded to the next multiple of \$0.05.
- SENIOR CITIZENS - Passengers age 65 and over, with proper identification establishing proof of age, may travel at half-fare passenger tolls on any route where passenger fares are collected.
- PERSONS OF DISABILITY - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, upon presentation of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes a disability may travel at half-fare passenger tolls on any route. In addition, those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant to travel free as a passenger.
- BUS PASSENGERS - Passengers traveling on public transit buses pay the applicable fare. Passengers traveling in private or commercial buses will be charged the half-fare rate.
- MEDICARE CARD HOLDERS - Any person holding a medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act may travel at half-fare passenger tolls on any route upon presentation of a WSF Disability Travel Permit or a Regional Reduced Fare Permit at time of travel.
- IN-NEED ORGANIZATIONS - For qualified organizations serving in-need clients by providing tickets for transportation on WSF at no cost to clients, program would offer a monthly discount to approximate appropriate multiride media discount rates. Appointing bodies (those that appoint Ferry Advisory Committees) will nominate to the Washington State Transportation Commission those organizations that meet the criteria of the program. The Commission will review such nominations and certify those organizations that qualify. The following criteria will be used for nominating and certifying in-need organizations: Nongovernmental and not-for-profit organizations whose primary purpose is one or more of the following: Help clients with medical issues; provide clients with low-income social services; help clients suffering from domestic violence; provide clients with employment-seeking services; and/or help clients with Social Security. Travel will be initially charged based on full fare and billed monthly. The credits will be approximately based on the discount rates offered to multiride media users applicable on the date of travel.
- PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specific discount in order to enhance total revenue and effective only at designated times on designated routes. A promotional fare product may also be established to support tourism or other special events. The promotional fare or product may be bundled and sold as part of a multiparty promotional program.
- Special passenger fare rate(s) may be established for a pilot program in conjunction with the Central Puget Sound Regional Fare Integration project on ferry route(s) serving King, Pierce, Snohomish and Kitsap counties. The rate(s) may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specific discount not to exceed fifty percent of full fare.
- SCHOOL GROUPS - Passengers traveling in authorized school groups, including home-school groups, for institution-sponsored activities will be charged a flat rate of ~~\$(+))~~ 5 per walk-on group or per vehicle of students and/or advisors and staff. All school groups require a letter of authorization and prior notification. In the case of home-school groups, in addition to prior notification, a copy of the filed Declaration of Intent (as outlined in RCW 28A.200.010) shall be submitted to the tollbooth at time of travel. Notification shall be made no less than 72 hours before the scheduled departure and will include the expected number of school-age children and adults that will be traveling to ensure WSF can satisfy U.S. Coast Guard lifesaving equipment requirements. Failure to provide adequate notification may result in delayed travel. Vehicles and drivers will be charged the fare applicable to vehicle size. The special school rate is ~~\$(2))~~ 10 on routes where one-point toll systems are in effect.

BUNDLED SINGLE FARE BOOKS - WSF may bundle single fare types into multiride media as a customer convenience. Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days for delivery times.

FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency call. ~~(WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.)~~

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiride media or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

**AMENDATORY SECTION** (Amending WSR 15-18-002, filed 8/19/15, effective 10/1/15)

**WAC 468-300-020 Vehicle under 22', motorcycle, and stowage ferry tolls.**

**EFFECTIVE 03:00 A.M. October 1, ~~(2015)~~ 2017**

ROUTES	Vehicle Under 14' Incl. Driver One Way <sup>7</sup>	Vehicle Under 14' w/Sr Citizen or Disabled Driver <sup>4,7</sup>	Vehicle under 14' Multiride Media 20 Rides <sup>2,7</sup>
Fauntleroy-Southworth Port Townsend/Coupeville	<del>((8.45))</del> 9.15	<del>((6.85))</del> 7.50	<del>((135.20))</del> 147.40
Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston	<del>((11.00))</del> 11.80	<del>((8.95))</del> 9.70	<del>((176.00))</del> 189.80
*Fauntleroy-Vashon			
*Southworth-Vashon	<del>((14.05))</del> 15.05	<del>((11.40))</del> 12.30	<del>((112.40))</del> 120.90
*Pt. Defiance-Tahlequah			
Mukilteo-Clinton	<del>((6.45))</del> 7.05	<del>((5.20))</del> 5.75	<del>((103.20))</del> 113.80
10 Rides - 5 Round Trips			
*Anacortes to Lopez	<del>((25.65))</del> 27.25	<del>((19.10))</del> 20.45	<del>((96.20))</del> 102.50
*Shaw, Orcas	<del>((30.90))</del> 32.75	<del>((24.35))</del> 25.95	<del>((115.90))</del> 123.15
*Friday Harbor	<del>((36.70))</del> 38.85	<del>((30.15))</del> 32.05	<del>((137.65))</del> 146.00
Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup>	<del>((15.10))</del> 16.15	<del>((15.10))</del> 16.15	<del>((60.40))</del> 64.85
<i>International Travel</i>			
Anacortes to Sidney and Sidney to all destinations	<del>((42.15))</del> 44.65	<del>((32.50))</del> 34.65	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney	<del>((26.10))</del> 27.70	<del>((20.00))</del> 21.40	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>5</sup>	<del>((52.20))</del> 55.15	<del>((40.00))</del> 42.55	N/A

ROUTES	Vehicle 14' to Under 22' Incl. Driver One Way <sup>7</sup>	Vehicle 14' to Under 22' w/Sr Citizen or Disabled Driver <sup>4,7</sup>	Vehicle 14' to Under 22' Multiride Media 20 Rides <sup>2,7</sup>
Fauntleroy-Southworth Port Townsend/Coupeville	<del>((10.80))</del> 11.60	<del>((9.20))</del> 9.95	<del>((172.80))</del> 186.60
Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston	<del>((14.00))</del> 15.00	<del>((11.95))</del> 12.90	<del>((224.00))</del> 241.00
*Fauntleroy-Vashon			
*Southworth-Vashon	<del>((17.90))</del> 19.15	<del>((15.25))</del> 16.40	<del>((143.20))</del> 153.70
*Pt. Defiance-Tahlequah			



ROUTES	Vehicle 14' to Under 22' Incl. Driver One Way <sup>7</sup>	Vehicle 14' to Under 22' w/Sr Citizen or Disabled Driver <sup>4, 7</sup>	Vehicle 14' to Under 22' Multiride Media 20 Rides <sup>2, 7</sup>
Mukilteo-Clinton	((8.25)) 8.95	((7.00)) 7.65	((132.00)) 144.20
10 Rides - 5 Round Trips			
*Anacortes to Lopez	((32.20)) 34.15	((25.65)) 27.35	((120.75)) 128.40
*Shaw, Orcas	((38.65)) 40.95	((32.10)) 34.15	((144.95)) 153.90
*Friday Harbor	((45.90)) 48.65	((39.35)) 41.85	((172.15)) 182.75
Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup>	((21.55)) 22.95	((21.55)) 22.95	((86.20)) 92.05
<i>International Travel</i>			
Anacortes to Sidney and Sidney to all destinations	((52.10)) 55.20	((42.45)) 45.20	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney	((32.25)) 34.25	((26.15)) 27.95	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>5</sup>	((64.50)) 68.25	((52.30)) 55.65	N/A

**EFFECTIVE 03:00 A.M. October 1, ((2015)) 2017**

ROUTES	Motorcycle <sup>5</sup> Incl. Driver Stowage <sup>1, 7</sup> One Way	Motorcycle w/Sr Citizen or Disabled Driver Stowage <sup>1, 7</sup> One Way	Motorcycle Frequent User Commuter 20 Rides <sup>2, 7</sup>
Fauntleroy-Southworth Port Townsend/Coupeville	((4.65)) 5.05	((3.05)) 3.40	((74.40)) 81.80
Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston	((6.00)) 6.45	((3.95)) 4.35	((96.00)) 104.20
*Fauntleroy-Vashon			
*Southworth-Vashon	((7.60)) 8.20	((4.95)) 5.45	((60.80)) 66.10
*Pt. Defiance-Tahlequah			
Mukilteo-Clinton	((3.50)) 3.95	((2.25)) 2.65	((56.00)) 64.20
*Anacortes to Lopez	((16.75)) 17.75	((10.20)) 10.95	((125.65)) 133.75
*Shaw, Orcas	((18.05)) 19.10	((11.50)) 12.30	((135.40)) 143.90
*Friday Harbor	((19.50)) 20.65	((12.95)) 13.85	((146.25)) 155.50
Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup>	((6.05)) 6.50	((6.05)) 6.50	N/A
Anacortes to Sidney and Sidney to all destinations	((25.65)) 27.00	((16.00)) 17.00	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney	((15.90)) 16.80	((9.80)) 10.50	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>5</sup>	((31.80)) 33.35	((19.60)) 20.75	N/A

All fares rounded to the next multiple of \$0.05.

\*These routes operate as a one-point toll collection system.

<sup>1</sup>SIZE - Vehicles ((up to)) under 14' in length shall pay the vehicle under 14' toll. Customers may be required to provide documentation, digitally or on paper, at the tollbooth to prove vehicle length. Documentation may include an owner's manual, materials from an auto research web site, or similar reference material that clearly lists the relevant vehicle specifications. All vehicles from 14' to under 22' in length shall pay the 14' to under 22' toll. Motorcycles towing a trailer and vehicles licensed as motorcycles with three or more wheels that are 8'0" or longer shall pay the appropriate length-based vehicle fare. Motorcycles include both mopeds and motorcycles as defined by RCW 46.04.304 and 46.04.330. Both are considered vehicles for the purposes of vehicle registration, license plate display, and WSF fare determination.

- <sup>2</sup>MULTIRIDE MEDIA - Shall be valid only for 90 days from date of purchase after which time the media shall not be accepted for passage. Remaining value will not be eligible for refund or exchange. ~~There shall be no commercial resale of this fare media.~~ For mail order deliveries, WSF may add additional days to allow for delivery time. The vehicle/driver multiride card may be used for passage for an attendant driver plus one disabled driver.
- <sup>3</sup>INTER-ISLAND FARES - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.
- <sup>4</sup>SENIOR CITIZEN, DISABLED DRIVER OR DISABLED ATTENDANT DRIVER - Half fare discount applies to driver portion of the vehicle-driver fare and only when the driver is eligible. Those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant, when driving, to have the driver portion of the vehicle fare waived.
- <sup>5</sup>ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the islands served.
- <sup>6</sup>VEHICLE RESERVATION DEPOSIT - Nonrefundable deposits for advance vehicle reservations may be established at a level of from 25 to 100 percent of the applicable fare. This is a deposit toward the fare and not an additional fee, and applies only to those routes where the legislature has approved the use of a reservation system. Where it is operationally necessary (routes where vehicle fares are collected in only one direction or to increase operational efficiency at the terminal) a reservation no-show fee may be used in lieu of a deposit. The no-show fee will be limited to 25 to 100 percent of the equivalent one-way fare and will be charged if the customer does not travel within the same business day as their reserved sailing. Refunds may be available under certain circumstances.
- <sup>7</sup>CAPITAL SURCHARGE - ~~((There will be an additional))~~ Included is a \$0.25 capital surcharge on each single vehicle/driver fare collected. On all multiride cards except for routes serving Vashon Island and the San Juan Islands, there ~~((will be an additional))~~ is an included capital surcharge of \$5.00. For Vashon Island routes, the ~~((additional))~~ included capital surcharge ~~((will be))~~ is \$2.50 on multiride cards. For motorcycles in the San Juan Islands, the included capital surcharge on multiride cards ~~((will be))~~ is \$2.50. For vehicles under 22' in the San Juan Islands, the included capital surcharge on multiride cards ~~((will be))~~ is \$1.25.
- RIDE SHARE VEHICLES - A commuter ride share vehicle which carries five or more persons on a regular and expense-sharing basis for the purpose of travel to and from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$20 fee, a permit valid for one year valid only during the hours shown on the permit. The \$20.00 fee shall include the driver. Remaining passengers shall pay the applicable passenger fare. Except that the minimum total paid for all passengers in the van shall not be less than four times the applicable passenger fare. Carpools of three or more registered in WSF's preferential loading program must also pay a \$20.00 yearly permit fee.
- STOWAGE - Stowage carry-on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.
- PEAK SEASON SURCHARGE - A 25% surcharge shall be applied to vehicles from May 1 through September 30 except those using multiride media. A 35% surcharge shall be applied on vehicle fares from Anacortes to Lopez, Shaw, Orcas and Friday Harbor, except those using multiride media. The resulting fare is rounded to the nearest \$0.05 if required.
- FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency call. ~~((WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.))~~
- IN-NEED ORGANIZATIONS - For qualified organizations serving in-need clients by providing tickets for transportation on WSF at no cost to clients, program would offer a monthly discount to approximate appropriate multiride media discount rates (20% off base season rates, except for Anacortes to San Juan Islands where it is 35% off base season end of week rates). Appointing bodies (those that appoint Ferry Advisory Committees) will nominate to the Washington State Transportation Commission those organizations that meet the criteria of the program. The Commission will review such nominations and certify those organizations that qualify. The following criteria will be used for nominating and certifying in-need organizations: Nongovernmental and not-for-profit organizations whose primary purpose is one or more of the following: Help clients with medical issues; provide clients with low-income social services; help clients suffering from domestic violence; provide clients with employment-seeking services; and/or help clients with Social Security. Travel will be initially charged based on full fare and billed monthly. The credits will be approximate based on the discount rates offered to multiride media users applicable on the date of travel.
- PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.
- PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specified discount in order to enhance total revenue and effective only at designated times on designated routes. A promotional fare product may also be established to support tourism or other special events. The promotional fare or product may be bundled and sold as part of a multiparty promotional program.
- GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiride media or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.
- SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.
- BUNDLED SINGLE FARE MEDIA - WSF may bundle single fare types into multiple trip books as a customer convenience. Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days to allow for delivery time.

**EFFECTIVE 03:00 A.M. (~~May 1, 2016~~) October 1, 2018**

ROUTES	Vehicle Under 14' Incl. Driver One Way <sup>7</sup>	Vehicle Under 14' w/Sr Citizen or Disabled Driver <sup>4,7</sup>	Vehicle Under 14' Multiride Media 20 Rides <sup>2,7</sup>
Fauntleroy-Southworth Port Townsend/Coupeville	((8.65)) <u>9.35</u>	((7.05)) <u>7.65</u>	((138.40)) <u>150.60</u>
Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston	((11.25)) <u>12.05</u>	((9.20)) <u>9.90</u>	((180.00)) <u>193.80</u>
*Fauntleroy-Vashon			
*Southworth-Vashon	((14.35))	((11.70))	((114.80))
*Pt. Defiance-Tahlequah	<u>15.40</u>	<u>12.60</u>	<u>123.70</u>
Mukilteo-Clinton	((6.60)) <u>7.20</u>	((5.35)) <u>5.90</u>	((105.60)) <u>116.20</u>
10 Rides - 5 Round Trips			
*Anacortes to Lopez	((26.30)) <u>27.90</u>	((19.65)) <u>20.95</u>	((98.65)) <u>104.95</u>
*Shaw, Orcas	((31.60)) <u>33.50</u>	((24.95)) <u>26.55</u>	((118.50)) <u>125.95</u>
*Friday Harbor	((37.50)) <u>39.70</u>	((30.85)) <u>32.75</u>	((140.65)) <u>149.20</u>
Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup>	((15.45)) <u>16.50</u>	((15.45)) <u>16.50</u>	((61.80)) <u>66.25</u>
<i>International Travel</i>			
Anacortes to Sidney and Sidney to all destinations	((43.15)) <u>45.70</u>	((33.40)) <u>35.50</u>	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney	((26.75)) <u>28.40</u>	((20.60)) <u>22.00</u>	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>5</sup>	((53.50)) <u>56.55</u>	((41.20)) <u>43.75</u>	N/A

**EFFECTIVE 03:00 A.M. (~~May 1, 2016~~) October 1, 2018**

ROUTES	Vehicle 14' to Under 22' Incl. Driver One Way <sup>7</sup>	Vehicle 14' to Under 22' w/Sr Citizen or Disabled Driver <sup>4,7</sup>	Vehicle 14' to Under 22' Multiride Media 20 Rides <sup>2,7</sup>
Fauntleroy-Southworth Port Townsend/Coupeville <sup>6</sup>	((11.05)) <u>11.90</u>	((9.45)) <u>10.20</u>	((176.80)) <u>191.40</u>
Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston	((14.35)) <u>15.35</u>	((12.30)) <u>13.20</u>	((229.60)) <u>246.60</u>
*Fauntleroy-Vashon			
*Southworth-Vashon	((18.35))	((15.70))	((146.80))
*Pt. Defiance-Tahlequah	<u>19.60</u>	<u>16.80</u>	<u>157.30</u>
Mukilteo-Clinton	((8.45)) <u>9.15</u>	((7.20)) <u>7.85</u>	((135.20)) <u>147.40</u>
10 Rides - 5 Round Trips			
*Anacortes to Lopez <sup>6</sup>	((33.00)) <u>35.00</u>	((26.35)) <u>28.05</u>	((123.75)) <u>131.55</u>
*Shaw, Orcas <sup>6</sup>	((39.60)) <u>41.95</u>	((32.95)) <u>35.00</u>	((148.50)) <u>157.65</u>
*Friday Harbor <sup>6</sup>	((47.05)) <u>49.80</u>	((40.40)) <u>42.85</u>	((176.45)) <u>187.05</u>
Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup>	((22.10)) <u>23.50</u>	((22.10)) <u>23.50</u>	((88.40)) <u>94.25</u>
<i>International Travel</i>			
Anacortes to Sidney and Sidney to all destinations <sup>6</sup>	((53.40)) <u>56.55</u>	((43.65)) <u>46.35</u>	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney	((33.10)) <u>35.10</u>	((26.95)) <u>28.70</u>	N/A

ROUTES	Vehicle 14' to Under 22' Incl. Driver One Way <sup>7</sup>	Vehicle 14' to Under 22' w/Sr Citizen or Disabled Driver <sup>4, 7</sup>	Vehicle 14' to Under 22' Multiride Media 20 Rides <sup>2, 7</sup>
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>6</sup>	((66.20)) <u>69.95</u>	((53.90)) <u>57.15</u>	N/A

**EFFECTIVE 03:00 A.M. (~~May 1, 2016~~) October 1, 2018**

ROUTES	Motorcycle <sup>5</sup> Incl. Driver Stowage <sup>1, 7</sup> One Way	Motorcycle w/Sr Citizen or Disabled Driver Stowage <sup>1, 7</sup> One Way	Motorcycle Frequent User Commuter 20 Rides <sup>2, 7</sup>
Fauntleroy-Southworth Port Townsend/Coupeville <sup>6</sup>	((4.65)) <u>5.15</u>	((3.05)) <u>3.45</u>	((74.40)) <u>83.40</u>
Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston	((6.10)) <u>6.60</u>	((4.05)) <u>4.45</u>	((97.60)) <u>106.60</u>
*Fauntleroy-Vashon			
*Southworth-Vashon	((7.75))	((5.10))	((62.00))
*Pt. Defiance-Tahlequah	<u>8.40</u>	<u>5.60</u>	<u>67.70</u>
Mukilteo-Clinton	((3.60)) <u>4.00</u>	((2.35)) <u>2.70</u>	((57.60)) <u>65.00</u>
*Anacortes to Lopez <sup>6</sup>	((17.00)) <u>18.10</u>	((10.35)) <u>11.15</u>	((127.50)) <u>136.40</u>
*Shaw, Orcas <sup>6</sup>	((18.35)) <u>19.50</u>	((11.70)) <u>12.55</u>	((137.65)) <u>146.90</u>
*Friday Harbor <sup>6</sup>	((19.85)) <u>21.05</u>	((13.20)) <u>14.10</u>	((148.90)) <u>158.50</u>
Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup>	((6.15)) <u>6.65</u>	((6.15)) <u>6.65</u>	N/A
Anacortes to Sidney and Sidney to all destinations <sup>6</sup>	((26.05)) <u>27.60</u>	((16.30)) <u>17.40</u>	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney	((16.15)) <u>17.20</u>	((10.00)) <u>10.80</u>	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>6</sup>	((32.30)) <u>34.15</u>	((20.00)) <u>21.35</u>	N/A

All fares rounded to the next multiple of \$0.05.

\*These routes operate as a one-point toll collection system.

<sup>1</sup>SIZE - Vehicles (~~up to~~) under 14' in length shall pay the vehicle under 14' toll. Customers may be required to provide documentation, digitally or on paper, at the tollbooth to prove vehicle length. Documentation may include an owner's manual, materials from an auto research web site, or similar reference material that clearly lists the relevant vehicle specifications. Vehicles from 14' to under 22' shall pay the 14' to under 22' toll. Motorcycles towing a trailer and vehicles licensed as motorcycles with three or more wheels that are 8'0" or longer shall pay the appropriate length-based vehicle fare. Motorcycles include both mopeds and motorcycles as defined by RCW 46.04.304 and 46.04.330. Both are considered vehicles for the purposes of vehicle registration, license plate display, and WSF fare determination.

<sup>2</sup>MULTIRIDE MEDIA - Shall be valid only for 90 days from date of purchase after which time the media shall not be accepted for passage. Remaining value will not be eligible for refund or exchange. There shall be no commercial resale of this fare media. For mail order deliveries, WSF may add additional days to allow for delivery time. The vehicle/driver multiride card may be used for passage for an attendant driver plus one disabled passenger.

<sup>3</sup>INTER-ISLAND FARES - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

<sup>4</sup>SENIOR CITIZEN, DISABLED DRIVER OR DISABLED ATTENDANT DRIVER - Half fare discount applies to driver portion of the vehicle-driver fare and only when the driver is eligible. Those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant, when driving, to have the driver portion of the vehicle fare waived.

<sup>5</sup>ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the islands served.

<sup>6</sup>VEHICLE RESERVATION DEPOSIT - Nonrefundable deposits for advance vehicle reservations may be established at a level of from 25 to 100 percent of the applicable fare. This is a deposit toward the fare and not an additional fee, and applies only to those routes where the legislature has approved the use of a reservation system. Where it is operationally necessary (routes where vehicle fares are collected in only one direction or to increase operational efficiency at the terminal) a reservation no-show fee may be used in lieu of a deposit. The no-show fee will be limited to 25 to 100 percent of

the equivalent one-way fare and will be charged if the customer does not travel within the same business day as their reserved sailing. Refunds may be available under certain circumstances.

<sup>7</sup>CAPITAL SURCHARGE - ~~((There will be an additional))~~ Included is a \$0.25 capital surcharge on each single vehicle/driver fare collected. On all multiride cards except for routes serving Vashon Island and the San Juan Islands, there ~~((will be an additional))~~ is an included capital surcharge of \$5.00. For Vashon Island routes, the ~~((additional))~~ included capital surcharge ~~((will be))~~ is \$2.50 on multiride cards. For motorcycles in the San Juan Islands, the capital surcharge ~~included~~ on multiride cards ~~((will be))~~ is \$2.50. For vehicles under 22' in the San Juan Islands, the capital surcharge ~~included~~ on multiride cards ~~((will be))~~ is \$1.25.

RIDE SHARE VEHICLES - A commuter ride share vehicle which carries five or more persons on a regular and expense-sharing basis for the purpose of travel to and from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$20 fee, a permit valid for one year valid only during the hours shown on the permit. The \$20.00 fee shall include the driver. Remaining passengers shall pay the applicable passenger fare. Except that the minimum total paid for all passengers in the van shall not be less than four times the applicable passenger fare. Carpools of three or more registered in WSF's preferential loading program must also pay a \$20.00 yearly permit fee.

STOWAGE - Stowage carry-on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.

PEAK SEASON SURCHARGE - A 25% surcharge shall be applied to vehicles from May 1 through September 30 except those using multiride media. A 35% surcharge shall be applied on vehicle fares from Anacortes to Lopez, Shaw, Orcas and Friday Harbor, except those using multiride media. The resulting fare is rounded up to the next \$0.05 if required.

FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency call. ~~((WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.))~~

IN-NEED ORGANIZATIONS - For qualified organizations serving in-need clients by providing tickets for transportation on WSF at no cost to clients, program would offer a monthly discount to approximate appropriate multiride media discount rates (20% off base season rates, except for Anacortes to San Juan Islands where it is 35% off base season end of week rates). Appointing bodies (those that appoint Ferry Advisory Committees) will nominate to the Washington State Transportation Commission those organizations that meet the criteria of the program. The Commission will review such nominations and certify those organizations that qualify. The following criteria will be used for nominating and certifying in-need organizations: Nongovernmental and not-for-profit organizations whose primary purpose is one or more of the following: Help clients with medical issues; provide clients with low-income social services; help clients suffering from domestic violence; provide clients with employment-seeking services; and/or help clients with Social Security. Travel will be initially charged based on full fare and billed monthly. The credits will be approximate based on the discount rates offered to multiride media users applicable on the date of travel.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specified discount in order to enhance total revenue and effective only at designated times on designated routes. A promotional fare product may also be established to support tourism or other special events. The promotional fare or product may be bundled and sold as part of multiparty promotional program.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiride media or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

BUNDLED SINGLE FARE MEDIA - WSF may bundle single fare types into multiple trip books as a customer convenience. Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days to allow for delivery time.

**AMENDATORY SECTION** (Amending WSR 15-18-002, filed 8/19/15, effective 10/1/15)

**WAC 468-300-040 Oversize vehicle ferry tolls.**

**EFFECTIVE 03:00 A.M. October 1, ~~((2015))~~ 2017**

ROUTES	Oversize Vehicle Ferry Tolls <sup>1</sup>							Cost Per Ft. Over 80' @
	Overall Unit Length - Including Driver							
	22' To Under 30'	22' To Under 30'	30' To Under 40' <sup>5</sup>	40' To Under 50' <sup>5</sup>	50' To Under 60' <sup>5</sup>	60' To under 70' <sup>5</sup>	70' To and include 80' <sup>5</sup>	
	Under 7'6" High <sup>5</sup>	Over 7'6" High <sup>5</sup>						
Fauntleroy-Southworth	((16.75))	((33.50))	((44.80))	((56.15))	((67.50))	((78.85))	((90.20))	
Port Townsend/Coupeville	17.70	35.15	46.75	58.40	70.00	81.65	93.25	1.15

Oversize Vehicle Ferry Tolls <sup>1</sup>								
Overall Unit Length - Including Driver								
ROUTES	22' To Under 7'6" High <sup>5</sup>	22' To Under 30" Over 7'6" High <sup>5</sup>	30' To Under 40' <sup>5</sup>	40' To Under 50' <sup>5</sup>	50' To Under 60' <sup>5</sup>	60' To under 70' <sup>5</sup>	70' To and include 80' <sup>5</sup>	Cost Per Ft. Over 80' @
Seattle-Bainbridge Island								
Seattle/Bremerton	((21.70))	((43.40))	((58.10))	((72.80))	((87.50))	((102.20))	((116.90))	((1.45))
Edmonds-Kingston	<u>22.90</u>	<u>45.55</u>	<u>60.65</u>	<u>75.75</u>	<u>90.85</u>	<u>105.95</u>	<u>121.05</u>	<u>1.50</u>
*Fautleroy-Vashon								
*Southworth-Vashon	((27.75))	((55.50))	((74.30))	((93.10))	((111.90))	((130.65))	((149.45))	((1.90))
*Pt. Defiance-Tahlequah	<u>29.25</u>	<u>58.25</u>	<u>77.55</u>	<u>96.90</u>	<u>116.20</u>	<u>135.55</u>	<u>154.85</u>	<u>1.95</u>
	((12.80))	((25.55))	((34.25))	((42.90))	((51.55))	((60.25))	((68.90))	((0.85))
Mukilteo-Clinton	<u>13.65</u>	<u>27.00</u>	<u>35.90</u>	<u>44.80</u>	<u>53.70</u>	<u>62.60</u>	<u>71.50</u>	<u>0.90</u>
	((49.90))	((99.80))	((133.65))	((167.45))	((201.25))	((235.05))	((268.85))	((3.40))
*Anacortes to Lopez <sup>2</sup>	<u>52.35</u>	<u>104.45</u>	<u>139.15</u>	<u>173.90</u>	<u>208.65</u>	<u>243.35</u>	<u>278.10</u>	<u>3.50</u>
	((59.90))	((119.80))	((160.40))	((201.00))	((241.55))	((282.15))	((322.75))	((4.05))
*Anacortes to Shaw, Orcas <sup>2</sup>	<u>62.80</u>	<u>125.30</u>	<u>166.95</u>	<u>208.65</u>	<u>250.30</u>	<u>292.00</u>	<u>333.65</u>	<u>4.15</u>
	((71.15))	((142.30))	((190.50))	((238.70))	((286.90))	((335.05))	((383.25))	((4.80))
*Anacortes to Friday Harbor	<u>74.55</u>	<u>148.85</u>	<u>198.35</u>	<u>247.90</u>	<u>297.40</u>	<u>346.95</u>	<u>396.45</u>	<u>4.95</u>
Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup>	((33.40))	((66.80))	((89.45))	((112.05))	((134.70))	((157.30))	((179.95))	N/A
	<u>35.15</u>	<u>70.00</u>	<u>93.25</u>	<u>116.50</u>	<u>139.75</u>	<u>163.05</u>	<u>186.30</u>	
<i>International Travel</i>	((81.55))	((81.55))	((109.20))	((136.80))	((164.45))	((192.05))	((219.70))	((2.75))
Anacortes to Sidney to all destinations	<u>85.45</u>	<u>85.45</u>	<u>113.90</u>	<u>142.30</u>	<u>170.70</u>	<u>199.10</u>	<u>227.50</u>	<u>2.85</u>
Lopez, Shaw, Orcas and Friday Harbor to Sidney	((50.50))	((50.50))	((67.60))	((84.70))	((101.80))	((118.90))	((136.00))	((1.70))
	<u>53.05</u>	<u>53.05</u>	<u>70.60</u>	<u>88.20</u>	<u>105.80</u>	<u>123.40</u>	<u>140.95</u>	<u>1.75</u>
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>4</sup>	((101.00))	((101.00))	((135.20))	((169.40))	((203.60))	((237.80))	((272.00))	((3.40))
	<u>105.85</u>	<u>105.85</u>	<u>140.95</u>	<u>176.15</u>	<u>211.35</u>	<u>246.55</u>	<u>281.65</u>	<u>3.50</u>

<sup>1</sup>OVERSIZE VEHICLES - Includes all vehicles 22 feet in length and longer regardless of type: Commercial trucks, recreational vehicles, vehicles under 22' pulling trailers, etc. Length shall include vehicle and load to its furthest extension. Overheight charge is included in oversize vehicle toll. Vehicles wider than 8'6" pay double the fare applicable to their length. Private and commercial passenger buses or other passenger vehicles pay the applicable oversize vehicle tolls. Public transit buses and drivers shall travel free upon display of an annual permit which may be purchased for \$10. Upon presentation by either the driver or passenger of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, vehicles 22-30 feet in length and over 7'6" in height shall be charged the 22-30 foot length and under 7'6" in height fare for vehicles equipped with wheelchair lift or other feature designed to accommodate the person with the disability.

<sup>2</sup>TRANSFERS - Tolls collected westbound only. Oversize vehicles traveling westbound from Anacortes may purchase a single intermediate transfer when first purchasing the appropriate fare. The transfer is valid for a 24-hour period and is priced as follows: \$64.40 base season, \$86.80 peak season.

<sup>3</sup>INTER-ISLAND - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

<sup>4</sup>ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the islands served.

<sup>5</sup>CAPITAL SURCHARGE - There ~~(will be an additional)~~ is an included \$0.25 capital surcharge on each single vehicle/driver fare collected.

BULK NEWSPAPERS - Per 100 lbs. \$2.85 (Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.42 per 100 lbs.). Daily newspapers, in bundles, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

VEHICLE RESERVATION DEPOSIT - Nonrefundable deposits for advanced reservations may be established at a level of from 25 to 100 percent of the applicable fare. This is a deposit toward the fare and not an additional fee, and applies only to those routes where the legislature has approved the use of a reservation system. Where it is operationally necessary (routes where vehicle fares are collected in only one direction or to increase operational efficiency at the terminal) a reservation no-show fee may be used in lieu of a deposit. The no-show fee will be limited to 25 to 100 percent of the equivalent one-way fare and will be charged if the customer does not travel within the same business day as their reserved sailing. Refunds may be available under certain special circumstances.

PEAK SEASON SURCHARGE - A peak season surcharge shall apply to all oversize vehicles from May 1 through September 30. The oversize fare shall be determined based on the peak-season car-and-driver fare and the analogous oversize vehicle fare, calculated with the same factor as the oversize base seasons fares are to the base season under 20 foot fare. The senior citizen discount shall apply to the driver of an oversize vehicle. The resulting fare is rounded up to the next \$0.05 if required.

SENIOR CITIZEN DISCOUNTS - Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate. The senior citizen discount shall apply to the driver of an oversize vehicle.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

~~(DISCOUNT FROM REGULAR TOLL - Effective June 1, 2005, through fall of 2005, oversize vehicles)~~ COMMERCIAL ACCOUNTS - Commercial customers making 12 or more, one-way crossings per week (Sunday through Saturday) will qualify for a 10% discount from the regular ferry tolls.

((With the implementation of EFS in spring 2006,)) WSF will provide a commercial account program that will be prepaid and offer access to volume discounts based on travel, revenue or other criteria in accordance with WSF business rules. On an annual basis, commercial accounts will pay a \$50 nonrefundable account maintenance fee.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiple trip books or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency call. ((WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.))

EMERGENCY TRIPS DURING NONSERVICE HOURS - While at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

DISCLAIMER - Under no circumstances does Washington state ferries warrant the availability of ferry service at a given date or time; nor does it warrant the availability of space on board a vessel on a given sailing.

**EFFECTIVE 03:00 A.M. ((May 1, 2016)) October 1, 2018**

ROUTES	Oversize Vehicle Ferry Tolls <sup>1</sup>							Cost Per Ft. Over 80' @
	Overall Unit Length - Including Driver							
	22' To Under 30' High <sup>5</sup>	22' To Under 7'2" High <sup>5</sup>	30' To Under 40' <sup>5</sup>	40' To Under 50' <sup>5</sup>	50' To Under 60' <sup>5</sup>	60' To under 70' <sup>5</sup>	70' To and include 80' <sup>5</sup>	
Fauntleroy-Southworth	((17.15))	((34.25))	((45.85))	((57.45))	((69.05))	((80.65))	((92.25))	1.15
Port Townsend/Coupeville	<u>17.70</u>	<u>35.15</u>	<u>46.75</u>	<u>58.40</u>	<u>70.00</u>	<u>81.65</u>	<u>93.25</u>	
Seattle-Bainbridge Island								1.50
Seattle/Bremerton	((22.25))	((44.50))	((59.55))	((74.60))	((89.70))	((104.75))	((119.80))	
Edmonds-Kingston	<u>22.90</u>	<u>45.55</u>	<u>60.65</u>	<u>75.75</u>	<u>90.85</u>	<u>105.95</u>	<u>121.05</u>	
*Fauntleroy-Vashon								1.95
*Southworth-Vashon	((28.45))	((56.90))	((76.15))	((95.40))	((114.70))	((133.95))	((153.20))	
*Pt. Defiance-Tahlequah	<u>29.25</u>	<u>58.25</u>	<u>77.55</u>	<u>96.90</u>	<u>116.20</u>	<u>135.55</u>	<u>154.85</u>	
Mukilteo-Clinton	((13.10))	((26.20))	((35.05))	((43.95))	((52.80))	((61.70))	((70.55))	0.90
	<u>13.65</u>	<u>27.00</u>	<u>35.90</u>	<u>44.80</u>	<u>53.70</u>	<u>62.60</u>	<u>71.50</u>	
*Anacortes to Lopez <sup>2</sup>	((51.15))	((102.30))	((136.95))	((171.60))	((206.25))	((240.90))	((275.55))	3.50
	<u>52.35</u>	<u>104.45</u>	<u>139.15</u>	<u>173.90</u>	<u>208.65</u>	<u>243.35</u>	<u>278.10</u>	
*Anacortes to Shaw, Orcas <sup>2</sup>	((61.40))	((122.75))	((164.35))	((205.90))	((247.50))	((289.10))	((330.65))	4.15
	<u>62.80</u>	<u>125.30</u>	<u>166.95</u>	<u>208.65</u>	<u>250.30</u>	<u>292.00</u>	<u>333.65</u>	
*Anacortes to Friday Harbor	((72.90))	((145.85))	((195.25))	((244.65))	((294.05))	((343.45))	((392.85))	4.95
	<u>74.55</u>	<u>148.85</u>	<u>198.35</u>	<u>247.90</u>	<u>297.40</u>	<u>346.95</u>	<u>396.45</u>	
Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup>	((34.25))	((68.50))	((91.70))	((114.90))	((138.15))	((161.35))	((184.55))	N/A
	<u>35.15</u>	<u>70.00</u>	<u>93.25</u>	<u>116.50</u>	<u>139.75</u>	<u>163.05</u>	<u>186.30</u>	
<i>International Travel</i>								2.85
Anacortes to Sidney to all destinations	((83.60))	((83.60))	((111.90))	((140.25))	((168.55))	((196.85))	((225.15))	
	<u>85.45</u>	<u>85.45</u>	<u>113.90</u>	<u>142.30</u>	<u>170.70</u>	<u>199.10</u>	<u>227.50</u>	
Lopez, Shaw, Orcas and Friday Harbor to Sidney	((51.80))	((51.80))	((69.35))	((86.85))	((104.40))	((121.95))	((139.45))	1.75
	<u>53.05</u>	<u>53.05</u>	<u>70.60</u>	<u>88.20</u>	<u>105.80</u>	<u>123.40</u>	<u>140.95</u>	
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>4</sup>	((103.60))	((103.60))	((138.70))	((173.70))	((208.80))	((243.90))	((278.90))	3.50
	<u>105.85</u>	<u>105.85</u>	<u>140.95</u>	<u>176.15</u>	<u>211.35</u>	<u>246.55</u>	<u>281.65</u>	

<sup>1</sup>OVERSIZE VEHICLES - Includes all vehicles 22 feet in length and longer regardless of type: Commercial trucks, recreational vehicles, vehicles under 22' pulling trailers, etc. Length shall include vehicle and load to its furthest extension. Overheight charge is included in oversize vehicle toll. Vehicles wider than 8'6" pay double the fare applicable to their length. Private and commercial passenger buses or other passenger vehicles pay the applicable oversize vehicle tolls. Public transit buses and drivers shall travel free upon display of an annual permit which may be purchased for \$10. Upon presentation by either the driver or passenger of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, vehicles 22-30 feet in length and over 7'2" in height shall be charged the 22-30 foot length and under 7'2" in height fare for vehicles equipped with wheelchair lift or other feature designed to accommodate the person with the disability.

<sup>2</sup>TRANSFERS - Tolls collected westbound only. Oversize vehicles traveling westbound from Anacortes may purchase a single intermediate transfer when first purchasing the appropriate fare. The transfer is valid for a 24-hour period and is priced as follows: \$66.00 base season, \$88.95 peak season.

<sup>3</sup>INTER-ISLAND - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

<sup>4</sup>ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the islands served.

<sup>5</sup>CAPITAL SURCHARGE - There ~~((will be))~~ is included an additional \$0.25 capital surcharge on each single vehicle/driver fare collected.

BULK NEWSPAPERS - Per 100 lbs. \$2.85 (Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.42 per 100 lbs.). Daily newspapers, in bundles, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

VEHICLE RESERVATION DEPOSIT - Nonrefundable deposits for advanced reservations may be established at a level of from 25 to 100 percent of the applicable fare. This is a deposit toward the fare and not an additional fee, and applies only to those routes where the legislature has approved the use of a reservation system. Where it is operationally necessary (routes where vehicle fares are collected in only one direction or to increase operational efficiency at the terminal) a reservation no-show fee may be used in lieu of a deposit. The no-show fee will be limited to 25 to 100 percent of the equivalent one-way fare and will be charged if the customer does not travel within the same business day as their reserved sailing. Refunds may be available under certain special circumstances.

PEAK SEASON SURCHARGE - A peak season surcharge shall apply to all oversize vehicles from May 1 through September 30. The oversize fare shall be determined based on the peak-season car-and-driver fare and the analogous oversize vehicle fare, calculated with the same factor as the oversize base seasons fares are to the base season under 20 foot fare. The senior citizen discount shall apply to the driver of an oversize vehicle. The resulting fare is rounded up to the next \$0.05 if required.

SENIOR CITIZEN DISCOUNTS - Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate. The senior citizen discount shall apply to the driver of an oversize vehicle.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

~~((DISCOUNT FROM REGULAR TOLL - Effective June 1, 2005, through fall of 2005, oversize vehicles))~~ COMMERCIAL ACCOUNT - Commercial customers, making 12 or more, one-way crossings per week (Sunday through Saturday) will qualify for a 10% discount from the regular ferry tolls. ((With the implementation of EFS in spring 2006,)) WSF will provide a commercial account program that will be prepaid and offer access to volume discounts based on travel, revenue or other criteria in accordance with WSF business rules. On an annual basis, commercial accounts will pay a \$50 nonrefundable account maintenance fee.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiple trip books or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency call. ~~((WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.))~~

EMERGENCY TRIPS DURING NONSERVICE HOURS - While at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

DISCLAIMER - Under no circumstances does Washington state ferries warrant the availability of ferry service at a given date or time; nor does it warrant the availability of space on board a vessel on a given sailing.

AMENDATORY SECTION (Amending WSR 15-18-002, filed 8/19/15, effective 10/1/15)

**WAC 468-300-220 Calculation of charter rates for vessels owned by the Washington state ferry system.** Pursuant to chapter 323, Laws of 1997, vessels owned by the Washington state ferry system may be made available for charter subject to operational availability. Execution of a charter agreement as set forth in the statute must precede a commitment to charter. The ~~((following))~~ actual hourly vessel operating costs ~~((have been calculated))~~ for establishing the rates to be charged for vessel charters ~~((from July 1, 2015, through June 30, 2016:))~~

<b>Vessel Class</b>	<b>Deck Crew On Overtime</b>	<b>Deck Crew On Straight Time</b>
Jumbo Mark II	\$1,785.00	\$1,690.00
Jumbo	1,680.00	1,588.00
Super	1,633.00	1,542.00
Evergreen	1,082.00	1,011.00
Issaquah	1,189.00	1,111.00
Kwa-di-Tabil	1,051.00	980.00



<b>Vessel Class</b>	<b>Deck Crew On Overtime</b>	<b>Deck Crew On Straight Time</b>
Hiyu	624.00	581.00))

are calculated by the Washington state ferry system and published on its public web site, with updates on an annual or other periodic basis.

The rate for an individual charter will be calculated by:

(1) Multiplying the actual hourly operating cost (~~(set forth above)~~) for the vessel that is chartered by the number of hours, or fraction thereof, for which the vessel is chartered;

(2) Adding labor costs, mileage and per diem expenses to determine the total actual cost((s)) if the particular charter requires a crew callout; and

(3) Increasing the total actual cost((s)) calculated pursuant to subsections (1) and (2) of this section by an appropriate profit margin based on market conditions, and rounding to the nearest fifty dollars.

In the case of charters for the transport of hazardous materials, the transporter is required to pay for all legs necessary to complete the charter, even if the vessel is simultaneously engaged in an operational voyage on behalf of the Washington state ferry system.

## WSR 17-13-088

### PROPOSED RULES

## DEPARTMENT OF LICENSING

[Filed June 19, 2017, 3:06 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-10-015.

Title of Rule and Other Identifying Information: Chapter 308-20 WAC, Cosmetology, barber, manicurist, esthetician rules.

Hearing Location(s): Capital Events Center, ESD 113, 6005 Tyee Drive S.W., Tumwater, WA 98512, on July 27, 2017, at 10:00 a.m.

Date of Intended Adoption: July 28, 2017.

Submit Written Comments to: Cameron Dalmas, Department of Licensing (DOL), Cosmetology Program, P.O. Box 9026, Olympia, WA 98507, email plssunit@dol.wa.gov, fax (360) 664-2550, by July 26, 2017.

Assistance for Persons with Disabilities: Contact Cameron Dalmas by July 26, 2017, TTY 711 or (360) 664-6643.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed language amends rules for schools to clarify requirements for initial school licensure, facilities, school closure, school catalogs, enrollment contracts, and cancellation and refund policies. The proposed language also updates language by adding the words hair design and master esthetician throughout the chapter to be consistent with chapter 18.16 RCW.

Reasons Supporting Proposal: Regulated licensees, including the cosmetology, hair design, barbering, esthetics and manicuring advisory board have requested rule amend-

ments for schools and apprentice salons and to update existing language to make it consistent with RCW.

Statutory Authority for Adoption: RCW 18.16.030, 43.24.023.

Statute Being Implemented: Chapter 18.16 RCW.

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

Name of Proponent: DOL, cosmetology program, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Susan Colard, Administrator, 6135 Martin Way East, #A, Lacey, WA 98616, (360) 664-6647.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules are exempt under RCW 19.85.025(3) and 34.05.310 (4)(d), this rule clarifies language without changing its effect.

A cost-benefit analysis is not required under RCW 34.05.328. DOL is exempt from this requirement under RCW 34.05.328 (5)(a).

June 19, 2017

Damon Monroe  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-02-033, filed 12/29/15, effective 1/29/16)

**WAC 308-20-010 Definitions.** (1) "Chemical compounds formulated for professional use only" are those compounds containing hazardous chemicals in a form not generally sold to the public; including but not limited to, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances, facial creams, or approved chemical compounds. These compounds must be designated for use on the hair, face, neck, skin, or scalp.

(2) "Monthly student report" are forms provided by the school, approved by the department, preprinted with the school name. The report must include the month, year and daily activities of the student in each subject, (i.e., number of shampoos, haircuts, perms, colors, etc.) within each course (i.e., barbering, manicuring, cosmetology, hair design, esthetics, master esthetics, or instructor-trainee).

(3) "Completed and graduated" is the completion of the school curriculum and the state approved minimum hourly course of training.

(4) "Apprentice salon/shop" is a location certified by the Washington state apprenticeship and training (~~(committee)~~) council, that provides training for individuals accepted into the apprenticeship program. Apprentice salon/shops shall not receive payment from the apprentice for training.

(5) "Apprentice trainer" is a person that is currently licensed and in good standing. This person provides training in a licensed shop approved for the apprenticeship program, who must have received journey level training and have held a license in the curriculum for which he or she is providing training for a minimum of three years.

(6) "Journey level training" is the completion of three years working as a licensed cosmetologist, hair designer, barber, manicurist, esthetician, or master esthetician.

(7) "Completion of the apprenticeship training" is the completion of the apprentice salon/shop curriculum that includes the state approved hourly course of training as described in WAC 308-20-080.

(8) "Monthly apprentice report" forms provided by the apprentice shop, approved by the department, printed with the shop name, for use in recording apprentice training hours and activities.

(9) "Online training" means an approved electronic learning environment through a licensed school in which a student is enrolled. This training is limited to theory only. Online training may be used for up to twenty-five percent of the approved course of study.

(10) "Accreditation" is a status granted to a postsecondary school by one or more of the accrediting organizations recognized and approved by the U.S. Secretary of Education. Accreditation is voluntary and does not imply automatic transfer of credits from one postsecondary school to another.

(11) "Admission requirements" means the specific minimum criteria a school must use when accepting a student into the school.

AMENDATORY SECTION (Amending WSR 16-02-033, filed 12/29/15, effective 1/29/16)

**WAC 308-20-080 Minimum instruction guidelines for cosmetology, hair design, barbering, manicuring, esthetics and master esthetics training.** The minimum instruction guidelines for training required for a student or apprentice to be eligible to take the license examination for the following professions shall include:

- (1) For cosmetology:
  - (a) Theory of the practice of cosmetology including business practices and basic human anatomy and physiology;
  - (b) At least 100 hours of skills in the application of manicuring and pedicuring services;
  - (c) At least 100 hours of skills in the application of esthetics services;
  - (d) Shampooing including draping, brushing, scalp manipulations, conditioning and rinsing;
  - (e) Scalp and hair analysis;
  - (f) Hair cutting and trimming including scissors, razor, thinning shears and clippers;
  - (g) Hair styling including wet, dry and thermal styling, braiding and styling aids;
  - (h) Cutting and trimming of facial hair including beard and mustache design and eyebrow, ear and nose hair trimming;
  - (i) Artificial hair;
  - (j) Permanent waving including sectioning, wrapping, preperm test curl, solution application, processing test curl, neutralizing and removal of chemicals;
  - (k) Chemical relaxing including sectioning, strand test, relaxer application, and removal of chemicals;
  - (l) Hair coloring and bleaching including predisposition test and strand test, and measurement, mixing, application and removal of chemicals;
  - (m) Cleaning and disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;

(n) Diseases and disorders of the scalp, hair, skin and nails;

(o) Safety including proper use and storage of chemicals, implements and electrical appliances;

(p) First aid as it relates to cosmetology; and

(q) Not all training may be on mannequins.

(2) For hair design:

(a) Theory of the practice of hair design including business practices and basic human anatomy and physiology;

(b) Shampooing including draping, brushing, scalp manipulations, conditioning and rinsing;

(c) Scalp and hair analysis;

(d) Hair cutting and trimming including scissors, razor, thinning shears and clippers;

(e) Hair styling including wet, dry and thermal styling, braiding and styling aids;

(f) Cutting and trimming of facial hair including beard and mustache design and eyebrow, ear and nose hair trimming;

(g) Artificial hair;

(h) Permanent waving including sectioning, wrapping, preperm test curl, solution application, processing test curl, neutralizing and removal of chemicals;

(i) Chemical relaxing including sectioning, strand test, relaxer application, and removal of chemicals;

(j) Hair coloring and bleaching including predisposition test and strand test, and measurement, mixing, application and removal of chemicals;

(k) Cleaning and disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;

(l) Diseases and disorders of the scalp and hair;

(m) Safety including proper use and storage of chemicals, implements and electrical appliances;

(n) First aid as it relates to hair design; and

(o) Not all training may be on mannequins.

(3) For barbering:

(a) Theory of the practice of barbering services and business practices and basic human anatomy and physiology;

(b) Shampooing including draping, brushing, scalp manipulations, conditioning and rinsing;

(c) Scalp and hair analysis;

(d) Hair cutting and trimming including scissors, razor, thinning shears and clippers;

(e) Hair styling, wet, dry and thermal styling and styling aids;

(f) Cutting and trimming of facial hair including shaving, beard and mustache design and eyebrow, ear and nose hair trimming;

(g) Artificial hair;

(h) Cleaning and disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;

(i) Diseases and disorders of the skin, scalp and hair;

(j) Safety including proper use of implements and electrical appliances;

(k) First aid as it relates to barbering; and

(l) Not all training may be on mannequins.

(4) For manicuring:

(a) Theory in the practice of manicuring and pedicuring services, business practices and basic human anatomy and physiology;

(b) Artificial nails including silk, linen, fiberglass, acrylic, gel, powder, extensions and sculpting, preparation, application, finish and removal;

(c) Cleaning, shaping and polishing of nails of the hands and feet and treatment of cuticles;

(d) Cleaning and disinfecting of individual work station, individual equipment and tools and proper use and storage of linens;

(e) Diseases and disorders of the nails of the hands and feet;

(f) Safety including proper use and storage of chemicals, implements and electrical appliances;

(g) First aid as it relates to manicuring and pedicuring; and

(h) Not all training may be on mannequins.

(5) For esthetics:

Theory in the practice of esthetics services, business practices and basic human anatomy and physiology (750 hours):

(a) Care of the skin compresses, massage, facials, wraps, masks, exfoliation, use of electrical or mechanical appliances or chemical compounds;

(b) Temporary removal of superfluous hair of the skin by means including tweezing, waxing, tape, chemicals, lotions, creams, sugaring, threading, mechanical or electrical apparatus and appliances;

(c) Cleaning and disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;

(d) Diseases and disorders of the skin;

(e) Safety including proper use and storage of chemicals, implements and electrical appliances;

(f) First aid as it relates to esthetics; and

(g) Not all training may be on mannequins.

(6) Master esthetics (450 additional hours):

Theory in the practice of master esthetics, business practices, and basic human anatomy and physiology including all of subsection (4) of this section and the following:

(a) Laser, light frequency, radio frequency, ultrasound, and plasma practices;

(b) Medium depth chemical peels;

(c) Advanced client assessment, documentation, and indications/contraindications;

(d) Pretreatment and post-treatment procedures;

(e) Lymphatic drainage and advanced facial massage;

(f) Advanced diseases and disorders of the skin; and

(g) Advanced theories; alternative, touch, and spa body treatments.

(h) The use of medical devices during instruction of the master esthetics curriculum must comply with state law and rules, including any laws that require delegation or supervision by a licensed health professional acting within the scope of practice of that health professional. A detailed written explanation of how the course will be taught must be submitted and approved by the department.

(7) Online training curriculums must be approved by the department.

AMENDATORY SECTION (Amending WSR 13-24-042, filed 11/26/13, effective 1/1/14)

**WAC 308-20-091 Student credit for training in a licensed salon/shop.** (1) A maximum ten percent of the total curriculum hours required may be earned by a student in a licensed salon/shop under a contract approved by the department signed by the student, the school owner, and the salon/shop manager.

(2) A copy of the signed contract shall be kept in the student file, kept on file at the salon shop and given to the student and shall be made available to the department on request.

(3) Only those hours of instruction a student is given under the direction of ~~((a-licensed))~~ an operator licensed in the curriculum in which the student is enrolled in the contracted licensed salon/shop, and in the subjects agreed to in the contract shall be credited towards completion of the course of study required in RCW 18.16.100.

(4) Students will not receive any wages or commission for hours of credit earned in a salon/shop.

(5) Salon/shops shall provide weekly reports to the school and student with hours the student earned in each area of agreed training.

(6) Weekly reports provided by salon/shops verifying hours student earns in salon training must be included in student's records and recorded on student's monthly and final reports.

(7) Licensed operators must be physically present where students are training.

(8) Students in training must wear identification visible to the public that states that they are students in training.

(9) Certified training hours expire three years after the last day of attendance. Any hours earned by a student that are more than three years old are considered by the department to be expired and will not be considered valid towards initial licensure.

AMENDATORY SECTION (Amending WSR 13-24-042, filed 11/26/13, effective 1/1/14)

**WAC 308-20-101 Apprentice credit for training in an approved apprentice salon/shop.** (1) A minimum of one trainer per apprentice is required.

(2) Only those hours of theory instruction given under the direction of an instructor licensed under chapter 18.16 RCW shall be credited towards completion of the apprentice curriculum requirements for theory hours. Cosmetologist, hair design, barber, manicurist ~~((and))~~, esthetician and master esthetician theory hours must be taught in a classroom setting under the ~~((direct))~~ supervision of an instructor licensed in the curriculum for which he or she is providing theory instruction.

(3) With the exception of theory hours, only those hours of instruction an apprentice is given under the direction of an apprentice trainer as defined in WAC 308-20-010 and in the standards developed by the apprenticeship program shall be credited toward completion of the apprenticeship training.

(4) When all of the apprenticeship program requirements have been met by the apprentice and within thirty days of an

apprentice's completed training, the committee shall provide to the apprentice a copy of the apprentice's final report.

(5) An apprentice may transfer between shops only when the Washington state apprenticeship council or the Washington state department of labor and industries approves the transfer.

(6) Apprentice trainers and instructors must be physically present where apprentices are receiving practical training.

(7) Certified training hours expire three years from last date of attendance. Any hours earned by an apprentice that are more than three years old are considered by the department to be expired and will not be considered valid towards initial licensure.

AMENDATORY SECTION (Amending WSR 13-24-042, filed 11/26/13, effective 1/1/14)

**WAC 308-20-107 Use and training of instructor-trainees.** (1) Instructor-trainees shall be supervised at all times by a licensed instructor. The licensed instructor shall be physically present where the instructor-trainee is working and be available for consultation with the instructor-trainee. The instructor-trainee may not act as a substitute for the licensed instructor.

(2) Instructor-trainees shall hold a current Washington state cosmetology, hair design, barber, manicurist, esthetician, or master esthetician license in good standing prior to enrolling in an instructor-trainee program. A copy of the instructor-trainee's valid Washington state operator license shall be kept in the student's file.

AMENDATORY SECTION (Amending WSR 16-02-033, filed 12/29/15, effective 1/29/16)

**WAC 308-20-110 Minimum safety and sanitation standards for schools, cosmetologists, hair designers, manicurists, estheticians, master estheticians, barbers, instructors, salons/shops, mobile units and personal services.** Every licensee shall maintain the following safety and sanitation standards. In addition, school instructors and apprentice trainers must assure persons training in a school or apprentice salon/shop will adhere to the following safety, sanitation and disinfection standards:

**(1) Requirements and standards.**

(a) All locations where chemical services are provided to clients must have a dispensing sink with hot and cold running water. Dispensing sinks are used for mixing chemicals, and disinfecting supplies, tools, equipment, and other materials. Dispensing sinks must be labeled "not for public use."

(b) On-site laundry facilities must be maintained in clean condition.

(c) Single-use hand soap and disposable or single-use hand-drying towels for customers must be provided.

(d) Use of bar soap or a common towel is prohibited.

(e) A licensee must not perform or continue services on a client with visible open sores, inflamed skin, rash, or parasitic infestations.

(f) No licensee who knowingly has open sores, or who is exhibiting symptoms of an infectious or contagious disease or a disorder of the skin or a parasitic infestation shall provide

services in cosmetology, hair design, manicuring, barbering, esthetics, or master esthetics while the licensee has the above mentioned symptoms.

If a licensee or a client has exhibited the symptoms mentioned in (e) and (f) of this subsection, the area in which the affected individual received or provided services, and all equipment and implements that could have possibly been touched by that individual shall be cleaned and disinfected, including the work and waiting areas.

(g) All liquids, creams, and other cosmetic preparations including paraffin wax and depilatory wax must be kept in clean and closed containers.

(h) All bottles and containers must be distinctly and correctly labeled to disclose their contents. All bottles and containers containing poisonous substances must be additionally and distinctly marked as such.

(i) Items subject to possible cross contamination such as liquids, creams and lotions, cosmetic preparations and chemicals including paraffin wax and depilatory wax must be dispensed in a way that does not contaminate the remaining portion by using a disposable, or ((sanitized)) cleaned and disinfected applicator. Applicators shall not be redipped in product. Liquids must be dispensed with a squeeze bottle, pump, or spray. Any product that cannot be disinfected that comes in contact with the client shall be discarded after use on that particular client.

(j) Pencil cosmetics must be sharpened before each use. Clean and disinfect or dispose of the sharpener after service on each client.

(k) A licensee must thoroughly wash his or her hands with soap and warm water or any equally effective cleansing agent immediately before providing services to each client, before checking a student's work on a client, or after smoking, eating, or using the restroom.

(l) A client's skin upon which services will be performed must be washed with soap and warm water or wiped and/or sprayed with antiseptic or waterless hand cleanser approved for use on skin before a service.

(m) After service on each client, hair and nail clippings must immediately be placed in a closed covered waste container.

**(2) Articles in contact with a client.**

(a) A neck strip or towel must be placed around the client's neck to prevent direct contact between a multiple use haircloth or cape and the client's skin, and must be in place during entire service.

(b) All items, which come in direct contact with the client's skin that do not require disinfecting, must be discarded after each use.

**(3) Materials in contact with a client.**

(a) Paraffin wax and depilatory wax must be covered in a manner to prevent contamination except during the waxing service, and maintained at a temperature specified by the manufacturer's directions.

(b) Paraffin wax and depilatory wax must be dispensed in a way that does not contaminate the remaining portion by using one of the following methods:

(i) Use a new spatula each time wax is removed from the pot;

(ii) Apply wax directly onto a disposable strip;

(iii) Use one dedicated spatula to remove wax from the pot, and then spread the wax with a second spatula. The first spatula should never come in contact with either the client's skin or the second spatula; or

(iv) Separate a quantity of wax from the main wax pot to use on a single client; this quantity should be placed in a small single-use container. Double-dipping is allowed from a single client-use container.

(c) All used wax that has been in contact with a client's skin shall not be reused under any circumstances and shall be disposed of immediately after each use.

(d) All wax pots shall be cleaned and disinfected according to manufacturer's directions. No applicators shall be left standing in wax at any time.

**(4) Chemical use and storage.**

(a) When administering services to a client that involve the use of chemicals or chemical compounds, all licensees must follow safety procedures according to manufacturer's directions or safety data sheets (SDSs), to prevent injury to the client's person or clothing.

(b) Salon shops, personal service, mobile units and schools shall have in the immediate working area access to all safety data sheets (SDSs) provided by manufacturers for any chemical products used.

(c) Flammable chemicals must be stored away from potential sources of ignition.

(d) Chemicals which could interact in a hazardous manner such as oxidizers, catalysts, and solvents, must be stored per manufacturer's instruction.

(e) Licensees using chemicals or chemical compounds when providing services to clients must store the chemicals so as to prevent fire, explosion, or bodily harm. All chemicals must be stored in accordance with the manufacturer's directions.

**(5) Refuse and waste material.**

(a) All waste must be deposited in a covered waste disposal container. Containers located in the reception or office area, which do not contain waste relating to the performance of services, are exempt from having covers.

(b) All chemical, flammable, toxic or otherwise harmful waste material must be disposed of in the manner required by local hazardous waste management regulations.

(c) All waste containers must be emptied when full. Surfaces of waste disposal containers must be kept clean.

(d) Any disposable sharp objects that come in contact with blood or other body fluids must be disposed of in a sealable rigid (puncture proof) labeled container that is strong enough to protect the licensee, client and others from accidental cuts or puncture wounds that could happen during the disposal process.

(e) Licensees must have sealable rigid containers available for use at all times services are being performed.

**(6) Sanitation/disinfecting.** Environmental Protection Agency (EPA) approved disinfectants are indicated by their registration number on the product label. The product's manufacturer's directions for use shall always be followed.

(a) All tools and implements must be cleaned and disinfected or disposed of after service on each client. Tools and implements not approved for disinfection and reuse under manufacturers' specifications must be given to the client or

discarded after service on each client. These tools and implements include, but are not limited to: Nail files, cosmetic make-up sponges, buffer blocks, sanding bands, toe separators or sleeves, orangewood sticks, and disposable nail bits. Presence of used articles in the work area will be considered prima facie evidence of reuse.

(b) When used according to the manufacturer's directions, each of the following is an approved method of disinfecting tools and implements after they are cleaned of debris:

(i) Complete immersion or spray with an EPA-registered disinfectant solution of the object(s) or portion(s) thereof to be disinfected; or

(ii) Steam sterilizer, registered and listed with the U.S. Food and Drug Administration; or

(iii) Dry heat sterilizer, registered and listed with the U.S. Food and Drug Administration, or Canadian certification.

(c) All cleaned and disinfected tools and implements must be stored in a closed nonairtight container or UV sterilizer. UV sterilizers shall be used only for clean storage of already cleaned and disinfected tools and implements.

(d) All disinfecting solutions and/or agents must be kept at manufacturer recommended strengths to maintain effectiveness, be free from foreign material and be available for immediate use at all times the location is open for business and changed daily.

(e) All articles, which come in direct contact with the client's skin that cannot be cleaned and disinfected, must be disposed of in a waste receptacle immediately after service on each client. Presence of these articles in the work area will be considered prima facie evidence of reuse.

(f) Disposable protective gloves must be disposed of after service on each client.

**(7) Disinfecting nonelectrical tools and implements.**

(a) All tools and implements used within a field of practice must be cleaned and disinfected after service on each client in the following order:

(i) **Remove** all hair and/or foreign material;

(ii) **Clean** thoroughly with soap or detergent and water;

(iii) **Rinse** thoroughly with clear, clean water; and

(iv) **Disinfect** with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, used according to manufacturer's directions or in a steam sterilizer or dry heat sterilizer under subsection (6)(b)(ii) and (iii) of this section.

(b) Tools and implements without sharp edges or points, including but not limited to combs, brushes, rollers, rods, etc., must be totally immersed in an EPA registered disinfectant according to manufacturer's directions.

(c) Clips or other tools and instruments must not be placed in mouths, clothing, pockets or (~~unsanitized~~) unclean holders.

(d) A client's personal tools and instruments must not be used in the establishment except when prescribed by a physician.

**(8) Disinfecting electrical tools and implements.** Electrical tools and implements must be disinfected after service on each client in the following order:

(a) Remove hair and/or foreign matter;

(b) Disinfect with an EPA disinfectant specifically made for electrical tools and implements.

**(9) Storage of tools and implements.**

(a) New and/or cleaned and disinfected tools and implements must be stored separately from all other items.

(b) Used tools and implements must be stored in a labeled drawer or container at the work station.

(c) Roller storage receptacles and contents must be cleaned and disinfected and free of foreign material.

(d) Storage cabinets, work stations and storage drawers for cleaned and disinfected tools and implements must be free of debris and used only for cleaned and disinfected tools and implements.

**(10) Cleaning and disinfecting foot spas.**

(a) As used in this section, "foot spa" or "spa" is defined as any basin using circulating water.

(b) After each client:

(i) **Drain** the water from the foot spa basin and remove any visible debris;

(ii) **Clean** the surfaces of the foot spa with soap or detergent, rinse with clean water and drain;

(iii) **Disinfect** the surface with an EPA registered disinfectant according to the manufacturer's directions on the label. Surfaces must remain wet with disinfectant for ten minutes or the time stated on the label.

(c) Nightly:

(i) For whirlpool foot spas, air-jet basins, "pipeless" foot spas and other circulating spas:

(A) **Drain** the water from the foot spa basin or bowl and remove any visible debris.

(B) **Clean** the surfaces of the foot spa with soap or detergent, rinse with clean water and drain.

(C) **Disinfect** - Fill the basin with clean water, adding the appropriate amount of EPA registered disinfectant. Turn the unit on to circulate the disinfectant for the entire contact time according to the manufacturer's directions on the label.

(D) **Drain and rinse** the basin with clean water and allow to air dry.

(ii) For foot spas with filter screens, inlet jets and other removable parts that require special attention during the disinfecting process.

(A) **Drain** the water from the foot spa basin and remove any visible debris.

(B) **Remove** the filter screen, inlet jets and all other removable parts from the basin and clean out any debris trapped behind or in them.

(C) **Scrub** the removable parts using a brush and soap or detergent.

(D) **Rinse** the removed parts with clean water and replace them in the basin.

(E) **Clean** the surfaces of the foot spa with soap or detergent, rinse with clean water and drain.

(F) **Disinfect** - Fill the basin with clean water, adding the appropriate amount of EPA registered disinfectant. Turn the unit on to circulate the disinfectant for the entire contact time according to the manufacturer's directions on the label.

(G) **Drain and rinse** the basin with clean water and allow to air dry.

(d) A record must be made of the date and time of each cleaning and disinfecting as required by (c) and (d) of this

subsection. This record must be made at the time of cleaning and disinfecting. Cleaning and disinfecting records must be made available upon request by either a client or a department representative.

(e) For simple basins and reusable liners (no circulation):

(i) **Drain** the basin and remove any visible debris.

(ii) **Scrub** the basin with a clean brush and soap or detergent following manufacturer's directions.

(iii) **Rinse** the basin with clean water and drain.

(iv) **Disinfect** basin surfaces with an EPA registered disinfectant following manufacturer's directions. Surfaces must remain wet with disinfectant for ten minutes or the contact time stated on the label.

(v) **Drain and rinse** the basin with clean water and allow to **air dry**.

**(11) Headrests, shampoo bowls, and treatment tables.**

(a) The headrest of chairs must be cleaned and disinfected after service on each client.

(b) Shampoo trays and bowls must be cleaned and disinfected after each shampoo, kept in good repair and in a clean condition at all times.

(c) All treatment tables must be cleaned, disinfected and covered with clean linens or examination paper, which must be changed after each service on a client.

**(12) Walls, floors, and ceilings.** Walls, floors, and ceilings must be cleaned and disinfected as necessary and kept clean and free of excessive spots, mildew, condensation, or peeling paint.

**(13) Towels, linens, capes and robes.** No towels, linens, capes, or robes shall be used more than once without proper laundering as described in this section.

**(14)** All towels, linens, capes, robes, and similar items shall be laundered in a washing machine with laundry detergent and chlorine bleach used according to manufacturer's directions for disinfecting purposes. A closed dustproof cabinet with solid sides and a top shall be provided for cleaned towels, linens, capes and robes. A hamper with solid sides or a receptacle that is closed and ventilated shall be provided for all soiled cloth towels, linens, capes and robes and never left overnight.

**(15) Prohibited hazardous substances - Use of products.** No establishment or school may have on the premises cosmetic products containing hazardous substances which have been banned by the U.S. Food and Drug Administration for use in cosmetic products. Use of 100% liquid methyl methacrylate monomer and methylene chloride products are prohibited. No product must be used in a manner that is disapproved by the U.S. Food and Drug Administration.

**(16) Prohibited instruments or practices.** Any razor-edged tool, which is designed to remove calluses.

**(17) Blood spills.** If there is a blood spill or exposure to other body fluids during a service, licensees and students must stop and proceed in the following order:

(a) Stop service;

(b) Put on gloves;

(c) Clean the wound with an antiseptic solution;

(d) Cover the wound with a sterile bandage;

(e) If the wound is on a licensee hand in an area that can be covered by a glove or finger cover, the licensee must wear a clean, fluid proof protective glove or finger cover. If the

wound is on the client, the licensee providing service to the client must wear gloves on both hands;

(f) Discard all contaminated objects. Contaminated objects shall be placed in a sealed plastic bag and that bag must be placed inside another plastic bag and discarded;

(g) All equipment, tools and instruments that have come into contact with blood or other body fluids must be cleaned and disinfected or discarded;

(h) Remove gloves; and

(i) Wash hands with soap and water before returning to the service.

(18) **First-aid kit.** The establishment must have a first-aid kit that contains at a minimum:

- Small bandages;
- Gauze;
- Antiseptic; and
- A blood spill kit that contains:
  - Disposable bags;
  - Gloves.

(19) **Restroom.**

(a) All locations must have a restroom available. The restroom must be located on the premises or in adjoining premises, which is reasonably accessible.

(b) All restrooms located on the premises must be kept clean and in proper working order at all times.

AMENDATORY SECTION (Amending WSR 13-24-042, filed 11/26/13, effective 1/1/14)

**WAC 308-20-115 Reciprocity—Persons licensed in other jurisdictions.** The department shall issue a license to any person who is properly licensed in any state, territory, or possession of the United States, or foreign country if the applicant submits:

- (1) Application;
- (2) Fee;
- (3) Proof that he or she is currently licensed in good standing as a cosmetologist, hair designer, barber, manicurist, esthetician, master esthetician, instructor, or the equivalent in that jurisdiction;
- (4) Provides proof that he or she has passed an examination approved by the director.

AMENDATORY SECTION (Amending WSR 13-24-042, filed 11/26/13, effective 1/1/14)

**WAC 308-20-120 Written and performance examinations.** (1) The department shall administer or approve the administration of a written and performance license examination. The department may approve written or performance examinations given by department-approved examination providers.

(2) The written and performance examinations for cosmetologist, hair design, barber, manicurist, esthetician, and master esthetician shall reasonably measure the applicant's knowledge of safe and sanitary practice.

(3) The written and performance examinations for instructors shall be constructed to measure the applicant's knowledge of lesson planning and teaching techniques.

(4) In order to be eligible for licensure, a license applicant must pass both the written and performance examinations in the practice for which they are applying.

(5) The minimum passing score for both the written and performance examinations in all practices is a scaled score of 75.

(6) Examination results expire three years from the date of the examination. Examination results that are more than three years old are considered by the department to be expired and will not be considered valid towards initial licensure.

AMENDATORY SECTION (Amending WSR 03-14-046, filed 6/24/03, effective 7/25/03)

**WAC 308-20-520 Minimum salon/shop, mobile unit, and personal services licensing standards.** No person shall operate a cosmetology, hair design, barbering, esthetics, master esthetics, or manicuring salon/shop, mobile unit, or personal services business in this state unless the business has qualified for and has in their possession a location license issued by the department of licensing. If the ownership of the business changes, a new complete application must be submitted for approval and license issuance. Licenses are not transferable.

(1) An operator that leases space must obtain both a valid operator and salon/shop license for that specific location.

(2) A business that has one or more branch locations shall obtain a separate salon/shop license for each location.

(3) A licensed operator who provides cosmetology, hair design, barbering, esthetics, master esthetics, or manicuring services to place-bound clients in the client's home or in a long or short term health care facility is not required to obtain a location license.

(4) A long or short term health care facility that establishes a salon/shop and operates it on a for profit basis for clients other than place-bound clients shall obtain a location license.

AMENDATORY SECTION (Amending WSR 13-24-042, filed 11/26/13, effective 1/1/14)

**WAC 308-20-550 Posting of required licenses, registrations, permits, notice to consumers, and current inspection form.** (1) Licenses, the consumer notice required by chapter 18.16 RCW, the apprentice salon/shop notice as defined in WAC 308-20-555, and the most current inspection form shall be posted in direct public view.

(2) Original operator licenses with an attached current photograph shall be posted in clear view of clients in the operator's work station.

(3) Original instructor licenses with an attached current photograph shall be posted in clear view of the public.

(4) Original school, instructor, salon/shop, and mobile unit licenses shall be posted in the reception area.

(5) Personal services shall display their licenses and consumer notice in direct view of their client.

(6) A pocket identification card may not be used in lieu of an original license.

(7) No license which has expired or become invalid for any reason shall be displayed by any operator, instructor, or

business in connection with the practice of cosmetology, hair design, barbering, esthetics, master esthetics, or manicuring. Any license so displayed shall be surrendered to a department representative upon its request.

(8) Licenses issued by another state, territory, or foreign country shall not be displayed in any salon/shop.

(9) A receipt, issued by the department of licensing, showing the application for a duplicate license may be used if the original has been lost, stolen, or otherwise destroyed until the duplicate license is received.

#### NEW SECTION

**WAC 308-20-571 Initial school licensure requirements.** The education and experience of administrators, faculty, and other staff must be adequate to ensure that students will receive educational services consistent with the stated program objectives. School directors/administrators must have at least two years of experience working in a school or in the business administration field. Prior to approval of application for licensure, any person wishing to operate a school shall meet the requirements in RCW 18.16.140 and provide the following to the department:

(1) An identification of owners, shareholders, and directors:

(a) Complete legal name, personal telephone number, and home mailing address of the owner, shareholders, and directors.

(b) The form of ownership; e.g., sole proprietorship, partnership, limited partnership, or corporation.

(c) Names, addresses, personal phone numbers, email addresses, and prior school affiliations if any, of all individuals with ten percent or more ownership interest.

(2) A school that is a corporation or a subsidiary of another corporation must submit:

(a) Current evidence that the corporation is registered with the Washington secretary of state's office;

(b) The name, address, and telephone number of the corporation's registered agent.

(3) Schools under common ownership may designate a single licensed location as the principal facility for record-keeping via written notice to the department.

(4) If leasing a space, a copy of the rental agreement.

(5) A catalog, enrollment agreement and cancellation and refund policy in accordance with chapter 308-20 WAC.

(6) Sample of all monthly student reports.

(7) Listing of all instructors including license number and expiration date.

(8) A description of programs and course offerings in accordance with chapter 308-20 WAC.

(9) The school must furnish proof that they provide liability coverage for students.

(10) Days and hours of operation of the school.

(11) A signed fire inspection report from the local fire authority indicating all standards and requirements have been met.

(12) Schools must design and implement programs required under WAC 308-20-080 to include content, duration, appropriate entrance criteria, instructional materials,

staff, equipment and facilities to prepare students for the program's occupational objectives.

(13) The school must submit an exact floor plan of the physical location which:

(a) Is drawn to scale showing placement of all equipment; areas designated for the clinic, dispensary, classroom, office and restrooms; and identify student capacity. The floor plan shall include the total square footage of the school.

(b) Is adequate to meet the needs of its students and the objectives of the program;

(c) Provides a learning environment with enough classroom, laboratory, and shop space for the number of students to be trained; and

(d) Is maintained in compliance with state laws and local ordinances related to safety and health.

(14) The school must have equipment, furniture, instructional devices and aids, machinery, and other physical features that are adequate to accommodate the enrolled students at all times.

(15) Schools shall only offer educational services that have been approved by the department: All new program or course approval and program revisions shall be submitted to the department in a format prescribed by the department for review and approval prior to the proposed date of implementation.

#### AMENDATORY SECTION (Amending WSR 13-24-042, filed 11/26/13, effective 1/1/14)

**WAC 308-20-572 Inspection of schools.** ~~((+))~~ All locations shall pass an inspection by a department representative which shall meet the following requirements prior to approval of application or renewal for licensure~~((-any person wishing to operate a school shall, meet the requirements in RCW 18.16.140; submit to an inspection of the site; and provide the following:~~

~~(a) Name of owner and current mailing and physical address if solely owned.~~

~~(b) Names of partners and current mailing and physical addresses if a partnership.~~

~~(c) Names of corporate officers and current mailing and physical addresses if a corporation.~~

~~(d) Name of the school, complete mailing address, and physical address.~~

~~(e) Days and hours of operation of the school.~~

~~(f) A signed fire inspection report from the local fire authority indicating all standards and requirements have been met.~~

~~(g) Listing of all instructors including license number and expiration date.~~

~~(h) Sample of all monthly student reports.~~

~~(i) Sample of student packet to be provided to student at enrollment that must contain, but is not limited to, a copy of the school's catalog, brochure, enrollment contract, and cancellation and refund policies.~~

~~(j) Floor plan drawn to scale showing placement of all equipment; areas designated for the clinic, dispensary, classroom, office and restrooms; and identify student capacity. The floor plan shall include the square footage of the school.~~



~~(2) All locations shall pass a precertification inspection by a department representative by meeting the following requirements):~~

~~((a)) (1) A permanent entrance sign designating the name of the school.~~

~~((b)) (2) A time clock and time cards or other equipment necessary for verification of daily student attendance and hours earned.~~

~~((c)) (3) An adequate supply of hot and cold running water shall be available for school operation.~~

~~((d)) (4) Textbooks/teaching materials - Textbooks shall be required for each student in attendance.~~

~~((e)) (5) Lavatories with hot and cold running water, single-use hand soap and disposable or single-use hand drying towels or an automatic hand dryer.~~

~~((f) When a salon and school are under the same ownership in the same building, separate operation of the salon and the school must be maintained. Common reception areas and restrooms will be allowed; however, the salon and school must have separate entrances and meet location requirements identified in chapter 18.16 RCW.~~

~~((g)) (6) A school and salon/shop shall not be operated in the same location. A school and salon/shop shall have separate exterior entrances and shall not share an interior passageway.~~

~~(7) Emergency evacuation plans posted for staff and students.~~

~~((h)) (8) There must be a sufficient number of tables/desks and chairs to accommodate the registered students.~~

~~((i)) (9) Department of licensing safety and sanitation guidelines posted in all dispensaries and classrooms.~~

~~((j)) (10) Supplemental training space must be preapproved by the department.~~

~~((k)) (a) The supplemental training space must be located within two miles of the original facility of the licensed school.~~

~~((l)) (b) A duplicate copy of the school license shall be posted at the supplemental training space.~~

~~((m)) (c) A duplicate copy of each instructor's license with a current photograph shall be posted at the supplemental training space.~~

~~((n)) (d) The supplemental training space shall bear the same name as the original licensed school.~~

~~((o)) (e) Supplemental training space is only approved for theory and/or practice rooms. No clinic services shall be provided in supplemental training space.~~

~~((p)) (11) Schools must post a sign that contains the words "work done exclusively by students" or "all work performed by students under supervision of a licensed instructor" in the reception or clinic area.~~

#### NEW SECTION

**WAC 308-20-573 School catalog, enrollment agreement/contract and cancellation and refund policy minimum requirements.** (1) Each school must publish a catalog that explains its operations and requirements. The catalog must be current, comprehensive, and accurate. The school must provide the following, in some combination of a cata-

log, brochure, or otherwise written material and disclose that information to each prospective student prior to completing an enrollment agreement. The catalog must include at least the following:

(a) Date of publication;

(b) Names, physical and mailing addresses, and telephone numbers of the school's administrative offices and all supplemental training spaces;

(c) Names and qualifications of faculty. The list must be accurate as of the date of catalog publication. Any changes in faculty must be noted on a catalog correction sheet;

(d) The school calendar, including hours of operation, holidays, courses, or programs as may be appropriate;

(e) Admissions procedures, including policies describing all prerequisites needed by entering students to successfully complete the programs of study in which they are enrolled;

(f) A description of the job placement assistance offered, if any. If no assistance is offered, the school must make that fact known;

(g) The school's policy regarding student conduct, including causes for dismissal and conditions for readmission;

(h) The school's grievance policy. The policy must be preceded by "Nothing in this policy prevents the student from contacting the Department of Licensing at any time with a concern or a complaint.";

(i) The school's policy regarding leave, absences, makeup work (if applicable), and tardiness;

(j) The school's policy regarding standards of progress required for the student;

(k) An accurate description of the school's facilities and equipment available for student use, and the student/teacher ratio;

(l) The total cost of training including registration fee if any, tuition, books, supplies, equipment, and all other charges and expenses necessary;

(m) A description of each program of instruction, including:

(i) Specific program objectives including the job titles for which the program purports to train;

(ii) The number of clock hours of instruction, the method of instruction (e.g., correspondence, classroom, lab, computer assisted), and the average length of time required for successful completion;

(iii) For schools offering online theory training, instructional sequences must be described in numbers of lessons.

(n) The scope and sequence of courses or programs required to achieve the educational objective;

(o) A statement indicating the type of educational credential that is awarded upon successful completion;

(p) The school's cancellation and refund policy;

(q) The following statement must appear prominently on either the first or last printed page or inside the front or back cover: "This school is licensed under chapter 18.16 RCW. Inquiries, concerns, or complaints regarding this school can be made to the Department of Licensing, (insert mailing address, email or by telephone).";

(r) The availability of financing, if any; and

(s) Supplements or correction sheets for the catalog and other written materials related to enrollment must be filed with the department prior to being used;

(i) The supplement or correction sheet must include its publication date;

(ii) In the event information on a supplement or correction sheet replaces information contained in the catalog, the insert must identify the information it replaces.

(2) An enrollment agreement/contract is any agreement that creates a binding obligation to purchase a course of instruction from a school. Each school must use an enrollment contract or agreement that includes:

(a) The school's cancellation and refund policy, in accordance with chapter 308-20 WAC.

(b) The following statement: This school is licensed under chapter 18.16 RCW. Inquiries, concerns, or complaints regarding this school can be made to the department of licensing, (insert mailing address, email or by telephone).

(c) Information that will clearly and completely define the terms of the agreement between the student and the school. The enrollment agreement must include at least the following:

(i) The name and address of the school and the student;

(ii) The program or course title as it appears in the school's catalog, date training is to begin, and the number of hours or units of instruction or lessons for which the student is enrolled;

(iii) Language explaining that the agreement will be binding only when it has been signed and dated by the student and an authorized representative of the school prior to the time instruction begins; and

(iv) A statement that any changes in the agreement will not be binding on either party unless such changes have been acknowledged in writing by an authorized representative of the school and by the student or the student's parent or guardian if he/she is a minor.

(d) The school must provide all students with a copy of the signed enrollment agreement, and any other documents related to their enrollment.

(3) The official date of termination or withdrawal of a student shall be determined in the following manner:

(a) The date on which the school recorded the student's last day of attendance;

(b) The date on which the student is terminated for a violation of a published school policy which provides for termination.

(4) Tuition/registration fees may be collected in advance of a student signing an enrollment agreement; however, all moneys paid by the student shall be refunded if the student does not sign an enrollment agreement and does not commence participation in the program.

(a) The school must refund all money paid if the applicant is not accepted. This includes instances where a starting class is canceled by the school;

(b) For discontinued programs: If instruction in any program is discontinued after training has begun or if the school moves from one location to another, it must either:

(i) Provide students pro rata refunds of all tuition and fees paid; or

(ii) If the school plans to discontinue a program, it must notify the department and affected students in advance in writing at a minimum of thirty days notice.

#### NEW SECTION

**WAC 308-20-574 School closure process.** (1) Ceases to provide educational services means that a stoppage of training has occurred because:

(a) Facilities are rendered continuously unusable for a period of thirty calendar days or more; or

(b) Faculty or qualified substitutes assigned to a specific class are not available or otherwise fail to perform instructional duties for five or more successive days of scheduled instruction; or

(c) Bankruptcy proceedings or other financial conditions exist that result in the school interrupting scheduled instruction for five or more successive days; or

(d) Adverse action has been taken by a federal, state, or local jurisdiction which results in the school interrupting scheduled instruction for five or more successive days.

(2) The school must take measures to protect the contractual rights of present and former students if it ceases to provide educational services.

(3) If the school ceases to provide educational services, either voluntarily or involuntarily, it must:

(a) Inform the department promptly by the most expeditious means available and send confirmation by certified mail within three business days;

(b) Provide the name, address, and telephone number of the person(s) designated to be responsible for fulfilling the requirements of this section;

(c) Provide the department with the following information for each student who has not completed a course or program:

(i) Name;

(ii) Social Security number;

(iii) Address and telephone number of record;

(iv) Program name and amount of tuition and fees charged;

(v) Amount of tuition and fees paid to date;

(vi) Amount of class time left to complete the course or program; and

(vii) If the tuition and fees were paid through federal student aid, the amount and type of aid.

(d) A written notice must be distributed to all enrolled students at least three business days prior to a planned interruption or closure. The notice must explain the procedures students are to follow to secure refunds or continue their education. A copy of the notice must also be submitted to the department within three business days;

(e) File with the department procedures for disbursement of refunds to students and set a date no longer than thirty calendar days from the last day of instruction to issue refund checks in the full amount for which students are entitled.

(4) File with the department its plans if any, for teaching; ensuring that all affected students will continue to receive training at another institution of the similar quality and content as that for which they contracted:

(5) Refunds must be paid to the individual based on a day-by-day proportion of the services provided compared to the total length of the program.

(6) Make specific arrangements to transfer transcripts and other student records described under chapter 308-20 WAC to the department's custody.

(7) Remove or shutdown the school's web site and cease advertising.

(8) File with the department any information needed to complete the closure of the school.

**AMENDATORY SECTION** (Amending WSR 13-24-042, filed 11/26/13, effective 1/1/14)

**WAC 308-20-575 School license renewal process.** (1) Each school license shall be renewed on a yearly basis. In addition to the site inspection, the renewal request, along with the fee, shall be accompanied by:

(a) Certification of annual gross tuition and surety bond in an amount equal to ten percent of the annual gross tuition, but not less than ten thousand dollars or more than fifty thousand dollars;

(b) ~~((Current copies of curriculum, catalogs, and brochures;))~~ Copy of the school's catalog, enrollment agreement/contract, curriculums, student monthly reports, current and accurate floor plan;

(c) Current list of instructor names and license numbers;

(d) Updated school information on forms provided by the department including the days and hours of operation of the school; ~~((and))~~

(e) Verification of current student/instructor ratio;

(f) An identification of owners, shareholders, and directors;

(i) Complete legal name, personal telephone number, and home mailing address of the owner, shareholders, and directors;

(ii) The form of ownership; e.g., sole proprietorship, partnership, limited partnership, LLC, or corporation; and

(iii) Names, addresses, personal phone numbers, and prior school affiliations if any, of all individuals with ten percent or more ownership interest.

(g) A school that is a corporation or a subsidiary of another corporation must submit:

(i) Current evidence that the corporation is registered with the Washington secretary of state's office; and

(ii) The name, address, and telephone number of the corporation's registered agent.

(h) A signed fire inspection report from the local fire authority indicating all standards and requirements have been met; and

(i) The school must submit an exact floor plan of the physical location which is drawn to scale showing placement of all equipment; areas designated for the clinic, dispensary, classroom, office and restrooms; and identify student capacity. The floor plan shall include the square footage of the school.

(2) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty. If not renewed on or before the expiration

date, the school shall not credit students any hours until the license has been renewed.

(3) Failure to receive a notice of license renewal from the department does not constitute cause for failure to renew.

**WSR 17-13-110**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed June 20, 2017, 11:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-03-042.

Title of Rule and Other Identifying Information: Changes to the Washington department of fish and wildlife's (WDFW) Columbia River recreational salmon fishing rules resulting from stakeholder recommendations made during North of Falcon meetings:

WAC 220-312-030 Freshwater exceptions to statewide rules—Southwest, 220-312-050 Freshwater exceptions to statewide rules—Eastside, and 220-312-060 Freshwater exceptions to statewide rules—Columbia.

Hearing Location(s): WDFW Region 5 Office - Room, 5525 South 11th Street, Ridgefield, WA 98642, on Thursday, July 27, 2017, at 10 a.m. - 12:00 p.m.

Date of Intended Adoption: On or after August 4, 2017.

Submit Written Comments to: Scott Bird, WDFW Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, email Rules.Coordinator@dfw.wa.gov, fax (360) 902-2155, by July 27, 2017.

Assistance for Persons with Disabilities: Contact Dolores Noyes by July 27, 2017, TTY (360) 902-2207 or (360) 902-2349.

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

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.

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: Kelly Henderson, 1111 Washington Street, Olympia, WA 98501, (360) 902-2684; 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 20, 2017  
Scott Bird  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-312-030 Freshwater exceptions to state-wide rules—Southwest. (1) Abernathy Creek and all tributaries including Cameron, Slide, and Wiest creeks (Cowlitz County):**

- (a) From the mouth to a point 500 feet downstream from the Abernathy Technology Center:
  - (i) Barbless hooks are required for salmon and steelhead.
  - (ii) Bass: No limit and no size restriction.
  - (iii) Channel catfish: No limit.
  - (iv) Walleye: No limit and no size restriction.
  - (v) Open the first Saturday in June through August 31 and November 1 through March 15.
  - (vi) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
    - (A) First Saturday in June through August 31:
      - (I) No minimum size for trout.
      - (II) Release all fish except adipose clipped trout as evidenced by a healed scar at the location of the adipose fin.
      - (III) Three hatchery trout limit.
    - (B) November 1 through March 15: Catch and release except up to 3 hatchery steelhead may be retained.
      - (C) Salmon:
        - (I) Open November 1 through December 31.
        - (II) Limit 6; up to 2 may be adults.
        - (III) Only hatchery Chinook and hatchery coho may be retained.
  - (b) From 200 feet above Abernathy Falls to posted markers 500 feet downstream from the Abernathy Fish Technology Center: Closed.
  - (c) From 200 feet above Abernathy Falls upstream to source and all tributaries including Erick and Ordway creeks:
    - (i) Open the first Saturday in June through August 31.
    - (ii) Release all fish except adipose clipped trout as evidenced by a healed scar at the location of the adipose fin.
    - (iii) Trout: No minimum size.
    - (iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead. Three hatchery trout limit.
    - (v) Selective gear rules apply.
- (2) **Battle Ground Lake (Clark County):**
  - (a) Closed the Monday before Thanksgiving Day through Thanksgiving Day.
  - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

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

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

- (a) Closed from posted sign above rearing pond outlet to Spencer Road.
- (b) Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
- (c) Night closure in effect.
- (d) Open June 1 through April 14 for trout only:
  - (i) Limit 5; minimum length 12 inches; it is unlawful to retain more than 3 hatchery steelhead.
  - (ii) Release wild cutthroat.
  - (iii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (e) Barbless hooks are required for salmon and steelhead.
- (f) Salmon:
  - (i) Open August 1 through December 31.
  - (ii) Limit 6; up to 2 may be adults.
  - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (4) **Blue Lake (Cowlitz County):**
  - (a) Open the fourth Saturday in April through October 31.
  - (b) Selective gear rules apply.
  - (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
  - (d) Catch and release only.
- (5) **Blue Lake Creek (Lewis County):** Selective gear rules apply.
- (6) **Butter Creek (Lewis County):**
  - (a) Selective gear rules apply.
  - (b) Trout: Minimum length 10 inches.
- (7) **Canyon Creek (Clark County):**
  - (a) Open the Saturday before Memorial Day through October 31.
  - (b) Trout: Limit 5.
- (8) **Canyon Creek tributaries including Fly, Little Fly, Big Rock, Sorehead, Jakes, and Pelvey creeks (Clark/Skamaniam counties):** Open.
  - (9) **Carlisle Lake (Lewis County):**
    - (a) Open the fourth Saturday in April through last day in February.
    - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
    - (c) Landlocked salmon rules apply.
  - (10) **Carson Creek (Skamania County):** Selective gear rules apply.
  - (11) **Castle Lake (Cowlitz County):**
    - (a) Selective gear rules apply.
    - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
    - (c) Trout: Limit one; minimum length 16 inches.
  - (12) **Cedar Creek (tributary of N.F. Lewis) (Clark County):**
    - (a) From the mouth to Grist Mill Bridge:
      - (i) Open the first Saturday in June through August 31 and November 1 through March 15.

- (ii) Selective gear rules apply.
- (iii) Release all trout except anglers may retain up to 3 hatchery steelhead.
- (iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (v) Salmon:
  - (A) Open November 1 through December 31.
  - (B) Limit 6; up to 2 may be adults.
  - (C) Only hatchery Chinook and hatchery coho may be retained.
    - (b) From the Grist Mill Bridge to 100 feet upstream of the falls: Closed.
    - (c) From 100 feet upstream of the falls upstream:
      - (i) Open the first Saturday in June through August 31.
      - (ii) Selective gear rules apply.
      - (iii) Release all fish except anglers may retain up to 3 hatchery steelhead.
      - (iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (13) **Cedar Creek tributaries including Bitter, Brush, Chelatchie, John, and Pup creeks (Clark County):** Selective gear rules apply.
- (14) **Chinook River (Pacific County):** From the Highway 101 Bridge upstream to source:
  - (a) Selective gear rules apply.
  - (b) Bass: No limit and no size restriction.
  - (c) Channel catfish: No limit.
  - (d) Walleye: No limit and no size restriction.
- (15) **Cispus River (Lewis County):** From the mouth to the falls, not including the North Fork:
  - (a) Open year-round, except closed to all angling within posted "Closed Waters" signs around the adult fish release site.
  - (b) Barbless hooks are required for salmon and steelhead.
  - (c) Release all trout except anglers may retain up to 2 hatchery steelhead.
  - (d) Fly fishing only from the North Fork to the falls.
  - (e) Salmon:
    - (i) Open year-round.
    - (ii) Limit 6; up to 2 may be adults.
    - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (16) **Cispus River, North Fork (Lewis County):**
  - (a) Selective gear rules apply.
  - (b) Trout: Release cutthroat.
- (17) **Coal Creek (Cowlitz County):**
  - (a) From the mouth to 400 feet below the falls:
    - (i) Open the first Saturday in June through August 31 and November 1 through last day in February.
    - (ii) Selective gear rules apply.
    - (iii) Bass: No limit and no size restriction.
    - (iv) Channel catfish: No limit.
    - (v) Trout:
      - (A) Release all fish except anglers may retain up to 3 hatchery steelhead.
      - (B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
    - (vi) Walleye: No limit and no size restriction.
    - (vii) Salmon:
      - (A) Open November 1 through December 31.
      - (B) Limit 6; up to 2 may be adults.
      - (C) Only hatchery Chinook and hatchery coho may be retained.

- (b) From the falls to 400 feet downstream: Closed.
  - (c) From the falls upstream to source including all tributaries: Release all fish except trout.
- (18) **Coldwater Lake (Cowlitz County):**
  - (a) The Coldwater Lake inlet and outlet streams are closed.
  - (b) Selective gear rules apply.
  - (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
  - (d) Trout: Limit one; minimum length 16 inches.
- (19) **Cougar Creek (tributary to Yale Reservoir) (Cowlitz County):** Open the first Saturday in June through August 31.
- (20) **Coweeman River (Cowlitz County):**
  - (a) Barbless hooks are required for salmon and steelhead.
    - (b) From the mouth to Baird Creek:
      - (i) Open the first Saturday in June through August 31 and November 1 through March 15.
      - (ii) Salmon:
        - (A) Open November 1 through December 31.
        - (B) Limit 6; up to 2 may be adults.
        - (C) Only hatchery Chinook and hatchery coho may be retained.
          - (c) From Baird Creek upstream to the source, open the first Saturday in June through August 31.
          - (d) Release all trout, except anglers may retain up to 3 hatchery steelhead.
          - (e) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (21) **Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County):**
  - (a) The upstream boundary of the reservoir in the Cowlitz arm is at the posted Lewis County PUD sign on Peters Road.
  - (b) The upstream boundary of the reservoir in the Cispus arm is at the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms.
  - (c) Barbless hooks are required for salmon and steelhead.
  - (d) Open year-round.
  - (e) Trout:
    - (i) Release cutthroat.
    - (ii) Release rainbow trout, except those with a clipped adipose fin with a healed scar at the site of the clipped fin.
    - (iii) From September 1 through the last day in February: Limit 10.
  - (f) Salmon open year-round:
    - (i) Limit 6; up to 2 may be adults.
    - (ii) Minimum length 8 inches.
    - (iii) Only hatchery Chinook and hatchery coho may be retained.

**(22) Cowlitz River (Lewis County):**

(a) From the boundary markers at the mouth to Mayfield Dam:

(i) The following areas are closed:

(A) From 400 feet or posted markers below Cowlitz Salmon Hatchery barrier dam to boundary markers near the Cowlitz Salmon Hatchery water intake approximately 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam.

(B) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam.

(C) Within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure, except open to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card within posted markers when adjacent waters are open.

(D) Within a 100 foot radius of the Cowlitz Salmon Hatchery wheelchair ramp (within the posted fishing boundary) except for anglers with disabilities **and** who have a designated harvester companion card.

(ii) Barbless hooks are required for salmon, steelhead, and cutthroat trout, except from the Lexington Drive Bridge (Sparks Road Bridge) at Lexington upstream to the barrier dam from June 1 through July 31.

(A) From the mouth to Lexington Bridge; August 1 through August 31 release all steelhead.

(B) From September 1 through October 31; only one hatchery steelhead may be retained.

(C) From August 1 through October 31; night closure in effect for all species.

(iii) Game fish other than trout: Open first Saturday in June through March 31.

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

(B) Channel catfish: No limit.

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

(iv) From the mouth to Lexington Bridge, night closure from June 16 through October 31.

(v) From Lexington Bridge to the barrier dam, fishing 2 poles is permissible so long as the angler possesses a valid two-pole endorsement.

~~((+))~~ (vi) From the mouth of Mill Creek to the Cowlitz Salmon Hatchery barrier dam:

(A) April 1 through November 30:

(I) Anti-snagging rule applies. Anglers may only retain fish hooked in the mouth when the anti-snagging rule applies.

(II) Night closure in effect.

(B) It is unlawful to fish from a floating device.

(C) May 1 through June 15: It is unlawful to fish from the south side of the river.

~~((+))~~ (vii) Trout: Open year-round.

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

(B) First Saturday in June through March 31:

(I) Limit 5; minimum length 12 inches.

(II) Up to 3 hatchery steelhead may be retained, except:

• From the mouth to the Lexington Drive/Sparks Road Bridge, release all steelhead August 1 through August 31.

• From the mouth to Lexington Drive/Sparks Road Bridge only one hatchery steelhead may be retained June 16 through July 31 and September 1 through October 31.

(III) Release wild cutthroat.

(C) April 1 through the Friday before the first Saturday in June: Release all fish, except anglers may retain up to 3 hatchery steelhead.

~~((+))~~ (viii) Salmon:

(A) Open year-round.

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

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

(b) From the posted PUD sign on Peters Road to the Forest Road 1270 (old Jody's Bridge):

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

(ii) Closed to all angling within posted "Closed Waters" signs around the adult fish release site.

(iii) September 1 through October 31: Anti-snagging rule applies and night closure in effect. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

~~((+))~~ (iv) Open year-round: Release trout except anglers may retain up to 2 hatchery steelhead.

~~((+))~~ (v) Salmon:

(A) Open year-round.

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

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

**(23) Cowlitz River, Clear and Muddy Forks (Lewis County):**

(a) Selective gear rules apply.

(b) Release cutthroat.

**(24) Davis Lake (Lewis County):** Open the fourth Saturday in April to last day in February.

**(25) Deep River (Wahkiakum County):**

(a) Game fish:

(i) Open year-round.

(ii) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.

(b) From mouth to town bridge:

(i) Channel catfish: No limit.

(ii) Walleye and bass: No limit and no size restriction.

(iii) Salmon:

(A) Open year-round.

(B) From March 1 through June 15, on days when the mainstem Columbia River recreational fishery below Bonneville Dam is open to the retention of Chinook salmon, the salmonid daily limit in Deep River is the same as in the adjacent mainstem Columbia. Otherwise:

(C) Limit 6, up to 2 may be adults.

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

**(26) Delemeter Creek (Cowlitz County):**

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

(b) Release all fish except hatchery steelhead and hatchery cutthroat. Three hatchery trout limit. Mandatory hatchery steelhead retention.

(c) Selective gear rules apply.

(d) Salmon:

(i) Open August 1 through October 31.

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

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

(27) **Dog Creek (Skamania County):** From the falls upstream to the source, release all fish except trout.

(28) **Drano Lake:** In the waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 Bridge:

(a) Barbless hooks are required for salmon and steelhead except from March 16 through June 30 and from October 1 through December 31.

(b) Closed on Wednesdays beginning the second Wednesday in April through June 30.

(c) Closed from 6 p.m. Tuesdays through 6 p.m. Wednesdays during the month of October.

(d) March 16 through ~~((June 30))~~ October 31: Night closure in effect.

(e) August 1 through December 31: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(f) May 1 through June 30 and October 1 through December 31:

(i) Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(ii) Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

(g) The area west of a line projected from the eastern-most pillar of the Highway 14 Bridge to a posted marker on the north shore is open only to bank fishing from April 16 through June 30.

(h) Open year-round.

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

(j) Channel catfish: No limit.

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

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

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

(i) From March 16 through ~~((July 31))~~ June 15: Limit 2 hatchery steelhead or 2 hatchery Chinook, or one of each.

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

(iii) From August 1 through September 30: Limit 6; no more than 3 adult salmon, release all steelhead.

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

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

(29) **Elochoman River (Wahkiakum County):**

(a) The following areas are closed:

(i) From 200 feet above the department of fish and wild-life temporary weir downstream to Foster (Risk) Road Bridge while the weir is installed in the river.

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

(b) From the mouth to West Fork:

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

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

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

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

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

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

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

(ii) Selective gear rules apply.

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

(iv) Channel catfish: No limit.

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

(vi) Salmon and steelhead:

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

(B) Release wild Chinook salmon.

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

(vii) Salmon:

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

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

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

(d) From West Fork upstream to the source:

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

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

(iii) Salmon:

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

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

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

(30) **Falls Creek (Cowlitz County):**

(a) Selective gear rules apply.

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

(c) Channel catfish: No limit.

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

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

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

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

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

(b) Selective gear rules apply.

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

(d) Channel catfish: No limit.

## (e) Trout:

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

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

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

## (g) Salmon:

(i) Open November 1 through December 31.

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

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

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

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

(b) Selective gear rules apply.

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

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

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

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

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

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

(c) Selective gear rules apply.

## (d) Salmon:

(i) Open November 1 through December 31.

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

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

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

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

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

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

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

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

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

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

## (e) Game fish:

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

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

(iii) From the mouth to Highway 4 Bridge:

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

(B) Channel catfish: No limit.

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

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

## (g) Salmon:

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

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

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

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

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

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

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

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

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

(a) Selective gear rules apply.

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

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

## (d) Salmon:

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

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

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

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

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

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

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

(c) Selective gear rules apply.

## (d) Salmon:

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

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

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

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

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

(a) Downstream from the hatchery intake/footbridge:

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

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

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

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

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



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

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

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

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

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

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

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

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

(c) Selective gear rules apply.

(d) Salmon:

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

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

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

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

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

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

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

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

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

(iv) The following areas are closed:

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

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

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

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

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

(vii) Salmon:

(A) Open August 1 through November 30.

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

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

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

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

(ii) Selective gear rules apply.

(iii) Catch and release only.

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

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

(a) Selective gear rules apply.

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

(c) Channel catfish: No limit.

(d) Trout:

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

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

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

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

(g) Salmon:

(i) Open August 1 through October 31.

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

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

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

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

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

(b) Landlocked salmon rules apply.

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

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

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

(a) Selective gear rules apply.

(b) Trout: Minimum length 10 inches.

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

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

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

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

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

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

(iii) Game fish:

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

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

(C) Channel catfish: No limit.

(D) Trout:

(I) Mandatory hatchery steelhead retention.

(II) No catch and release of hatchery steelhead.

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

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

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

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

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

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

(ix) Salmon:

(A) Open year-round.

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

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

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

(i) Open year-round.

(ii) It is unlawful to fish from a floating device equipped with a motor.

(iii) Selective gear rules apply.

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

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

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

(c) From Summers Creek upstream to Kalama Falls:

(i) Closed from the 6420 Road (approximately one mile above the gate at the end of the county road) to Kalama Falls.

(ii) Open the first Saturday in June through March 31 for fly fishing only.

(iii) Release all fish, except anglers may retain up to 3 adipose clipped trout as evidenced by a healed scar at the location of the adipose fin.

(A) No minimum size.

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

(d) From Kalama Falls upstream to source: Open.

(49) **Kanaka Creek (Skamania County):** Selective gear rules apply.

(50) **Kidney Lake (Skamania County):** Open the fourth Saturday in April through last day in February.

(51) **Klineline Ponds (Clark County):**

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

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

(52) **Kress Lake (Cowlitz County):**

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

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

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

(d) Landlocked salmon rules apply.

(53) **Lacamas Creek (Clark County):**

(a) From the mouth to the footbridge at the lower falls:

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

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

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

(iv) Selective gear rules apply.

(b) From the footbridge at the lower falls upstream to the source: It is permissible to fish up to the base of Lacamas Lake Dam.

(c) From footbridge at lower falls and from Round Lake upstream to source and all tributaries (Clark County) including Spring Branch, Big Ditch, Fifth Plain Creek, Matney Creek, Buck Creek, David Creek, North Fork and East Fork Lacamas Creek (Clark County): Statewide season, minimum size, and limits apply.

(54) **Lacamas Creek, tributary of Cowlitz River (Lewis County):**

(a) Selective gear rules apply.

(b) Trout: Limit 3.

(c) Release all trout except anglers may retain hatchery steelhead and hatchery cutthroat.

(d) Salmon:

(i) Open August 1 through October 31.

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

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

(55) **Lewis River (Clark County):**

(a) Mouth to the mouth of Colvin Creek:

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

(A) From Johnson Creek upstream May 1 through May 31.

(B) Those waters shoreward of the cable buoy and cork-line at the mouth of the Lewis River Salmon Hatchery fish ladder.

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

(iii) Fishing 2 poles is permissible from Railroad Bridge near Kuhns Road upstream to Johnson Creek, so long as the angler possesses a two-pole endorsement.

(iv) Anti-snagging rule applies and night closure in effect from Johnson Creek to Colvin Creek June 1 through November 30 and April 1 through April 30. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(v) From mouth of Lewis River to the mouth of the East Fork Lewis River, night closure in effect June 16 through October 31 for all species.

(vi) Trout:

(A) Release all trout except anglers may retain up to 3 hatchery steelhead, except:

(I) From the mouth of the Lewis River to the mouth of the East Fork Lewis River, release all steelhead August 1 through August 31.

(II) From the mouth of the Lewis River to the mouth of the East Fork Lewis River, only one hatchery steelhead may be retained from June 16 through July 31 and September 1 through October 31.

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

~~((vi))~~ (vii) Salmon:

(A) Open January 1 through April 30: Limit 6 hatchery Chinook; only one may be an adult.

(B) Open August 1 through the fourth Friday in September:

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

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

(C) Open the fourth Saturday in September through December 31:

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

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

~~((vii))~~ (viii) Bass: No limit and no size restriction.

~~((viii))~~ (ix) Channel catfish: No limit.

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

(b) From the mouth of Colvin Creek to the overhead powerlines at Merwin Dam:

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

(ii) Open June 1 through October 31 and December 16 through April 30.

(iii) Anti-snagging rule applies and night closure in effect April 1 through April 30 and June 1 through October 31. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

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

(v) Channel catfish: No limit.

(vi) Trout:

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

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

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

(viii) Salmon:

(A) Open August 1 through October 31 and December 16 through April 30.

(B) From January 1 through April 30: Limit 6 hatchery Chinook; only one may be an adult.

(C) From August 1 through the fourth Friday in September:

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

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

(D) From the fourth Saturday in September through October 31 and December 16 through December 31:

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

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

(c) From the overhead powerlines below Merwin Dam to Merwin Dam: Closed.

(d) From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed.

(e) From the old Lewis River streambed between Swift No. 1 Powerhouse and Swift No. 2 Powerhouse and Lewis River Power Canal upstream to fishing pier: Closed.

(f) Within Lewis River Power Canal from the fishing pier to the access road at Swift Dam:

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

(ii) It is unlawful to fish from a floating device.

(iii) Trout: Limit 5; no minimum size.

(A) From Eagle Cliff Bridge to the lower falls, including all tributaries: Selective gear rules apply.

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

(C) Catch and release only.

(g) From lower falls upstream and all tributaries including Copper, Alec, Quartz, Straight (tributary of Quartz), Snagtooth (tributary of Quartz), French (tributary of Quartz), Tillicum, Steamboat, Pin, Pass, Swampy, Riley, No Name (tributary of Riley), Big Spring (tributary of Riley), Mutton (tributary of Riley), and Boulder creeks (Skamania Co.): Statewide season, minimum size, and limits.

**(56) Lewis River, East Fork (Clark/Skamania counties):**

(a) The following areas are closed:

(i) From the posted markers at the lower end of Big Eddy to 100 feet above Lucia Falls.

(ii) From 400 feet below to 400 feet above Moulton Falls.

(iii) From 400 feet below Horseshoe Falls upstream, including all tributaries above Horseshoe Falls.

(b) From the mouth to 400 feet below Horseshoe Falls:

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

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

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

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

(c) Salmon:

(i) Open August 1 through December 31.

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

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

(d) From the mouth to the top boat ramp at Lewisville Park:

(i) Additional hatchery steelhead season from April 16 through the Friday before the first Saturday in June.

(ii) Selective gear rules apply.

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

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

**(57) Little Ash Lake (Skamania County):** It is unlawful to retain more than 2 trout 20 inches or more in length.

**(58) Little Washougal River (Clark County):**

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

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

(c) Selective gear rules apply.

(d) Salmon:

(i) Open August 1 through October 31.

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

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

**(59) Little White Salmon River (Skamania County) and all tributaries including Rock, Lapham, Lava, Moss, Wilson, Cabbage, Berry, Lusk, Homes, and Beetle creeks:**

(a) Open the Saturday before Memorial Day through October 31, except Little White Salmon River is closed from the orange fishing boundary markers at Drano Lake upstream to the intake near the north boundary of the Little White Salmon National Fish Hatchery.

(b) Release all fish except trout.

(c) Trout: Limit 5.

**(60) Love Lake (Clark County):** Closed.

**(61) Mayfield Lake (Reservoir) (Lewis County):**

(a) Open from the Mayfield Dam to Onion Rock Bridge.

(b) From the Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam: Closed.

(c) Trout:

(i) Minimum length 8 inches.

(ii) Release cutthroat and rainbow trout, except it is permissible to retain rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin.

(iii) September 1 through last day in February: Limit 10.

(d) Salmon open September 1 through December 31:

(i) Minimum length 8 inches.

(ii) Limit 6, no more than 2 may be adults.

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

**(62) Merrill Lake (Cowlitz County):**

(a) Open for fly fishing only.

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

(c) Catch and release only.

**(63) Merwin Lake (Reservoir) (Clark/Cowlitz counties):**

(a) Landlocked salmon rules apply.

(b) Kokanee: Limit 10; kokanee do not count as part of the trout limit.

**(64) Merwin Lake (Reservoir) (Clark/Cowlitz counties) tributaries including Marble, Cape Horn, Day, Jim, Indian George, Squaw, Buncombe Hollow, Rock creeks, Speelyai Creek and its tributaries, Brooks, and West Fork creeks (except Canyon Creek):** Statewide season, minimum size, and limits apply.

**(65) Mill Creek (Cowlitz County):**

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

(b) Selective gear rules apply.

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

(d) Channel catfish: No limit.

(e) Trout:

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

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

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

(g) Salmon:

(i) Open November 1 through December 31.

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

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

**(66) Mill Creek (Lewis County):** From the mouth to the hatchery road crossing culvert.

(a) Selective gear rules apply.

(b) Open the first Saturday in June through October 31 and from December 1 through December 31.

(c) Anti-snagging rule applies and night closure in effect December 1 through December 31. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(d) Release all fish except anglers may retain up to 3 trout.

(e) Release all trout except hatchery steelhead and hatchery cutthroat.

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

(g) Salmon:

(i) Open August 1 through October 31 and December 1 through December 31.

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

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

**(67) Mineral Lake (Lewis County):** Open the fourth Saturday in April through September 30.

**(68) Mulholland Creek (Cowlitz County):**

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

(b) Catch and release except anglers may retain up to 3 hatchery steelhead.

(c) Selective gear rules apply.

(d) Salmon:

(i) Open November 1 through December 31.

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

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

**(69) Nelson Creek (Skamania County):** Selective gear rules apply.

**(70) Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties):**

(a) Selective gear rules apply.

(b) Trout: Minimum length 12 inches.

**(71) Olequa Creek (Lewis/Cowlitz counties):**

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

(b) Trout: Limit 3.

(c) Release all trout except hatchery steelhead and hatchery cutthroat.

(d) Selective gear rules apply.

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

(f) Salmon:

(i) Open August 1 through October 31.

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

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

**(72) Ostrander Creek (Cowlitz County):** Selective gear rules apply.

**(73) Outlet Creek (Cowlitz County):**

(a) First Saturday in June through November 30.

- (b) Trout:
- (i) Release all trout except anglers may retain up to 3 hatchery steelhead.
- (ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (c) Selective gear rules apply.
- (d) Salmon:
- (i) Open August 1 through November 30.
- (ii) Limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.
- (74) Packwood Lake (Lewis County):**
- (a) Closed: All inlet streams and the outlet from the log boom to the dam.
- (b) Open the fourth Saturday in April through October 31.
- (c) Selective gear rules apply.
- (d) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (e) Trout: Minimum length 10 inches.
- (75) Plummer Lake (Lewis County):** Open the fourth Saturday in April through the last day in February.
- (76) Rainey Creek (Lewis County):**
- (a) Open from the mouth to Highway 12.
- (b) Trout limit 5; release cutthroat and rainbow trout, except it is permissible to retain rainbow trout that have a clipped adipose fin and a healed scar at the location of the clipped fin.
- (77) Riffe Lake (Reservoir) (Lewis County):**
- (a) Open from Mossyrock Dam to Cowlitz Falls Dam, except closed from Cowlitz Falls Dam downstream to the Lewis County PUD safety signs located approximately 800 feet below the dam.
- (b) It is permissible to fish up to the base of Swofford Pond Dam.
- (c) Landlocked salmon rules apply.
- (78) Riffe Lake (Reservoir) tributaries (Lewis County)** (excluding Rainey Creek), including Sulphur, Simons, Swigert, Shelton, Steel Canyon, Indian, Sand, Landers, Peterson, Goat, and Tumwater creeks: Statewide season, minimum size, and limits apply.
- (79) Rock Creek (Skamania County):**
- (a) Open from the mouth to the falls at approximately river mile one.
- (i) From the first Saturday in June through March 15.
- (ii) Bass: No limit and no size restriction.
- (iii) Channel catfish: No limit.
- (iv) Walleye: No limit and no size restriction.
- (v) Trout:
- (A) Release all trout except anglers may retain up to 3 hatchery steelhead.
- (B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (b) Barbless hooks are required for salmon and steelhead.
- (c) Salmon:
- (i) Open August 1 through December 31.
- (ii) Limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.
- (d) From the falls upstream to source/headwaters and all tributaries including Spring Creek, Hot Springs, Budweiser Creek, Forest Creek, Steep Creek, North Fork Rock Creek, and Snag Creek: Statewide seasons, minimum size, limits apply.
- (80) Salmon Creek (Clark County):** From the mouth to 182nd Avenue Bridge:
- (a) Open the first Saturday in June through March 15.
- (b) Bass: No limit and no size restriction.
- (c) Channel catfish: No limit.
- (d) Walleye: No limit and no size restriction.
- (e) Trout:
- (i) Release all trout except anglers may retain up to 3 hatchery steelhead.
- (ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (f) Barbless hooks are required for salmon and steelhead.
- (g) Salmon:
- (i) Open August 1 through December 31.
- (ii) Limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.
- (81) Salmon Creek (Lewis County):**
- (a) Release all fish except anglers may retain up to 3 hatchery trout.
- (b) Release all trout except hatchery steelhead and hatchery cutthroat.
- (c) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (d) Selective gear rules apply.
- (e) Salmon:
- (i) Open August 1 through October 31.
- (ii) Limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook or hatchery coho may be retained.
- (82) Silver Lake (Cowlitz County):** Crappie limit 10; minimum length 9 inches.
- (83) Silver Creek (tributary to Cowlitz River) (Lewis County):**
- (a) Open from the mouth to USFS Road 4778.
- (b) Selective gear rules apply.
- (c) Trout: Minimum length 14 inches.
- (84) Skamokawa Creek (Wahkiakum County):**
- (a) Open the first Saturday in June through August 31 and November 1 through March 15.
- (b) Bass: No limit and no size restriction.
- (c) Channel catfish: No limit.
- (d) Walleye: No limit and no size restriction.
- (e) Trout:
- (i) Release all trout except anglers may retain up to 3 hatchery steelhead.
- (ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (f) Selective gear rules apply.
- (g) Salmon:
- (i) Open November 1 through December 31.
- (ii) Limit 6; up to 2 may be adults.
- (iii) Only hatchery Chinook and hatchery coho may be retained.

**(85) Skate Creek (tributary to Cowlitz River) (Lewis County):**

- (a) Release all cutthroat.
- (b) Selective gear rules apply.

**(86) South Lewis County Park Pond (Lewis County):**  
Closed the Monday before Thanksgiving Day through Thanksgiving Day.**(87) Spirit Lake (Skamania County):** Closed.**(88) Stillwater Creek (Lewis County):**

- (a) Trout: Limit 3.
- (i) Release all trout except hatchery steelhead and hatchery cutthroat.
- (ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (b) Selective gear rules apply.
- (c) Salmon:
  - (i) Open August 1 through October 31.
  - (ii) Limit 6; up to 2 may be adults.
  - (iii) Only hatchery Chinook and hatchery coho may be retained.

**(89) Swift Reservoir (Skamania County):****(a)** Open the first Saturday in June through November 30.**(b)** Release all trout, except rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin may be retained.**(c)** From the posted markers approximately 3/8 mile below Eagle Cliff Bridge to the bridge: Selective gear rules apply.**(d)** From the dam to the markers approximately 3/8 mile below Eagle Cliff Bridge: Trout limit 10 from September 1 through November 30.**(e) Salmon:**

- (i) Open the first Saturday in June through November 30.
- (ii) Landlocked salmon rules apply.
- (iii) Maximum length 15 inches.

**(90) Swift Reservoir tributaries (Skamania County)** including Ole, Swift, Worm, Diamond, Marble, Range, Drift, and Camp creeks: Selective gear rules apply.**(91) Swofford Pond (Lewis County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.**(92) Tilton River (Lewis County):****(a)** Open year-round from the mouth to the West Fork, except closed to all angling within posted "Closed Waters" signs around the adult fish release site.**(b)** Barbless hooks are required for salmon and steelhead.**(c)** First Saturday in June through July 31: Selective gear rules apply.**(d)** September 1 through October 31: Anti-snagging rule applies and night closure in effect. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.**(e)** Release all trout except 2 hatchery steelhead may be retained.**(f) Salmon:**

- (i) Open year-round.
- (ii) Limit 6; up to 2 may be adults.

**(ii)** Only hatchery Chinook and hatchery coho may be retained.**(93) Tilton River, East, North, South and West Forks (Lewis County):**

- (a) Selective gear rules apply.
- (b) Trout: Minimum length 12 inches.

**(94) Toutle River (Cowlitz County):** From the mouth to the forks, and the North Fork from the mouth to the posted deadline below the fish collection facility:**(a)** Open the first Saturday in June through November 30.**(b)** September 1 through October 15: Anti-snagging rule applies and night closure in effect on the North Fork from the confluence with the South Fork to the mouth of Green River. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.**(c)** Barbless hooks are required for salmon and steelhead.**(d) Game fish:****(i)** Release all fish except anglers may retain up to 3 hatchery steelhead.**(ii)** Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.**(e) Salmon open August 1 through November 30:****(i)** Limit 6; up to 2 may be adults.**(ii)** Only hatchery Chinook and hatchery coho may be retained.**(95) Toutle River, South Fork (Cowlitz County):****(a)** Release all fish except anglers may retain up to 3 hatchery steelhead.**(b) Trout:****(i)** Barbless hooks are required for salmon and steelhead from August 1 through November 30.**(ii)** Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.**(c) Salmon:****(i)** Open August 1 through November 30.**(ii)** Limit 6; up to 2 may be adults.**(iii)** Only hatchery Chinook and hatchery coho may be retained.**(d)** From the mouth to 4700 Road Bridge:**(i)** Open the last Saturday in May to the Friday before the first Saturday in June.**(ii)** Selective gear rules apply.**(e)** From the mouth to the 4100 Road Bridge:**(i)** Open the first Saturday in June through March 15.**(ii)** From December 1 through March 15 selective gear rules apply.**(f)** From 4100 Road Bridge upstream to source: Open the first Saturday in June through November 30.**(96) Tunnel Lake (Skamania County):** It is unlawful to retain more than 2 trout 20 inches or more in length.**(97) Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County):****(a)** Vancouver Lake flushing channel and the lake shoreline 400 feet east and west of the channel exit: Closed April 1 through May 31.**(b)** Chumming is permissible.

(c) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.

**(98) Walupt Lake (Lewis County):**

(a) All inlet streams are closed.

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

(c) Selective gear rules apply.

(d) Trout: Minimum length 10 inches.

**(99) Washougal River (Clark County):** From the mouth to the bridge at Salmon Falls:

(a) Closed from 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river.

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

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

(d) Night closure in effect:

(i) Year-round from the mouth to Mount Norway Bridge.

(ii) August 1 through October 31 from Mount Norway Bridge upstream.

(e) Anti-snagging rule applies:

(i) July 1 through October 31 from the mouth to Mount Norway Bridge; and

(ii) August 1 through October 31 from Mount Norway Bridge upstream.

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

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

(g) Channel catfish: No limit.

(h) Trout:

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

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

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

(j) Open from April 16 through the Friday before the first Saturday in June:

(i) Selective gear rules apply.

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

(iii) Channel catfish: No limit.

(iv) Trout:

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

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

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

(k) Salmon:

(i) Open August 1 through December 31.

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

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

**(100) Washougal River, West (North) Fork (Clark/Skamania counties):**

(a) From the mouth to the water intake at the department hatchery: Closed.

(b) From the intake at the department hatchery to the source:

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

(ii) Trout:

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

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

(c) Salmon:

(i) Open August 1 through December 31.

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

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

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

**(101) Willame Lake (Lewis County):**

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

(b) Selective gear rules apply.

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

(d) Trout: Limit 2; minimum length 15 inches.

**(102) Wind River (Skamania County):**

(a) From the mouth to 100 feet above Shipherd Falls:

(i) Barbless hooks are required for salmon and steelhead except from March 16 through June 30.

(ii) Closed from 400 feet below to 100 feet above Shipherd Falls fish ladder, including all tributaries.

(iii) ~~(March)~~ June 16 through ~~((June 30))~~ October 31: Night closure in effect.

(iv) March 16 through 31: Closed from the Highway 14 Bridge upstream.

(v) August 1 through October 31: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(vi) May 1 through June 30:

(A) Anti-snagging rule applies from the Highway 14 Bridge upstream. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(B) From the mouth to the Highway 14 Bridge, each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved and two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

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

(vii) Open year-round.

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

(ix) Channel catfish: No limit.

(x) Trout:

(A) Open November 1 through March 15.

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

(xi) Salmon and steelhead:

(A) Open March 16 through ~~((July 31))~~ June 15:

(I) Limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release wild Chinook.

(B) Open June 16 through July 31:

(I) Limit 2; no more than 2 salmon, or one adult salmon and one hatchery steelhead, may be retained.

(II) Release wild Chinook.

(C) Open August 1 through October 31:

(I) From the mouth to the Highway 14 Bridge, the limit and retention regulations for hatchery and wild fish follows the most liberal regulations of the mainstem Columbia and Wind rivers when both areas are open concurrently for salmon.

(II) From August 1 through August 31: Limit 6; up to 2 adult((s)) salmon may be retained. Release all steelhead.

(III) From September 1 through October 31: Limit 6; up to 2 adult salmon or one adult salmon and one hatchery steelhead may be retained.

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

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

(b) From 100 feet above Shipherd Falls to Moore Bridge:

(i) The following areas are closed: All tributaries; from 400 feet below to 100 feet above Coffey Dam.

(ii) From 100 feet above Shipherd Falls to 800 yards downstream from Carson National Fish Hatchery:

(A) Open September 16 through November 30:

(I) Catch and release only.

(II) Selective gear rules apply.

(B) Salmon and steelhead open May 1 through June 30:

(I) Limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained;

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

(III) Anti-snagging rule applies;

(IV) Only fish hooked inside the mouth may be retained;

(V) Night closure in effect.

(iii) From 800 yards downstream from Carson National Fish Hatchery to Moore Bridge open September 16 through November 30:

(A) Catch and release only.

(B) Selective gear rules apply.

(103) **Winston Creek (tributary to Cowlitz River) (Lewis County):**

(a) Selective gear rules apply.

(b) Trout: Minimum length 10 inches.

(104) **Yale Reservoir (Cowlitz County):**

(a) Kokanee: Limit 16; kokanee do not count toward the trout limit.

(b) Landlocked salmon rules apply.

(105) **Yale Reservoir tributaries (Cowlitz and Clark counties)** excluding Cougar Creek and including Dog, Dry, Siouxon and its tributaries including North Siouxon, West, Horseshoe, Wildcat, Chinook, and Calamity creeks: State-wide season, minimum size and limits apply.

(106) **Yellowjacket Creek (tributary to Cispus River) (Lewis County):**

(a) Selective gear rules apply.

(b) Trout: Minimum length 12 inches.

**AMENDATORY SECTION** (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-312-050 Freshwater exceptions to state-wide rules—Eastside. (1) Countywide freshwater exceptions to statewide rules:**

(a) All lake, pond, and reservoir inlets and outlets and irrigation canals, wasteways, and drains in Grant and Adams counties (except Crab Creek, Rocky Ford Creek and Ponds, Columbia Basin Hatchery Creek, Bobcat Creek, Coyote Creek, Hays Creek, Red Rock Creek, Sand Hollow Creek, and Lake Lenore inlet and outlet) are open year-round.

(b) In Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River) and Enloe Dam (Similkameen River): It is permissible to fish up to the base of all dams.

(c) In Ferry, Lincoln, and Stevens counties: Unless otherwise provided in this section, all tributaries to Lake Roosevelt between Grand Coulee Dam and the Canadian border are open the Saturday before Memorial Day through October 31.

(2) **Aeneas Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31 for fly fishing only.

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

(c) Trout: Limit one.

(3) **Ahtanum Creek, including North and Middle Forks (Yakima County):**

(a) Selective gear rules apply.

(b) Trout minimum length ten inches.

(c) In the North Fork, open from the mouth to Grey Rock Trailhead Bridge crossing and upstream from the mouth of Shellneck Creek.

(d) In the Middle Fork, open from the mouth to the A2000 Road Spur Road Bridge in NE Section 34 and upstream of the A2800 Road Bridge at Tree Phones Campground.

(4) **Alta Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(5) **Amber Lake (Spokane County):**

(a) Selective gear rules apply.

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

(c) Open March 1 through November 30.

(i) From March 1 through the Friday before fourth Saturday in April, and October 1 through November 30: Catch and release only.

(ii) From the fourth Saturday in April through September 30:

(A) Trout: Limit two; minimum length fourteen inches.

(B) Release rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin.

(6) **American River (Yakima County):**

(a) Selective gear rules apply.

(b) From the Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8:

(i) Open the first Saturday in June to July 15.

(ii) Open September 16 to October 31.

(c) From the mouth to the Highway 410 Bridge at river mile 5.4 and upstream of the Mesatchee Creek Trail river crossing at river mile 15.8: Open the first Saturday in June through October 31.

(d) Trout minimum length ten inches in the mainstem only.



(e) American River tributaries, except Union and Kettle creeks: Open.

**(7) Amon Wasteway (Benton County):**

(a) Selective gear rules apply.

(b) Trout minimum length ten inches.

**(8) Asotin Creek, mainstem and forks (Asotin County):**

(a) It is unlawful to fish for steelhead.

(b) From SR 129 Bridge upstream to the forks: It is permissible to fish up to the base of Headgate Dam.

(c) Asotin mainstem and the mainstem North Fork from the mouth upstream to the USFS boundary: Selective gear rules apply.

(d) North Fork from the USFS boundary upstream and all other tributaries: Closed.

(e) South Fork and tributaries: Closed.

**(9) B.C. Mill Pond (Stevens County):** Open the fourth Saturday in April through October 31.

**(10) Badger Lake (Spokane County):** Open the fourth Saturday in April through September 30.

**(11) Banks Lake (Grant County):**

(a) Chumming is permissible.

(b) Crappie: Limit 10; minimum size 9 inches.

(c) Perch: Limit twenty-five.

**(12) Bayley Lake (Stevens County):**

(a) Inlet stream: Closed.

(b) Fly fishing only.

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

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

(i) From the fourth Saturday in April through July 4: Trout limit one; minimum length 14 inches.

(ii) From July 5 through October 31: Catch and release only.

**(13) Bear Creek (Yakima County) (tributary to South Fork Tieton River):** Open upstream of the Bear Creek Falls, approximately 3/4 mile upstream of USFS Road ((4070) 1000.

**(14) Bear Lake (Spokane County):** Open to juvenile anglers, licensed adults accompanied by a juvenile, and anglers with a disability who possess a designated harvester companion card only.

**(15) Beaver Lake (Columbia County):**

(a) Open March 1 through October 31.

(b) It is unlawful to fish from any floating device.

**(16) Beaver Lake (Big) (Okanogan County):** Open the fourth Saturday in April through October 31.

**(17) Beaver Lake (Little) (Okanogan County):** Open the fourth Saturday in April through October 31.

**(18) Beda Lake (Grant County):**

(a) Selective gear rules apply.

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

(c) Trout: Limit one.

**(19) Beehive (Lake) Reservoir (Chelan County):**

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

(b) From July 5 through October 31:

(i) Selective gear rules apply.

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

(iii) Catch and release only.

**(20) Bennington Lake (Mill Creek Reservoir) (Walla Walla County):**

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

(b) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

**(21) Beth Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

**(22) Big Four Lake (Columbia County):**

(a) Open March 1 through October 31 for fly fishing only.

(b) It is unlawful to fish from any floating device.

(c) Trout: Limit two.

**(23) Big Meadow Creek (Chelan County):** From the mouth upstream:

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

(b) Selective gear rules apply.

(c) Trout:

(i) Rainbow trout: Catch and release only.

(ii) Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(d) Big Meadow Creek tributaries from the mouth of Big Meadow Creek upstream: Open the Saturday before Memorial Day through October 31.

**(24) Big Meadow Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April 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.

**(25) Big Tiffany Lake (Okanogan County):**

(a) Eastern brook trout: No limit; eastern brook trout do not count toward the trout limit.

(b) Cutthroat: Limit two.

**(26) Big Twin Lake (Okanogan County):**

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

(b) Selective gear rules apply.

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

(d) Trout: Limit one.

**(27) Bird Creek (Klickitat County):**

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

(b) Trout: Limit 5.

**(28) Blackbird Island Pond (Chelan County):** Open July 1 through September 30 for juvenile anglers only.

**(29) Black Lake (Okanogan County):**

(a) Selective gear rules apply.

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

**(30) Black Lake (Stevens County):** Open the fourth Saturday in April through October 31.

**(31) Blockhouse Creek (Klickitat County):** Trout limit five.

**(32) Blue Lake (Columbia County):**

(a) It is unlawful to fish from any floating device.

(b) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(33) **Blue Lake (Grant County):** Open the fourth Saturday in April through September 30.

**(34) Blue Lake (near Sinlahekin) (Okanogan 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) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(e) Trout: Limit one.

**(35) Blue Lake (near Wannacut Lake) (Okanogan County):**

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

(b) Selective gear rules apply.

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

(d) Trout: Limit one.

(36) **Bobcat Creek and Ponds (Adams County):** Open April 1 through September 30.

(37) **Bonaparte Creek (Okanogan County):** From the falls upstream to river mile 1.0, including all tributaries:

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

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

(c) Channel catfish: No limit.

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

**(38) Bonaparte Lake (Okanogan County):**

(a) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(b) Trout: It is unlawful to retain more than one trout over twenty inches in length.

**(39) Boulder Creek and tributaries (Okanogan County):**

(a) From the mouth to the barrier falls at river mile 1.0:

(i) Open the Saturday before Memorial Day through August 15:

(ii) Selective gear rules apply.

(iii) Catch and release only.

(b) From barrier falls at river mile 1.0 upstream, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31:

(ii) Eastern brook trout: Limit 10; eastern brook trout do not count toward the trout limit.

(c) Cutthroat: Limit 2.

(40) **Bowman Creek (Klickitat County):** From Canyon Creek upstream to source: Trout limit 5.

(41) **Box Canyon Creek and tributaries (Kittitas County):** Upstream from the 20 foot waterfall approximately 2 miles upstream of the mouth to the USFS Road #4930 Bridge: Selective gear rules apply. Open the first Saturday in June through October 31.

**(42) Browns Creek (Pend Oreille County):**

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

(b) Fly fishing only.

**(43) Browns Lake (Pend Oreille County):**

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

(b) Fly fishing only.

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

(d) Trout: It is unlawful to retain more than one trout greater than 11 inches in length.

**(44) Buck Creek and tributaries (Chelan County):**

(a) Open the Saturday before Memorial Day through October 31 from the mouth of Buck Creek upstream.

(b) Selective gear rules apply.

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

**(45) Bumping Lake (Reservoir) (Yakima County):**

(a) It is permissible to fish two poles, so long as the angler possesses a valid two-pole endorsement.

(b) Chumming is permissible.

(c) Kokanee: Limit sixteen; kokanee do not count towards the trout limit.

**(46) Bumping River (Yakima County):**

(a) It is permissible to fish up to the base of Bumping Dam.

(b) From the mouth to Bumping Reservoir, including all tributaries except American River:

(i) Selective gear rules apply.

(ii) Trout minimum size ten inches.

(c) From Bumping Lake upstream, including all tributaries except Deep Creek: Open the Saturday before Memorial Day through October 31.

(47) **Burbank Slough (Walla Walla County):** It is unlawful to fish from any floating device in the area east and north of Highway 12, except for the channel east of Highway 12 up to the fish screen at the Number 3 Pumping Station.

(48) **Burke Lake (Grant County):** Open March 1 through July 31.

**(49) Buttermilk Creek (Okanogan County), including all tributaries:**

(a) Open the Saturday before Memorial Day through August 15.

(b) Catch and release only.

(c) Selective gear rules apply.

**(50) Buzzard Lake (Okanogan County):**

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

(b) Selective gear rules apply.

(c) Trout: Limit one.

**(51) Caldwell Lake (Pend Oreille 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.

(c) Trout: Limit two; minimum length twelve inches.

(52) **Caliche Lakes, Upper (Grant County):** Open March 1 through July 31.

**(53) Calispell Creek (Calispell River) (Pend Oreille County):**

(a) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.

(b) From the mouth to Calispell Lake: Open year-round.

(c) From Calispell Lake upstream to the source:

(i) Selective gear rules apply.

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

**(54) Calispell Creek tributaries (Pend Oreille County):**

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

(b) Selective gear rules apply.

(c) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.

**(55) Campbell Lake (Okanogan County):**

(a) Open year-round.

(b) April 1 through August 31.

(i) Selective gear rules apply.

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

(iii) Catch and release only.

(56) **Carl's Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(57) **Cascade Lake (Grant County):** Open March 1 through July 31.

(58) **Cattail Lake (Grant County):** Open April 1 through September 30.

**(59) Cedar Creek (Okanogan County):**

(a) From the mouth to Cedar Falls: Open the Saturday before Memorial Day through August 15.

(i) Selective gear rules apply.

(ii) Catch and release only.

(b) Cedar Creek and all tributaries above Cedar Falls:

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

(ii) Selective gear rules apply.

**(60) Cedar Creek and tributaries (Pend Oreille County):**

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

(b) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.

(61) **Cedar Lake (Stevens County):** Open the fourth Saturday in April through October 31.

**(62) Chain Lake (Pend Oreille County):**

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

(b) Release kokanee.

**(63) Chapman Lake (Spokane County):**

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

(b) Chumming is permissible.

(c) Kokanee: Limit ten; kokanee do not count toward the trout limit.

**(64) Chelan Lake (Chelan County):**

(a) South of a line from Purple Point at Stehekin and Painted Rocks:

(i) Within 400 feet of all tributaries: Closed.

(ii) Trout:

(A) Release wild cutthroat.

(B) Kokanee and lake trout do not count toward the trout limit.

(iii) Kokanee: Limit 10; no minimum size.

(iv) Lake trout: No limit; no minimum size.

(v) Salmon open year-round: Daily limit 1; no minimum size.

(b) North of a line between Purple Point at Stehekin and Painted Rocks:

(i) Lake trout open year-round: No limit.

(ii) Salmon open year-round: Limit 1; minimum length 15 inches.

(iii) From August 1 through March 31:

(A) Trout:

(I) Release wild cutthroat.

(II) Kokanee and lake trout do not count toward the trout limit.

(B) Kokanee: Limit 10.

**(65) Chelan Lake tributaries (Chelan County):**

(a) Open August 1 through September 30 from the mouths upstream one mile, except Stehekin River.

(b) Selective gear rules apply.

(c) Trout: Release wild cutthroat.

(66) **Chelan River (Chelan County):** From the railroad bridge to the Chelan ((~~P.U.D.~~) PUD) safety barrier below the power house:

(a) Open May 15 through August 31.

(b) July 1 through October 15: Anti-snagging rule and night closure in effect.

(c) Trout: Catch and release only.

(d) Salmon:

(i) Open July 1 through October 15.

(ii) Barbless hooks required.

(iii) Minimum size 12 inches; limit 4; no more than 2 adult hatchery Chinook may be retained.

(iv) Release ((~~sookeye~~)) coho and wild adult Chinook.

**(67) Chewuch River (Okanogan County):**

(a) From the mouth to Eight Mile Creek:

(i) Open the Saturday before Memorial Day 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 the mouth to Pasayten Wilderness boundary falls: Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(c) From the Pasayten Wilderness boundary falls upstream, including tributaries: Open the Saturday before Memorial Day through October 31.

**(68) Chikamin Creek and all tributaries (Chelan County):**

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

(b) Selective gear rules apply.

## (c) Trout:

(i) Rainbow trout are catch and release only.

(ii) Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

**(69) Chiwaukum Creek and all tributaries from Fool Hen Creek upstream, not including Fool Hen Creek (Chelan County):**

(a) Selective gear rules apply.

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

(c) Chiwaukum Creek tributaries from mouth of Chiwaukum Creek to Fool Hen Creek, including Fool Hen Creek: Open the Saturday before Memorial Day through October 31.

**(70) Chiwawa River and all tributaries from Buck Creek upstream, including Buck Creek (Chelan County):**

(a) Selective gear rules apply.

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

(c) Chiwawa River tributaries from the mouth to Buck Creek, except Big Meadow, Buck, Chikamin, Clear, Phelps and Rock creeks: Open the Saturday before Memorial Day through October 31.

**(71) Chopaka Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31 for fly fishing only.

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

(c) Trout: Limit one.

**(72) Chumstick Creek (Chelan County):** From the mouth upstream:

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

(b) Selective gear rules apply.

(c) Trout:

(i) Rainbow trout, catch and release only.

(ii) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(d) Chumstick Creek tributaries from the mouth of Chumstick Creek upstream: Open the Saturday before Memorial Day through October 31.

**(73) Clear Creek (Chelan County):** Closed.**(74) Clear Lake (Chelan County):**

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

(b) From July 5 through October 31:

(i) Selective gear rules apply.

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

(c) Catch and release only.

**(75) Clear Lake (Spokane County):** Open the fourth Saturday in April through October 31.**(76) Cle Elum Lake (Reservoir) (Kittitas County):**

(a) Trout: Lake trout, brown trout, and eastern brook trout are not included in the trout limit.

(b) Kokanee: Minimum length 9 inches and maximum length 15 inches.

**(77) Cle Elum River (Kittitas County):**

(a) From the mouth to Cle Elum Dam:

(i) Open year-round.

(ii) Selective gear rules apply.

(iii) Trout: Catch and release only.

(iv) It is permissible to fish up to the base of Cle Elum Dam.

(v) December 1 through January 31: Whitefish gear rules apply.

(b) From above Cle Elum Lake to outlet of Hyas Lake (not including Tucquala Lake):

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

(ii) Selective gear rules apply.

(iii) Trout minimum size ten inches.

(c) All tributaries to Cle Elum River above Cle Elum Lake to outlet of Hyas Lake not otherwise provided for in this section: Open the Saturday before Memorial Day through October 31.

**(78) Cliff Lake (Grant County):** Open March 1 through July 31.**(79) Coffee Pot Lake (Lincoln County):**

(a) Open March 1 through September 30.

(b) Selective gear rules apply.

(c) Crappie: Limit ten; minimum length nine inches.

(d) Trout: Limit one; minimum length eighteen inches.

**(80) Columbia Basin Hatchery Creek (Grant County):**

(a) Open April 1 through September 30 from the hatchery outflow to the confluence with Rocky Coulee Wasteway.

(b) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(c) Trout: Limit 3; no minimum size.

**(81) Columbia Park Pond (Benton County):**

(a) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(b) All species: Limit 5 fish combined.

**(82) Columbia River tributaries (all independent tributaries in Kittitas County between Wanapum Dam and Chelan County boundary line):**

(a) Selective gear rules apply.

(b) Trout minimum size ten inches.

**(83) Colville River (Stevens County):**

(a) From the mouth to the bridge at town of Valley:

(i) Open year-round.

(ii) Trout:

(A) Limit 5.

(B) From October 1 through November 30, no more than 2 brown trout may be retained.

(iii) Walleye: Limit 16; no size restrictions.

(b) All tributaries to Colville River, from the mouth to the bridge at the town of Valley, open the Saturday before Memorial Day through October 31.

(c) From the bridge at the town of Valley upstream, including tributaries:

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

(ii) Selective gear rules apply.

(84) **Conconully Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(85) **Conconully Reservoir (Okanogan County):** Open the fourth Saturday in April through October 31.

(86) **Conger Pond (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(87) **Conner Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(88) **Coot Lake (Grant County):** Open April 1 through September 30.

(89) **Corral Creek (Benton County):**

(a) Selective gear rules apply.

(b) Trout minimum size ten inches.

(90) **Cottonwood Creek (Lincoln County):** Open year-round.

(91) **Cottonwood Creek (Walla Walla County):** Closed.

(92) **Cougar Lake (Pasayten Wilderness) (Okanogan County):**

(a) Selective gear rules apply.

(b) It is permissible to fish two poles so long as the angler possesses a two-pole endorsement.

(93) **Cougar Lake (near Winthrop) (Okanogan County):**

(a) Open year-round.

(b) Selective gear rules apply.

(c) From April 1 through August 31:

(i) Catch and release only.

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

(94) **Coyote Creek and Ponds (Adams County):** Open April 1 through September 30.

(95) **Crab Creek (Adams/Grant/Lincoln counties):**

(a) From the mouth to Morgan Lake Road in Section 36: Open April 1 through September 30.

(b) From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed.

(c) From the confluence of the Moses Lake outlets to Sand Dune Rd. (including all tributaries):

(i) Open year-round.

(ii) For minimum size and limits see Potholes Reservoir Rules (Eastside Lakes).

(iii) All species from March 1 through May 31: Only one single-point hook 3/4 inch or less measured from point to shank may be used.

(d) From the fountain buoy and shoreline markers or 150' downstream of the Alder Street fill to Grant County Rd. 7 (including all tributaries except Columbia Basin Hatchery Creek):

(i) Open year-round.

(ii) For minimum size and limits see Moses Lake Rules (Eastside Lakes).

(iii) All species from March 10 through May 31: Only one single-point hook 3/4 inch or less measured from point to shank may be used.

(e) Above Grant County Rd. 7 (including all tributaries, except Goose Creek in the city of Wilbur): Open year-round.

(96) **Crawfish Lake (Okanogan 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.

(97) **Crescent Lake (Pend Oreille County):** Open the Fourth Saturday in April through October 31.

(98) **Crystal Lake (Grant County):** Open March 1 through July 31.

(99) **Cup Lake (Grant County):** Open March 1 through July 31.

(100) **Curl Lake (Columbia County):**

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

(b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(101) **Dalton Lake (Franklin County):** It is unlawful to retain more than 2 trout over 13 inches in length.

(102) **Davis Lake (Ferry County):** Open the fourth Saturday in April through October 31.

(103) **Davis Lake (Okanogan County):**

(a) Open year-round.

(b) April 1 through August 31:

(i) Selective gear rules apply.

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

(iii) Catch and release only.

(104) **Davis Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(105) **Dayton Pond (Columbia County):**

(a) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(b) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(106) **Deadman Lake (Adams County):** Open April 1 through September 30.

(107) **Deep Creek (tributary to Bumping Lake) (Yakima County):** Upstream from the waterfall approximately 1/3 mile above the second bridge crossing on USFS Road 1808 upstream: Open the Saturday before Memorial Day through October 31.

(108) **Deep Lake (Grant County):** Open the fourth Saturday in April through September 30.

(109) **Deep Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(110) **Deer Lake (Columbia County):**

(a) Open March 1 through October 31.

(b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(111) **Deer (Deer Springs) Lake (Lincoln County):** Open the fourth Saturday in April through September 30.

(112) **Deer Lake (Stevens County):**

(a) Open March 1 through October 31.

(b) Trout: It is unlawful to retain more than two trout over thirty inches in length.

(113) **Diamond Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(114) **Dog Lake (Yakima County):** It is unlawful to retain more than 1 trout over 14 inches in length.

(115) **Domerie Creek (Kittitas County):**

(a) Selective gear rules apply.

- (b) Trout minimum size ten inches.
- (116) **Downs Lake (Lincoln/Spokane counties):**
- (a) Open March 1 through September 30.
- (b) Crappie: Limit ten; minimum length nine inches.
- (117) **Dry Falls Lake (Grant County):**
- (a) Open April 1 through November 30.
- (b) Selective gear rules apply.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Trout: Limit one.
- (118) **Dune Lake (Grant County):**
- (a) Selective gear rules apply.
- (b) Trout: Limit one.
- (119) **Dusty Lake (Grant County):**
- (a) Open March 1 through November 30.
- (b) Selective gear rules apply.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Trout: Limit one.
- (120) **Early Winters Creek (Okanogan County):** From the mouth upstream; including all tributaries except Cedar Creek:
- (a) Open the Saturday before Memorial Day through August 15.
- (b) Selective gear rules apply.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Catch and release only.
- (121) **East Little Walla Walla River (Walla Walla County):** Closed.
- (122) **Eightmile Lake (Chelan County):** It is unlawful to retain more than two mackinaw as part of the trout limit.
- (123) **Elbow Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (124) **Ell Lake (Okanogan County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules apply.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Trout: Limit one.
- (125) **Ellen Lake (Ferry County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Release all fish, except anglers may retain up to five rainbow trout.
- (126) **Eloika Lake (Spokane County):** Crappie limit ten; minimum length nine inches.
- (127) **Lake Entiat (Col.R.) tributaries (Chelan/Douglas County):** Open the Saturday before Memorial Day through October 31 from Rocky Reach Dam to Wells Dam, except the Entiat River, Chelan River and Chelan Hatchery Creek.
- (128) **Entiat River (Chelan County):**
- (a) From mouth (railroad bridge) to the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery): Salmon open July ((25)) 15 through September 30.
- (i) Selective gear rules apply.
- (ii) Night closure in effect.
- (iii) Minimum size 12 inches: limit 2 adult hatchery Chinook salmon.
- (iv) Release coho and wild adult Chinook.
- (b) From mouth (railroad bridge) to Entiat Falls: Whitefish open December 1 through March 31; Whitefish gear rules apply.
- (c) Entiat River tributaries from the mouth to Entiat Falls, except the Mad River and Roaring Creek: Open the Saturday before Memorial Day through October 31.
- (d) Entiat River and all tributaries above Entiat Falls:
- (i) Open the Saturday before Memorial Day through October 31.
- (ii) Selective gear rules apply.
- (iii) Trout:
- (A) Limit 5; it is unlawful to retain more than one trout greater than 12 inches in length.
- (B) Eastern brook trout: Limit 10. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.
- (129) **Ephrata Lake (Grant County):** Closed.
- (130) **Empire Lake (Ferry County):** Open the fourth Saturday in April through October 31.
- (131) **Esquatzel Coulee (Franklin County):** Open year-round.
- (132) **Esquatzel Coulee, West Branch (Franklin County):** Open year-round.
- (133) **Fan Lake (Pend Oreille County):**
- (a) Open the fourth Saturday in April through September 30.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (134) **Ferry Lake (Ferry County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (135) **Fio Rito Lakes (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (136) **Fish Lake (Chelan County):**
- (a) Perch: Limit 25.
- (b) Trout: It is unlawful to retain more than 2 trout over 15 inches in length.
- (137) **Fish Lake (Ferry County):** Open the fourth Saturday in April through October 31.
- (138) **Fish Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (139) **Fish Lake (Spokane County):**
- (a) Open the fourth Saturday in April through September 30.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (140) **Fishhook Pond (Walla Walla County):**
- (a) Open March 1 through October 31.
- (b) It is unlawful to fish from a floating device.
- (c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.
- (141) **Fishtrap Lake (Lincoln/Spokane counties):** Open the fourth Saturday in April through September 30.

(142) **Forde Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(143) **Fourth of July Lake (Adams/Lincoln counties):**

(a) Open the first Friday after Thanksgiving through March 31.

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

(c) Trout: It is unlawful to retain more than two trout over fourteen inches in length.

(144) **Frater Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(145) **Frenchman Hills Lake (Grant County):** Open February 1 through September 30.

(146) **Gadwall Lake (Grant County):** Open April 1 through September 30.

(147) **Garfield Juvenile Pond (Whitman County):** Open to juvenile anglers only.

(148) **Gillette Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(149) **Goat Creek (Okanogan County):** From the mouth upstream including all tributaries:

(a) Open the Saturday before Memorial Day through August 15.

(b) Selective gear rules apply.

(c) Catch and release only.

(150) **Golf Course Pond (Asotin County):** It is unlawful to retain more than 2 trout over 13 inches in length.

(151) **Goose Creek (Lincoln County), within the city limits of Wilbur:** Open year-round to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(152) **Goose Lake, Lower (Grant County):**

(a) Bluegill: It is unlawful to retain more than five fish over six inches in length.

(b) Crappie: Limit ten; minimum length nine inches.

(153) **Grande Ronde River (Asotin County):**

(a) General river rules:

(i) For all portions of the Grande Ronde River and its tributaries that are open to game fish angling:

(A) Bass: No limit.

(B) Channel catfish: No limit.

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

(ii) From September 15 through March 15: It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Rules by river section:

(i) From the mouth to County Road Bridge, about 2.5 miles upstream:

(A) Open year-round for game fish other than trout.

(B) September 1 through May 31: Selective gear rules apply.

(C) Trout:

(I) Minimum length 10 inches.

(II) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(III) From January 1 through April 15: Mandatory hatchery steelhead retention; daily limit 2, except anglers may retain up to 3 hatchery steelhead.

(IV) From April 16 through December 31: Maximum length 20 inches; steelhead catch and release only.

(ii) From County Road Bridge upstream to the Oregon state line and all tributaries, except Wenaha River tributaries:

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

(I) Trout: No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(II) Anglers may retain up to 3 hatchery steelhead.

(B) From the first Saturday in June through August 31: Selective gear rules apply.

(C) From September 1 through April 15: It is unlawful to use anything other than barbless hooks.

(D) Open November 1 through April 15, except all tributaries are closed.

(E) Release all fish except anglers may retain up to 15 whitefish and 3 hatchery steelhead.

(F) From January 1 through April 15 mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(154) **Granite Creek and tributaries (Pend Oreille County):** Closed.

(155) **Green Lake (Upper) (Okanogan County):**

(a) Open year-round.

(b) March 1 through November 30:

(i) Selective gear rules apply.

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

(iii) Catch and release only.

(156) **Green Lake (Lower) (Okanogan County):**

(a) Open year-round.

(b) March 1 through November 30:

(i) Selective gear rules apply.

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

(iii) Catch and release only.

(157) **Grimes Lake (Douglas County):**

(a) Open June 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: Limit one.

(158) **Halfmoon Lake (Adams County):** Open April 1 through September 30.

(159) **Halfmoon Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(160) **Hampton Lakes, Lower and Upper (Grant County):**

(a) Open April 1 through September 30.

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

(161) **Harris Lake (Grant County):**

(a) Selective gear rules apply.

(b) Trout: Limit one.

(162) **Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County) and tributaries:**

(a) From the mouth to Bridge 4830 on county road (about 1 1/2 miles): Closed.

(b) From Bridge 4830 upstream: Selective gear rules apply.

**(163) Hatch Lake (Stevens County):**

(a) Open the first Friday after Thanksgiving through March 31.

(b) Release all fish, except up to five rainbow trout may be retained.

**(164) Hawk Creek and tributaries (Lincoln County) upstream of the Falls at Hawk Creek Campground:** Open year-round.

**(165) Hays Creek and Ponds (Adams County):** Open April 1 through September 30.

**(166) Headgate Pond (Asotin County):** Open the fourth Saturday in April through October 31 to juvenile anglers, seniors, and anglers with a disability who possess a designated harvester companion card only.

**(167) Hen Lake (Grant County):** Open April 1 through September 30.

**(168) Heritage Lake (Stevens County):** Open the fourth Saturday in April through October 31.

**(169) Hog Canyon Creek (Spokane County):** Open year-round from the Hog Canyon Dam to Scroggie Road.

**(170) Hog Canyon Lake (Spokane County):**

(a) Open the first Friday after Thanksgiving through March 31.

(b) Trout: It is unlawful to retain more than two trout over fourteen inches in length.

**(171) Homestead Lake (Grant County):**

(a) Selective gear rules apply.

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

(c) Trout: Limit one.

**(172) Horseshoe Lake (Pend Oreille County):**

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

(b) Kokanee: Limit ten; kokanee do not count toward the trout limit.

**(173) Horsethief Lake (Klickitat County):** Open the fourth Saturday in April through October 31.

**(174) Hourglass Lake (Grant County):** Open April 1 through September 30.

**(175) Huff Lake (Pend Oreille County):** Closed.

**(176) Hutchinson Lake (Adams County):**

(a) Open April 1 through September 30.

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

**(177) I-82 Ponds, 1 through 7 (Yakima County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

**(178) Icicle River and all tributaries (Creek) (Chelan County):**

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

(b) From the mouth to 500 feet below Leavenworth National Fish Hatchery:

(i) Open for hatchery Chinook salmon only.

(ii) Open May 15 to July 31; night closure in effect.

(iii) Minimum length 12 inches.

(iv) Limit 2; it is unlawful to retain more than 2 hatchery Chinook.

(c) From shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort to the

Icicle Peshastin Irrigation District footbridge (approximately 750 feet upstream of the "Snow Lakes Trailhead" parking lot):

(i) Trout:

(A) Open the Saturday before Memorial Day through October 31; selective gear rules apply.

(B) Trout: Eastern brook trout: Daily limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(ii) Salmon:

(A) Open for hatchery Chinook only.

(B) Open May 15 to July 31; night closure in effect.

(C) Minimum length 12 inches.

(D) Limit 2; it is unlawful to retain more than 2 hatchery Chinook.

(iii) Other gamefish:

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

(B) Selective gear rules apply.

(d) From the Icicle Irrigation Peshastin District footbridge upstream to Leland Creek, and all tributaries including Leland Creek:

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

(ii) Selective gear rules apply.

(iii) Trout: Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(e) From Leland Creek upstream, including all tributaries except Leland Creek: Open the Saturday before Memorial Day through October 31.

**(179) Indian Creek and tributaries (Pend Oreille County):**

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

(b) Eastern brook trout: Limit 10. Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken and the angler must cease fishing for trout.

**(180) Indian Creek (Yakima County):** Upstream of the waterfall approximately 6 miles upstream from the mouth:

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

(b) Eastern brook trout:

(i) No limit and no length restrictions.

(ii) Eastern brook trout do not count toward the trout limit.

**(181) Ingalls Creek and all tributaries upstream of the Alpine Lakes Wilderness boundary (Chelan County):**

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

(b) Ingalls Creek tributaries from the mouth of Ingalls Creek to the Alpine Lakes Wilderness boundary: Open the Saturday before Memorial Day through October 31.



(182) **Jameson Lake (Douglas County):** Open the fourth Saturday in April through July 4 and October 1 through October 31.

(183) **Jasmine Creek (Okanogan County):** Open year-round to juvenile anglers only.

(184) **Jefferson Park Pond (Walla Walla County):**

(a) Open to juvenile fishers only.

(b) It is unlawful to retain more than 2 trout over 13 inches in length.

(185) **Jolanda, Lake (Chelan County):** Closed.

(186) **Jump-Off Joe Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(187) **Kachess Lake (Reservoir) (Kittitas County):**

(a) Chumming is permissible.

(b) Kokanee limit ten; kokanee do not count toward the trout limit.

(c) Trout limit 2; minimum length 12 inches.

(188) **Kachess River (Kittitas County):**

(a) From the mouth to Kachess Dam:

(i) It is permissible to fish up to the base of Kachess Dam.

(ii) Selective gear rules apply.

(iii) Trout minimum size ten inches.

(b) Kachess Lake tributaries, except Box Canyon Creek: Open.

(c) Upstream of impassable 50 to 60 foot fall about 1/2 mile upstream of Mineral Creek: Open.

(189) **Kalispell Creek and tributaries (Pend Oreille County):**

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

(b) Selective gear rules apply.

(190) **Keechelus Lake (Reservoir) (Kittitas County):**

(a) Chumming is permissible.

(b) Trout limit 2; minimum length 12 inches.

(c) Kokanee limit 10; kokanee do not count toward the trout limit.

(191) **Keechelus Lake tributaries, except Gold Creek:** Open the Saturday before Memorial Day through October 31.

(192) **Kettle River (Stevens County):**

(a) The tributaries from the mouth to Barstow Bridge: Open from the Saturday before Memorial Day through October 31.

(b) From Barstow Bridge upstream:

(i) Open the Saturday before Memorial Day until October 31.

(ii) Selective gear rules apply, except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.

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

(iv) Trout: Minimum length 12 inches.

(v) Open November 1 through May 31 for whitefish only. Whitefish gear rules apply.

(c) Tributaries to Kettle River, from Barstow Bridge upstream: Open from the Saturday before Memorial Day through October 31.

(193) **Kings Lake and tributaries (Pend Oreille County):** Closed.

(194) **Kiwanis Pond (Kittitas County):** Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(195) **Klickitat River (Klickitat County):**

(a) From the mouth (Burlington Northern Railroad Bridge) to Fisher Hill Bridge:

(i) Game fish open April 1 through January 31.

(A) Release all fish except hatchery steelhead from April 1 through May 31 and December 1 through January 31.

(B) June 1 through January 31: Anglers may retain up to 3 hatchery steelhead.

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

(D) Channel catfish: No limit.

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

(ii) Barbless hooks are required for salmon and steelhead, except from September 1 through December 31.

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

(iv) Anti-snagging rule in effect and night closure applies April 1 through May 31 and August 1 through January 31. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(v) Salmon and steelhead: Open April 1 through May 31 on Sundays, Mondays, Wednesdays and Saturdays only:

(A) Limit 2; no more than 2 hatchery steelhead, or 2 salmon, or one of each, may be retained.

(B) Release wild Chinook.

(vi) Salmon: Open June 1 through January 31.

(A) June 1 through July 31: Limit 6 fish; no more than 2 adults may be retained. Release wild Chinook.

(B) August 1 through January 31: Limit 6 fish, no more than 3 may be adults, of which only 2 may be coho.

(b) From Fisher Hill Bridge to the boundary markers above Klickitat Salmon Hatchery, the following waters are closed: From Fishery Hill Bridge to 400 feet above #5 fishway, all tributaries except Bird, Blockhouse, Bowman, Spring, Outlet creeks and the Little Klickitat River, and the waters from the boundary markers above Klickitat Salmon Hatchery to the boundary markers below the hatchery.

(c) From 400 feet above #5 fishway to the boundary markers below Klickitat Salmon Hatchery:

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

(ii) Game fish open June 1 through November 30:

(A) Daily limit 3 trout of which only 2 may be other than hatchery steelhead.

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

(C) Trout minimum length twelve inches.

(iii) Whitefish open December 1 through March 31: Whitefish gear rules apply.

(iv) Salmon open June 1 through November 30:

(A) June 1 through July 31:

(I) Limit 6 fish; no more than 2 adults may be retained.

(II) Release wild Chinook.

(B) From August 1 through November 30: Limit 6 fish; no more than 3 may be adults, of which only 2 may be coho.

(d) From the boundary markers above Klickitat Salmon Hatchery to the Yakama Indian Reservation boundary:

- (i) Game fish open June 1 through November 30:  
 (A) Daily limit 3 trout of which no more than 2 may be other than hatchery steelhead.  
 (B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.  
 (C) Trout minimum length 12 inches.  
 (ii) Whitefish open December 1 through March 31: Whitefish gear rules apply.  
 (iii) Barbless hooks are required for salmon and steelhead.
- (196) **Lake Creek (Okanogan County):**  
 (a) From the mouth to Black Lake: Closed.  
 (b) From Black Lake to Three Prong Creek: Closed.
- (197) **Latah (Hangman) Creek (Spokane County):** From the mouth upstream to Idaho state line: Open year-round.
- (198) **Latah (Hangman) Creek Tributaries (Spokane County) including all tributaries within this system:** Open the Saturday before Memorial Day through October 31 from the mouths upstream.
- (199) **Le Clerc Creek and tributaries (Pend Oreille County):**  
 (a) Open the Saturday before Memorial Day through October 31.  
 (b) Eastern brook trout: Limit 10. Once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.
- (200) **Ledbetter Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (201) **Ledking Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (202) **Leech Lake (Yakima County):**  
 (a) Open for fly fishing only.  
 (b) It is unlawful to fish from a floating device equipped with a motor.  
 (c) Trout: It is unlawful to retain more than one trout over 14 inches in length.
- (203) **Lemna Lake (Grant County):** Open April 1 through September 30.
- (204) **Lenice Lake (Grant County):**  
 (a) Open March 1 through November 30.  
 (b) Selective gear rules apply.  
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.  
 (d) Trout: Limit one.
- (205) **Lenore Lake (Grant County):**  
 (a) The waters within a 200 yard radius of the trash rack leading to the irrigation pumping station (on the south end of the lake) and the area approximately 100 yards beyond the mouth of inlet stream to State Highway 17: Closed.  
 (b) Selective gear rules apply.  
 (c) It is unlawful to fish from a floating device with an internal combustion motor.  
 (d) Open from March 1 through November 30:  
 (i) From March 1 through May 31: Catch and release only.  
 (ii) June 1 through November 30: Trout limit one.
- (206) **Leo Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (207) **Liberty Lake (Spokane County):** Open March 1 through October 31.
- (208) **Lilly Lake (Chelan County):**  
 (a) Open the fourth Saturday in April through October 31.  
 (b) July 5 through October 31:  
 (i) Selective gear rules apply.  
 (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.  
 (iii) Catch and release only.
- (209) **Lions Park Pond (Walla Walla County):**  
 (a) Open to juvenile anglers only.  
 (b) It is unlawful to retain more than 2 trout over 13 inches in length.
- (210) **Little Klickitat River (Klickitat County):**  
 (a) Within Goldendale city limits:  
 (i) Open the fourth Saturday in April through October 31.  
 (ii) Open the fourth Saturday in April through May 31 to juvenile and senior fishers only.  
 (iii) Trout: Limit five; no minimum length.  
 (b) All other waters including tributaries: Open first Saturday in June through October 31.
- (211) **Little Lost Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (212) **Little Pend Oreille River (Stevens County):**  
 (a) Open the Saturday before Memorial Day through October 31.  
 (b) From the Little Pend Oreille wildlife refuge boundary approximately one mile downstream from the refuge headquarters office, to Crystal Falls:  
 (i) Selective gear rules apply.  
 (ii) Release all fish except anglers may retain up to 5 eastern brook trout.  
 (c) All tributaries to the Little Pend Oreille River are open the Saturday before Memorial Day through October 31.
- (213) **Little Spokane River (Spokane County):**  
 (a) Open year-round from the mouth to the SR 291 Bridge.  
 (b) From the SR 291 Bridge upstream to the West Branch:  
 (i) Open the fourth Saturday in April through October 31.  
 (ii) Open December 1 through March 31 for whitefish only; whitefish gear rules apply; limit 15 whitefish; no minimum size.  
 (c) From the West Branch upstream:  
 (i) Closed from the inlet of Chain Lake upstream one-quarter mile to the railroad crossing culvert.  
 (ii) Open the Saturday before Memorial Day through October 31.  
 (iii) Kokanee: It is unlawful to retain kokanee taken upstream from the bridge at ((~~Fridegar~~)) Frideger Road, including Chain Lake.  
 (d) Unless otherwise provided in this section, all tributaries to the Little Spokane River are open the Saturday before Memorial Day through October 31.
- (214) **Little Twin Lake (Okanogan County):**  
 (a) Open the fourth Saturday in April through October 31.

- (b) Selective gear rules apply.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Trout: Limit one.
- (215) **Little Twin Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (216) **Little Wenatchee River (Chelan County):**
- (a) From the falls below USFS Rd. 6700 Bridge upstream: Open the Saturday before Memorial Day through October 31.
- (b) Little Wenatchee tributaries from the mouth upstream, except Rainy Creek: Open the Saturday before Memorial Day through October 31.
- (217) **Long Lake (Ferry County):**
- (a) Open the fourth Saturday in April through October 31
- (b) Fly fishing only.
- (c) It is unlawful to use flies containing lead.
- (d) It is unlawful to fish from a floating device equipped with a motor.
- (218) **Long Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (219) **Long Lake (Spokane County):** Landlocked salmon rules apply.
- (220) **Loon Lake (Stevens County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Kokanee: Limit ten; kokanee do not count toward the trout limit.
- (c) Trout (except kokanee): Limit five, except it is unlawful to retain more than two trout over twenty inches in length.
- (221) **Lost Lake (Kittitas County):** It is unlawful to retain more than one trout over 14 inches in length.
- (222) **Lost Lake (Okanogan County):**
- (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (223) **Lost River (Okanogan County):**
- (a) From the mouth to the mouth of Monument Creek: Closed.
- (b) Lost River and all tributaries from the mouth of Monument Creek to the outlet of Cougar Lake, including Monument Creek:
- (i) Open the Saturday before Memorial Day through August 15.
- (ii) Selective gear rules apply.
- (iii) Catch and release only.
- (iv) Trout: Minimum length 14 inches; it is permissible to retain Dolly Varden/Bull Trout with a minimum length of 14 inches as part of the trout limit.
- (224) **Lucky Duck Pond (Stevens County):** Open to juvenile anglers only.
- (225) **Mad River and all tributaries from mouth to Jimmy Creek, including Jimmy Creek (Chelan County):**
- (a) Open the Saturday before Memorial Day through October 31.
- (b) Selective gear rules apply.
- (c) Trout:
- (i) Rainbow trout, catch and release only.
- (ii) Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.
- (d) Mad River and all tributaries from Jimmy Creek upstream, not including Jimmy Creek: Open the Saturday before Memorial Day through October 31.
- (226) **Marshall Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (227) **Martha Lake (Grant County):** Open March 1 through July 31.
- (228) **Mattoon Lake (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (229) **McCabe Pond (Kittitas County):**
- (a) It is unlawful to fish from any floating device equipped with a motor.
- (b) Five fish limit for all game fish species combined.
- (230) **McDowell Lake (Stevens County):**
- (a) Open the fourth Saturday in April through October 31 for fly fishing only.
- (b) It is unlawful to fish from a floating device equipped with a motor.
- (c) Catch and release only.
- (231) **McManaman Lake (Adams County):** Open April 1 through September 30.
- (232) **Medical Lake (Spokane County):**
- (a) Open March 1 through October 31.
- (b) Selective gear rules apply.
- (c) It is unlawful to fish from a floating device equipped with a motor.
- (d) Trout: Limit two; minimum length fourteen inches.
- (233) **Medical Lake, West (Spokane County):** Open the fourth Saturday in April through September 30.
- (234) **Mercer Creek (Kittitas County):**
- (a) Open to juvenile anglers only within the Ellensburg city limits.
- (b) Trout ten inch minimum length.
- (c) Selective gear rules apply.
- (235) **Merritt Lake (Chelan County):**
- (a) Trout limit sixteen, except eastern brook trout. Eastern brook trout do not count towards the trout limit.
- (b) Eastern brook trout: No minimum size and no limit.
- (236) **Merry Lake (Grant County):**
- (a) Open March 1 through November 30.
- (b) Selective gear rules apply.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Trout: Limit one.
- (237) **Methow River (Okanogan County):**
- (a) From County Road 1535 (Burma Road) Bridge to Gold Creek:
- (i) Open the Saturday before Memorial Day through September 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 Gold Creek to Foghorn Dam:
- (i) Open the Saturday before Memorial Day through September 30.
- (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.
- (c) Methow River tributaries from Gold Creek to Foghorn Dam; except Twisp River and Chewuch River:
- (i) Open the Saturday before Memorial Day 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:
- (A) Catch and release rainbow trout.
- (B) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.
- (d) From Foghorn Dam to Weeman Bridge:
- (i) Open the Saturday before Memorial Day 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) Trout:
- (A) Catch and release only for rainbow trout.
- (B) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.
- (e) Methow River tributaries from Weeman Bridge to the falls above Brush Creek; excluding Lost River, Goat Creek, and Early Winters Creek.
- (i) Open the Saturday before Memorial Day 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.
- (f) Methow River and tributaries above the falls above Brush Creek: Open the Saturday before Memorial Day through October 31.
- (g) From Gold Creek to the falls above Brush Creek:
- (i) Open December 1 through March 31 for whitefish only.
- (ii) Whitefish gear rules apply.
- (h) Methow River tributaries not otherwise provided for in this section:
- (i) Open the Saturday before Memorial Day through October 31.
- (ii) Selective gear rules apply.
- (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(238) **Mill Creek and tributaries (Pend Oreille County):**

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

(b) Eastern brook trout: Limit 10.

(c) Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken.

(239) **Mill Creek (Walla Walla County):**

(a) From the mouth to Bennington Dam, including tributaries: Closed waters.

(b) From Bennington Dam upstream: All tributaries: Closed waters.

(c) Selective gear rules apply.

(d) Release steelhead.

(240) **Mill Pond (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(241) **Mineral Creek (tributary to upper Kachess River) (Kittitas County):** Statewide rules apply upstream of the Wilderness Boundary.

(242) **Molson Lake (Okanogan County):**

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

(b) Trout: Limit 2.

(243) **Monument Creek (Okanogan County), including tributaries:** Selective gear rules apply.

(244) **Morgan Lake (Adams County):** Open April 1 through September 30.

(245) **Moses Lake (Grant County):**

(a) Bluegill: Limit five; minimum length eight inches.

(b) Crappie: Limit ten; minimum length nine inches.

(c) Yellow perch: Limit 25.

(246) **Mud Lake (Yakima County):**

(a) Selective gear rules apply.

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

(c) Trout: Limit one.

(247) **Mudgett Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(248) **Muskegon Lake (Pend Oreille 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 two.

(249) **Myron Lake (Yakima County):**

(a) Selective gear rules apply.

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

(c) Trout: Limit one.

(250) **Myrtle Lake (Chelan County):** Eastern brook trout no minimum size and no limit.

(251) **Mystic Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(252) **Naches River (Yakima/Kittitas counties):**

(a) From the mouth to Little Naches River:

(i) Selective gear rules apply.

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

(iii) Trout:

(A) Minimum length twelve inches, maximum length twenty inches.

(B) Release trout from the confluence with Tieton River to the confluence of the Little Naches River and Bumping River (origin of Naches River).

(b) From the mouth to the Tieton River:

(i) December 1 through January 31.

(ii) Only whitefish may be retained;

(iii) Whitefish gear rules apply.

**(253) Naches River tributaries except Bumping River, Tieton River and Rattlesnake Creek:**

(a) Selective gear rules apply.

(b) Trout: Minimum size ten inches.

**(254) Naneum Creek and tributaries (Kittitas County):**

(a) Selective gear rules apply.

(b) Trout: Minimum size ten inches.

**(255) Naneum Pond (Kittitas County):** Open to juvenile anglers only.

**(256) Napeequa River and all tributaries from Twin Lakes Creek upstream (Chelan County):** Open.

**(257) Nason Creek (Chelan County):**

(a) From Smith Brook to Stevens Creek:

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

(ii) Selective gear rules apply.

(iii) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(b) Nason Creek and all tributaries from Stevens Creek upstream, including Stevens Creek:

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

(ii) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(c) Nason Creek tributaries from mouth of Nason Creek to Smith Brook, including Smith Brook, except the Mill Creek drainage:

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

(ii) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

**(258) Negro Creek (Whitman County):** Open the fourth Saturday in April through July 15.

**(259) Nile Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

**(260) No Name Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

**(261) North Elton Pond (Yakima County):**

(a) Open the first Friday after Thanksgiving through March 31.

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

(c) Trout: Limit two.

**(262) North Fork Teanaway River tributaries from mouth to Beverly Creek, including Beverly Creek:**

(a) Selective gear rules apply.

(b) Trout: Minimum size ten inches.

**(263) North Potholes Reserve Ponds (Grant County):**

(a) Open February 1 through the day before waterfowl season begins.

(b) It is unlawful to fish from any floating device, except it is permissible to fish using float tubes.

**(264) Nunnally Lake (Grant County):**

(a) The outlet stream of Nunnally Lake is closed.

(b) Open March 1 through November 30:

(i) Selective gear rules apply.

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

(iii) Trout: Limit one.

**(265) Okanogan River (Okanogan County):**

(a) Within the mainstem or tributaries open for game fish angling:

(i) It is unlawful to fish for salmon and steelhead using anything other than barbless hooks.

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

(iii) Channel catfish: No limit.

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

(b) From the mouth to Highway 97 Bridge immediately upstream of the mouth:

(i) Open year-round.

(ii) July 1 through October 15: Anti-snagging rule applies and night closure in effect.

(iii) ~~((Trout Catch and release only.))~~ Hatchery trout: Open July 1 through August 15. Minimum size 12 inches. Daily limit 10. Barbless hooks required.

(iv) Salmon:

(A) Open July 1 through October 15.

(B) It is permissible to fish two poles from July 1 through August 31 so long as the angler possesses a two-pole endorsement.

(C) Limit 4; no more than 2 adult hatchery Chinook may be retained.

(D) Release ~~((sockeye,))~~ coho and wild adult Chinook.

(c) From Highway 97 Bridge immediately upstream of the mouth to the highway bridge at Malott:

(i) Open year-round.

(ii) July 1 through September 15: Anti-snagging rule applies and night closure in effect.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open July 1 through September 15.

(B) Limit 4; no more than 2 adult hatchery Chinook may be retained.

(C) Release ~~((sockeye,))~~ coho and wild adult Chinook.

(d) From the highway bridge at Malott upstream:

(i) From Zosel Dam downstream to the first Highway 97 Bridge downstream of the dam: Closed.

(ii) Open the Saturday before Memorial Day through September 15.

(iii) July 1 through September 15: Anti-snagging rule applies and night closure in effect.

(iv) Trout: Catch and release only.

(v) Salmon:

(A) Open July 1 through September 15.

(B) Limit 4; no more than 2 adult hatchery Chinook may be retained.

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

(e) All Okanogan River tributaries, except Salmon Creek, Jasmine Creek, Bonaparte Creek, and the Similkameen River:

(i) Open the Saturday before Memorial Day 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: Catch and release trout.

**(266) Outlet Creek (Klickitat County):**

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

(b) Trout: Limit 5.

**(267) Palouse River (Whitman County):**

(a) Open year-round from the mouth to the base of Palouse Falls.

(b) Bass: No limit.

(c) Channel catfish: No limit.

(d) Trout: Open June 16 through March 31 only.

(i) From June 16 through August 31:

(A) Limit 6; minimum length 10 inches.

(B) No minimum size for trout with clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(C) Anglers may retain up to 3 hatchery steelhead. Mandatory steelhead retention. No catch and release of hatchery steelhead.

(D) It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(ii) From September 1 through March 31:

(A) Limit 6; minimum length 10 inches.

(B) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(C) Anglers may retain up to 3 hatchery steelhead. Mandatory steelhead retention. No catch and release of hatchery steelhead.

(D) It is unlawful to fish for steelhead using anything other than barbless hooks.

(e) Walleye: No limit.

**(268) Palouse River (Whitman County) mainstem above Palouse Falls and tributaries (Washington waters only), except Rock Creek:** Open year-round.

**(269) Pampa Pond (Whitman County):**

(a) Open March 1 through September 30.

(b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than two over 13 inches in length.

**(270) Para-Juvenile Lake (Adams/Grant counties):** Open April 1 through September 30 to juvenile anglers only.

**(271) Park Lake (Grant County):** Open the fourth Saturday in April through September 30.

**(272) Parker Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

**(273) Pataha Creek (Garfield County):**

(a) Bass: No limit.

(b) Channel catfish: No limit.

(c) Walleye: No limit.

(d) Within the city limits of Pomeroy: Open to juvenile anglers only.

(e) From the city limits of Pomeroy upstream:

(i) Selective gear rules apply.

(ii) Trout:

(A) Eastern brook trout: Limit 10.

(B) Once an angler has retained 2 trout other than Eastern brook trout, the entire trout limit has been taken.

**(274) Pearrygin Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

**(275) Pend Oreille River (Pend Oreille County):**

(a) In the mainstem:

(i) Open year-round.

(ii) All sloughs within the boundaries of the Kalispel Reservation, except Calispell Slough: Closed.

(iii) Two pole fishing is permissible so long as the angler possesses a two-pole endorsement.

(b) Pend Oreille River tributaries are open the Saturday before Memorial Day through October 31, unless otherwise provided for in this section.

**(276) Perch Lake (Grant County):** Open the fourth Saturday in April through September 30.

**(277) Peshastin Creek and all tributaries from Ruby Creek upstream, not including Ruby Creek (Chelan County):**

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

(b) Selective gear rules apply.

(c) Trout:

(i) Rainbow trout, catch and release only.

(ii) Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(d) Peshastin Creek tributaries from the mouth of Peshastin Creek to Ruby Creek (including Ruby Creek), except Ingalls Creek: Open the Saturday before Memorial Day through October 31.

**(278) Petit Lake (Pend Oreille 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.

**(279) Phalon Lake (Stevens County):** Closed.

**(280) Phelps Creek and all tributaries from the mouth to the barrier falls (mile 1) (Chelan County):**

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

(b) Selective gear rules apply.

(c) From the barrier falls (mile 1) upstream, including all tributaries: Open the Saturday before Memorial Day through October 31.

**(281) Phillips Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(282) **Pierre Lake (Stevens County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(283) **Pillar Lake (Grant County):** Open April 1 through September 30.

(284) **Ping Pond (Grant County):**

(a) Open the third Saturday in April through Labor Day to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(b) Limit 5 game fish; no minimum size restrictions.

(285) **Pit Lake (Douglas County):** Open to juvenile anglers only.

(286) **Poacher Lake (Grant County):** Open April 1 through September 30.

(287) **Potholes Reservoir (Grant County):**

(a) Crappie: Minimum length nine inches.

(b) Crappie and bluegill: Combined limit of twenty-five fish.

(c) Perch: Limit twenty-five fish.

(288) **Potter's Pond (Stevens County):** Open the fourth Saturday in April through October 31.

(289) **Powerline Lake (Franklin County):** Trout limit 2.

(290) **Priest Lake tributaries (Pend Oreille County):** Open the Saturday before Memorial Day through October 31, including Upper Priest Lake tributaries, except as otherwise provided in this section.

(291) **Priest River tributaries (Pend Oreille County):** Open the Saturday before Memorial Day through October 31.

(292) **Quail Lake (Adams County):**

(a) Open for fly fishing only.

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

(c) Catch and release only.

(293) **Quarry Pond (Walla Walla County):**

(a) It is unlawful to fish from any floating device.

(b) It is unlawful to retain more than 2 trout over 13 inches in length.

(294) **Quincy Lake (Grant County):** Open March 1 through July 31.

(295) **Rainbow Lake (Columbia County):**

(a) Open March 1 through October 31.

(b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(296) **Rainy Creek (Chelan County):** From the mouth of Rainy Creek upstream:

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

(b) Selective gear rules apply.

(297) **Rat Lake (Okanogan County):**

(a) Open year-round.

(b) From April 1 to November 30:

(i) Selective gear rules apply.

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

(iii) Catch and release only.

(298) **Rattlesnake Creek (Yakima County):**

(a) Selective gear rules apply.

(b) Catch and release only for all species in the mainstem.

(299) **Rattlesnake Creek tributaries:**

(a) Selective gear rules apply.

(b) Trout minimum size 10 inches.

(300) **Red Rock Creek (Grant County):** Open April 1 through September 30.

(301) **Reflection Pond (Okanogan County):** Open the fourth Saturday in April through October 31.

(302) **Renner Lake (Ferry County):** Open the fourth Saturday in April through October 31.

(303) **Rigley Lake (Stevens 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 two, minimum length twelve inches.

(304) **Rimrock Lake (Reservoir) (Yakima County):**

(a) It is permissible to fish using two poles, so long as the angler possesses a valid two-pole endorsement.

(b) Chumming is permissible.

(c) Kokanee: Limit sixteen; kokanee do not count toward the trout limit.

(305) **Roaring Creek (Entiat River Tributary) and all tributaries (Chelan County):** From the mouth of Roaring Creek upstream:

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

(b) Selective gear rules apply.

(c) Trout:

(i) Rainbow trout are catch and release only.

(ii) The eastern brook trout limit of 5 fish does not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(306) **Rock Creek (Adams/Whitman counties):**

(a) From the mouth to Endicott West Road: Open year-round.

(b) From Endicott West Road to the bridge on Jordan Knott Road at Revere:

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

(ii) Selective gear rules apply.

(iii) Catch and release only.

(c) From the bridge on Jordan Knott Road upstream: Open year-round.

(307) **Rock Creek (Chelan County):**

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

(b) Selective gear rules apply.

(308) **Rock Creek (Klickitat County):**

(a) From Army Corps of Engineers Park upstream to the source: Closed waters.

(b) Open year-round from the mouth to the Army Corps of Engineers Park. Limits, size restrictions and gear restrictions are the same as those in the adjacent portion of the Columbia River.

(309) **Rock Island Pool (Col.R.) tributaries (Chelan/Douglas County):** Open the Saturday before Memorial Day

through October 31 from Rock Island Dam to Rocky Reach Dam, except the Wenatchee River.

**(310) Rocky Ford Creek and Ponds (Grant County):**

(a) Open to fly fishing and fishing from the bank only (no wading).

(b) Catch and release only.

**(311) Rocky Lake (Stevens County):**

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

(b) From June 1 through October 31:

(i) Selective gear rules apply.

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

(iii) Catch and release only.

**(312) Roosevelt Lake (Grant/Ferry/Lincoln/Stevens counties):**

(a) The following areas are closed:

(i) From the Little Dalles power line crossing upstream approximately one mile to the marked rock point, and from Northport power line crossing upstream to the most upstream point of Steamboat Rock, from March 1 through the Friday before Memorial Day.

(ii) The Kettle arm upstream to Barstow Bridge from April 1 through the Friday before Memorial Day.

(b) Carp: It is unlawful to fish for carp with bow and arrow.

(c) From Grand Coulee Dam to the Little Dalles power line crossing:

(i) Kokanee: Limit 6; no more than 2 with intact adipose fins may be retained.

(ii) Salmon: Landlocked salmon rules apply.

(iii) Trout (except kokanee): Limit 5; it is unlawful to retain trout with an intact adipose fin.

(iv) Walleye: No size restrictions; limit 16 fish.

(d) From the Little Dalles power line crossing to the Canadian border:

(i) Kokanee: Limit 6; no more than 2 with intact adipose fins may be retained.

(ii) Salmon: Landlocked salmon rules apply.

(iii) Trout (except kokanee): Limit 2; minimum size 18 inches.

(iv) Walleye: No size restrictions; limit 16 fish.

**(313) Round Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

**(314) Rowland Lake, North (Klickitat County):** Open the fourth Saturday in April through the last day in February, except closed the Monday before Thanksgiving Day through Thanksgiving Day.

**(315) Royal Lake (Adams County):** Closed.

**(316) Royal Slough (including Marsh Unit IV impoundments) (Adams County):** Closed.

**(317) Ruby Creek and tributaries (Pend Oreille County):**

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

(b) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken and the angler must cease fishing for trout.

**(318) Rufus Woods Lake (Douglas/Okanogan counties):**

(a) From Grand Coulee Dam downstream to State Route 155 Bridge: Closed.

(b) Trout: Limit 2; only uninjured trout caught using artificial lures or flies with single-point barbless hooks may be released.

(c) Tributaries to Rufus Woods Lake: Open the Saturday before Memorial Day through October 31.

**(319) Sacheen Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

**(320) Saddle Mountain Lake (Grant County):** Closed.

**(321) Sago Lake (Grant County):** Open April 1 through September 30.

**(322) Salmon Creek, mainstem (Okanogan County):**

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

(b) Selective gear rules apply.

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

(d) Trout: Catch and release only.

**(323) Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County):**

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

(b) Selective gear rules apply.

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

**(324) San Poil River (Ferry County):**

(a) From the western shoreline at the mouth of the San Poil Arm (as marked by a regulatory buoy) directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm (as marked by a regulatory buoy) upstream to the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek:

(i) Open June 1 through January 31 for kokanee, smallmouth bass, trout, and walleye:

(A) Kokanee: Limit 2 fish in addition to the trout limit; no minimum size requirement.

(B) Trout: Limit 5; it is unlawful to retain trout with an intact adipose fin.

(C) Walleye: Limit 16; no size restrictions.

(ii) Open year-round for other game fish, salmon, and carp:

(A) Carp: It is unlawful to fish for carp with bow and arrow.

(B) Salmon: Landlocked salmon rules apply.

(b) From the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek to approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys:

(i) It is unlawful to fish for or retain trout.

(ii) Open June 1 through January 31 for walleye and smallmouth bass: Walleye: Limit 16; no size restrictions.

(iii) Open year-round for other game fish, salmon, and carp:

(A) Carp: It is unlawful to fish for carp with bow and arrow.

(B) Salmon: Landlocked salmon rules apply.



(c) The waters from approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys, to all waters north of the regulatory buoy line at or above 1,310 feet mean sea level elevation are managed under the regulatory authority of the Colville Confederated Tribe of Indians.

(d) From above the Colville Confederated Tribe of Indians Reservation northern boundary, upstream to the headwaters, including tributaries: Open the Saturday before Memorial Day through October 31.

(325) **Sand Hollow Creek (Grant County) including all tributaries:** Open April 1 through September 30 from State Route 243 upstream.

(326) **Sarg Hubbard Park Pond (Reflection Pond) (Yakima County):** Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(327) **Schaefer Lake (Chelan County):**

(a) Trout limit sixteen, except eastern brook trout. Eastern brook trout do not count towards the trout limit.

(b) Eastern brook trout: No minimum size and no limit.

(328) **Scootney Reservoir (Franklin County):** Wall-eye limit 8; minimum size 12 inches. It is unlawful to retain more than one walleye over 22 inches in length.

(329) **Sedge Lake (Grant County):**

(a) Selective gear rules apply.

(b) Trout: Limit one.

(330) **Sherman Creek (Ferry County) and all tributaries:**

(a) From the hatchery boat dock to 400 feet upstream of hatchery water diversion dam: Closed.

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

(331) **Sherry Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(332) **Shiner Lake (Adams County):**

(a) Open April 1 through September 30.

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

(333) **Shoveler Lake (Grant County):** Open April 1 through September 30.

(334) **Sidley Lake (Okanogan County):** Trout limit two.

(335) **Silver Lake (Spokane County):** Crappie limit ten; minimum length nine inches.

(336) **Silver Nail Lake (Okanogan County):** Open to juvenile anglers only.

(337) **Similkameen River (Okanogan County):**

(a) Barbless hooks required for salmon and steelhead.

(b) From the mouth to Enloe Dam:

(i) Closed from Enloe Dam downstream 400 feet.

(ii) July 1 through September 15:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Salmon:

(A) Open July 1 through September 15.

(B) Limit 4; no more than 2 adult hatchery Chinook may be retained.

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

(iv) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(c) From Enloe Dam to the Canadian border, including tributaries, except Sinlahekin Creek:

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

(ii) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(338) **Sinlahekin Creek (Okanogan County):**

(a) From Palmer Lake to Cecile Creek Bridge:

(i) Open the Saturday before Memorial Day 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) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(b) From Cecile Creek Bridge upstream, including all tributaries: Open the Saturday before Memorial Day through October 31.

(339) **Skookum Lake, North (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(340) **Skookum Lake, South (Pend Oreille County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(341) **Slate Creek and tributaries (Pend Oreille County):**

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

(b) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.

(342) **Snake River:**

(a) Columbia River rules apply downstream of the Burbank-to-Pasco railroad bridge at Snake River mile 1.5.

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

(i) Within 400 feet of the base of any dam;

(ii) Within a 400 foot radius around the fish ladder entrance at Lyons Ferry Hatchery;

(iii) Within a 200 foot radius upstream of the fish ladder exit above Lower Granite Dam; and

(iv) Within an area 1,200 feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and 100 feet out into the river from the south river bank.

~~((b))~~ (c) Bass: No limit and no size restrictions.

~~((e))~~ (d) Channel catfish: No limit.

~~((e))~~ (e) Trout:

(i) Open June 16 through March 31.

(ii) April 1 through June 15: Catch and release only.

(iii) Limit 6; minimum length 10 inches.

(iv) From mouth of Snake River to Bridge Street bridge in Clarkston (Blue Bridge) it is unlawful to retain more than 3 hatchery steelhead

~~((v))~~, except it is unlawful to retain more than one hatchery steelhead August 1 through March 31:

(A) August 1 through March 31 release all steelhead longer than 30 inches.

(B) Barbless hooks required for steelhead.

~~((e))~~ (v) Release all steelhead upstream of Bridge Street bridge in Clarkston (Blue Bridge).

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

(343) **Snipe Lake (Grant County):** Open April 1 through September 30.

(344) **Snipes Creek (Benton County):**

(a) Selective gear rules apply.

(b) Trout minimum length ten inches.

(345) **South Salmo River (Pend Oreille County), including tributaries:** Open the Saturday before Memorial Day through October 31.

(346) **Spearfish Lake (Klickitat County):** Open the fourth Saturday in April through last day in February.

(347) **Spectacle Lake (Okanogan County):** Open April 1 through September 30.

(348) **Spokane River (Spokane County):**

(a) From SR 25 Bridge upstream to 400 feet below Little Falls Dam:

(i) It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(ii) Open year-round:

(A) Kokanee: Limit 6; no more than 2 with intact adipose fins may be retained. Kokanee does not count towards the trout limit.

(B) Salmon: Landlocked salmon rules apply.

(C) Trout: Limit 5, it is unlawful to retain trout with an intact adipose fin.

(D) Walleye: Limit 16; no size restrictions.

(b) From the Little Falls Dam to the upstream boundary of the Plese Flats Day Use Area (Riverside State Park), except Long Lake (Nine Mile Dam to Long Lake Dam): Open year-round.

(i) Landlocked salmon rules apply.

(ii) Trout: Limit 5; no more than 2 trout over 20 inches in length may be retained.

(c) From the upstream boundary at Plese Flats Day Use Area (Riverside State Park) upstream to the Monroe Street Dam:

(i) Selective gear rules apply.

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

(iii) Open June 1 through March 15:

(A) Salmon: Landlocked salmon rules apply.

(B) Trout:

(I) Limit one; minimum length 8 inches.

(II) Release wild trout (only rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin may be retained).

(d) From Monroe Street Dam upstream to Upriver Dam:

(i) Open year-round.

(ii) Landlocked salmon rules apply.

(e) From Upriver Dam upstream to the Idaho/Washington state line:

(i) Selective gear rules apply.

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

(iii) Catch and release only.

(f) Unless otherwise provided in this section, all tributaries to the Spokane River (Washington waters only) are open the Saturday before Memorial Day through October 31.

(349) **Sprague Lake (Adams/Lincoln counties):**

(a) The following waters are closed:

(i) Cow Creek;

(ii) The marsh at the southwest end of the lake from the lakeside edge of the reeds to Danekas Road;

(iii) The small bay at the southeast end of the lake; and

(iv) Those waters within 50 feet of Harper Island.

(b) All other waters southwest of the southwest tip of Harper Island: Closed from October 1 through April 30.

(c) Crappie: Minimum length nine inches.

(d) Crappie and bluegill: Combined limit of twenty-five fish.

(e) Trout: Limit 5; it is unlawful to retain more than two trout over twenty inches in length.

(350) **Spring Creek (Benton County):**

(a) Selective gear rules apply.

(b) Trout minimum length ten inches.

(351) **Spring Creek (Klickitat County):**

(a) Goldendale Hatchery: Open the Saturday before Memorial Day through October 31. Trout: Limit 5.

(b) All other waters: Open the first Saturday in June through October 31.

(352) **Spring Hill Reservoir (Black Lake, Lower Wheeler Reservoir) (Chelan County):**

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

(b) July 5 through October 31: 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.

(353) **Spring Lake (Columbia County):**

(a) It is unlawful to fish from any floating device.

(b) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(354) **Spring Lakes (Grant County):** Open March 1 through July 31.

(355) **Stan Coffin Lake (Grant County):** Bass: Catch and release only.

(356) **Starvation Lake (Stevens County):**

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

(b) From June 1 through October 31:

(i) Selective gear rules apply.

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

(iii) Catch and release only.

(357) **Stehekin River (Chelan County):**

(a) From the mouth to Agnes Creek:

(i) Selective gear rules apply.

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

(iii) Open July 1 through October 31: Trout minimum length fifteen inches; release cutthroat.

(iv) Open March 1 through June 30: Catch and release only.

(b) From Agnes Creek upstream: Open the Saturday before Memorial Day through October 31.

(358) **Stratford/Brook Lake (Grant County):** Open February 1 through September 30.

**(359) Sullivan Creek (Pend Oreille County):**

(a) From the mouth to Mill Pond: Open the Saturday before Memorial Day through October 31.

(i) Barbless hooks are required.

(ii) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.

(iii) Release cutthroat.

(b) From Mill Pond upstream and tributaries:

(i) Selective gear rules apply.

(ii) Release cutthroat.

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

(iv) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.

**(360) Sullivan Lake (Pend Oreille County):**

(a) Kokanee: Limit ten; kokanee do not count toward the trout limit.

(b) Trout (except kokanee): Limit two trout.

**(361) Sullivan Lake tributaries (Pend Oreille County), except as otherwise provided in this section:** Open the Saturday before Memorial Day through October 31.

**(362) Summit Lake (Stevens County):** Open the fourth Saturday in April through October 31.

**(363) Swan Lake (Ferry County):**

(a) Open the fourth Saturday in April 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.

**(364) Tacoma Creek and tributaries (Pend Oreille County):**

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

(b) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken and the angler must cease fishing for trout.

**(365) Teal Lakes (North and South) (Grant/Adams counties):** Open April 1 through September 30.

**(366) Teanaway River (Kittitas County), and tributaries except North Fork:**

(a) Selective gear rules apply.

(b) Trout minimum length ten inches.

**(367) Teanaway River, North Fork (Kittitas County):** From the mouth to Beverly Creek:

(a) Selective gear rules apply.

(b) Trout: Catch and release only.

**(368) Tern Lake (Grant County):**

(a) Selective gear rules apply.

(b) Trout: Limit one.

**(369) Thomas Lake (Stevens County):** Open the fourth Saturday in April through October 31.

**(370) Tieton River (Yakima County):**

(a) From the mouth to Tieton Dam, including all tributaries:

(i) It is permissible to fish up to the base of Tieton (Rimrock) Dam.

(ii) Selective gear rules apply.

(iii) Trout minimum length ten inches.

(b) Tributaries upstream of Tieton Dam except North Fork Tieton River, South Fork Tieton River and Indian Creek: Open the Saturday before Memorial Day through October 31.

**(371) Tieton River, North Fork (Yakima County):**

(a) Mainstem including that portion of the river that flows through the dry lakebed of Rimrock Reservoir, upstream to the USFS Road 740 Bridge below Clear Lake Dam:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules apply.

(b) Mainstem upstream of Clear Lake:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules apply.

(c) All North Fork Tieton tributaries, including Clear Creek: Open the Saturday before Memorial Day through October 31.

**(372) Tieton River, South Fork (Yakima County):**

From the bridge on USFS Road 1070 upstream and all tributaries, except Bear Creek and Spruce Creek: Open the Saturday before Memorial Day through October 31.

**(373) Touchet River (Columbia/Walla Walla counties):**

(a) General river rules: For all portions of the Touchet River and its tributaries that are open to game fish angling:

(i) Bass: No limit.

(ii) Channel catfish: No limit.

(iii) Walleye: No limit and no size restrictions.

(iv) Release wild steelhead.

(b) Rules by river section:

(i) From the mouth to the confluence of Coppei Creek:

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

(I) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(II) Steelhead: Open September 1 through October 31; limit 3. It is unlawful to use anything other than barbless hooks when fishing for steelhead.

(B) Open November 1 through April 15:

(I) Release all fish except hatchery steelhead and brown trout.

(II) Limit 3 hatchery steelhead and brown trout combined.

(III) It is unlawful to use anything other than barbless hooks.

(ii) From the mouth of Coppei Creek to the confluence of North and South Forks and all tributaries:

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

(B) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(C) Steelhead:

(I) Open September 1 through October 31; mandatory hatchery steelhead retention, limit 3. No catch and release of hatchery steelhead. Release wild steelhead. It is unlawful to use anything other than barbless hooks when fishing for steelhead.

(II) Open November 1 through April 15. Release all fish except hatchery steelhead and brown trout. Limit 3 hatchery steelhead and brown trout combined. It is unlawful to use anything other than barbless hooks when fishing for steelhead.

(iii) From the confluence of the North and South Forks upstream:

(A) Selective gear rules apply.

(B) Release steelhead.

(iv) From mouth of North Fork, upstream to Spangler Creek:

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

(B) Trout: No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(v) North Fork upstream of Spangler Creek:

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

(B) Trout: No minimum size for trout with a clipped adipose fin.

(vi) Wolf Fork from the mouth to Coates Creek:

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

(B) No minimum size for trout with a clipped adipose fin.

(vii) Wolf Fork above Coates Creek:

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

(B) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(viii) Robinson Fork:

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

(B) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(ix) South Fork, from the mouth to Griffin Fork:

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

(B) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(x) South Fork, upstream from Griffin Creek: Open the first Saturday in June through August 31.

(374) **Trapper Lake (Chelan County):** Trout: Limit two.

(375) **Trout Lake (Ferry County):** Open the fourth Saturday in April through October 31.

(376) **Trout Lake (tributary to Big White Salmon River) (Klickitat County) including all tributaries:** Open the first Saturday in June through October 31.

(377) **Tucannon River (Columbia County):**

(a) Unless otherwise provided in this section, all tributaries are closed, except Pataha Creek.

(b) Mouth upstream to Turner Road Bridge at Marengo:

(i) First Saturday in June through October 31.

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

(B) Channel catfish: No limit.

(C) Trout:

(I) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(II) Steelhead: Limit 2 hatchery fish.

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

(D) Walleye: No limit and no size restrictions.

(ii) November 1 through last day in February.

(A) Release all fish, except anglers may retain up to 2 hatchery steelhead and 15 whitefish.

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

(C) Barbless hooks required.

(c) Turner Road Bridge at Marengo to Tucannon Hatchery Bridge:

(i) First Saturday in June through August 31.

(ii) Selective gear rules apply.

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

(iv) Trout:

(A) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(B) Steelhead: Limit 2 hatchery fish.

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

(v) Channel catfish: No limit.

(vi) Walleye: No limit and no size restrictions.

(d) Tucannon Hatchery Bridge to 500 feet above intake for Rainbow Lake: Closed to fishing.

(e) 500 feet above intake for Rainbow Lake to Cow Camp Bridge:

(i) First Saturday in June through August 31.

(ii) Selective gear rules apply.

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

(iv) Channel catfish: No limit.

(v) Trout:

(A) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(B) Release steelhead.

(vi) Walleye: No limit and no size restrictions.

(f) Cow Camp Bridge upstream: Closed to fishing.

(378) **Tucquala Lake (Kittitas County):**

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

(b) Eastern brook trout: No limit; eastern brook trout do not count towards the trout limit.

(379) **Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River:** Closed.

(380) **Twisp River (Okanogan County):** Mouth to War Creek:

(a) Open the Saturday before Memorial Day through August 15.

(b) Selective gear rules apply.

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

(d) Catch and release only.

(e) Twisp River Tributaries from the mouth to War Creek; including Buttermilk Creek and Little Bridge Creek:

(i) Open the Saturday before Memorial Day 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.

(f) Twisp River tributaries from War Creek to the North Fork Twisp River, including War Creek, South Fork Twisp River, North Creek to Twisp River Road Bridge, and North Fork Twisp River to the falls:

(i) Open the Saturday before Memorial Day 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.

(g) North Fork Twisp River above the falls and North Creek above Twisp River Road Bridge are open from the Saturday before Memorial Day to October 31.

(381) **Union Creek (Yakima County):** Open upstream of the falls (approximately 1/4 mile from the mouth).

(382) **Upper Wheeler Reservoir (Chelan County):**

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

(b) Fly fishing only.

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

(d) Catch and release only.

(383) **Vanes Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(384) **Vic Meyers (Rainbow) Lake (Grant County):** Open the fourth Saturday in April through September 30.

(385) **Waitts Lake (Stevens County):** Open the fourth Saturday in April through last day in February.

(386) **Walla Walla River (Walla Walla County):**

(a) General rules in the mainstem:

(i) Bass: No limit and no size restrictions.

(ii) Channel catfish: No limit.

(iii) Walleye: No limit and no size restrictions.

(b) Rules by river section:

(i) From the mouth to McDonald Road Bridge:

(A) Open year-round, except all tributaries other than the Touchet River are closed.

(B) Trout:

(I) Open first Saturday in June through March 31.

(II) No minimum size for trout with a clipped adipose fin and healed scar at the location of the adipose fin.

(III) It is unlawful to fish for steelhead using anything other than barbless hooks.

(IV) Mandatory hatchery steelhead retention, limit 3. No catch and release of hatchery steelhead.

(ii) From the McDonald Road Bridge upstream to the Oregon state line:

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

(B) Selective gear rules apply.

(C) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(D) Limit 3 hatchery steelhead.

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

(F) From November 1 through March 31:

(I) Selective gear rules apply.

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

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

(387) **Wanapum Pool (Columbia River) tributaries (Chelan/ouglas County):** Open the Saturday before Memorial Day through October 31 from Wanapum Dam to Rock Island Dam.

(388) **Wannacut Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(389) **Wapato Lake (Chelan County):**

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

(b) All other game fish: Open the fourth Saturday in April through October 31.

(390) **Ward Lake (Ferry County):** Open the fourth Saturday in April through October 31.

(391) **Warden Lake (Grant County):** Open the fourth Saturday in April through September 30.

(392) **Warden Lake, South (Grant County):** Open the fourth Saturday in April through September 30.

(393) **Washburn Island Pond (Okanogan County):**

(a) Open April 1 through September 30.

(b) It is unlawful to fish with use of an internal combustion motor. An internal combustion motor may be attached to a floating device, but must not be used.

(394) **Washburn Lake (Okanogan County):**

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

(b) Trout: Limit one.

(c) Selective gear rules apply.

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

(395) **Watson Lake (Columbia County):**

(a) Open March 1 through October 31.

(b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(396) **Wenaha River tributaries within Washington:**

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

(b) Selective gear rules apply.

(c) Trout: Release steelhead.

(397) **Wenas Creek (Yakima County):**

(a) From the mouth to Wenas Lake, including all tributaries:

(i) Selective gear rules apply.

(ii) Trout: Minimum size ten inches.

(b) Upstream of Wenas Lake, including all tributaries: Open the Saturday before Memorial Day to October 31.

(398) **Wenatchee Lake (Chelan County):**

(a) Open year-round; selective gear rules apply.

(b) Release bull trout, steelhead trout, sockeye, and Chinook salmon.

(c) Trout: Limit two; minimum length twelve inches.

(399) **Wenatchee River (Chelan County):** From the mouth to 400 feet below Dryden Dam and from the mouth of Peshastin Creek (above Dryden Dam) to the Icicle River Road Bridge:

(a) Salmon open August 1 through September 30.

- (b) Selective gear rules apply.
- (c) Night closure in effect.
- (d) Limit 4; it is unlawful to retain more than 2 adult hatchery Chinook.
- (e) Release coho and wild adult Chinook salmon.
- (f) Minimum length 12 inches.
- (400) **West Evans Pond (Asotin County):** It is unlawful to retain more than 2 trout over 13 inches in length.
- (401) **White River (Chelan County), from ~~(the mouth upstream to)~~ White River Falls upstream:** Open the Saturday before Memorial Day through October 31, including White River tributaries from the mouth of the White River upstream, except Panther Creek and the Napequa River.
- (402) **White Salmon River (Klickitat/Skamania counties):**
- (a) From the mouth (Burlington Northern Railroad Bridge) to the county road bridge below the former location of the powerhouse:
- (i) It is unlawful to fish for salmon and steelhead using anything other than barbless hooks.
- (ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (iii) Open year-round.
- (iv) August 1 through December 31: Anti-snagging rule applies. When the anti-snagging rule is in effect, fish must be hooked inside the mouth to be retained.
- (v) June 16 through October 31: Night closure in effect for all species.
- (vi) Bass: No limit and no size restriction.
- ~~((v))~~ (vii) Channel catfish: No limit.
- ~~((vii))~~ (viii) Salmon and steelhead open year-round:
- (A) From April 1 through ~~(July 31)~~ June 15:
- (I) Limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.
- (II) Release wild Chinook.
- (B)(I) From June 16 through July 31:
- (II) Limit 2; no more than 2 salmon or one hatchery steelhead, or one of each, may be retained.
- (C) From August 1 through March 31:
- (I) From August 1 through August 31: Limit 6; no more than 2 adult salmon, release all steelhead.
- (II) October 1 through October 31: Limit 6; no more than 2 adult salmon or one hatchery steelhead and one hatchery salmon.
- (III) From November 1 through March 31: Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.
- ~~((H))~~ (IV) Salmon: Only hatchery Chinook and hatchery coho may be retained.
- ~~((viii))~~ (ix) Walleye: No limit and no size restriction.
- (b) From the county road bridge below the former location of the powerhouse upstream to the Northwestern Road Bridge:
- (i) Open April 1 through October 31:
- (A) Catch and release, except up to 3 hatchery steelhead may be retained.
- (B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (C) Selective gear rules.

- (ii) Salmon and steelhead:
- (A) April 1 through July 31:
- (I) Daily limit 3 fish, of which no more than 2 may be salmon.
- (II) Release wild Chinook.
- (B) August 1 through October 31: Limit 6; up to 3 may be adults of which no more than 2 may be hatchery salmon.
- (c) From the Northwestern Road Bridge upstream to Big Brothers Falls (river mile 16):
- (i) From Big Brothers Falls downstream 400 feet: Closed.
- (ii) Open the first Saturday in June through October 31.
- (iii) Selective gear rules apply.
- (iv) From the first Saturday in June through July 31, release all fish, except anglers may retain up to 3 hatchery steelhead.
- (v) Salmon and steelhead: From August 1 through October 31: Limit 6, and up to 3 may be adults of which no more than 2 may be hatchery salmon.
- (vi) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (d) Big Brothers Falls upstream to the source, including all tributaries: Open the first Saturday in June through October 31.
- (403) **Wide Hollow Creek (Yakima County):** Open to juvenile anglers only.
- (404) **Widgeon Lake (Grant County):** Open April 1 through September 30.
- (405) **Williams Lake (Spokane County):** Open the fourth Saturday in April through September 30.
- (406) **Williams Lake (Stevens County):**
- (a) Open the first Friday after Thanksgiving through March 31.
- (b) Release all fish except anglers may retain up to five rainbow trout.
- (407) **Wilson Creek (Kittitas County):**
- (a) Selective gear rules apply.
- (b) Trout: Minimum size ten inches.
- (c) Two branches within Ellensburg city limits: Open to juvenile anglers only.
- (408) **Winchester Wasteway (Grant County) (that portion within the Winchester Game Reserve):** Open February 1 through September 30.
- (409) **Yakima River (Yakima County):**
- (a) General river rules:
- (i) Release steelhead in the mainstem and tributaries.
- (ii) Downstream of Highway 240 Bridge, Columbia River rules apply.
- (iii) In the mainstem and tributaries:
- (A) Bass: No limit and no size restrictions.
- (B) Channel catfish: No limit.
- (C) Walleye: No limit and no size restrictions.
- (b) Rules by river section:
- (i) From the Highway 240 Bridge to 400 feet below Prosser Dam:
- (A) Open March 1 through October 22.
- (B) From ~~(the WDFW white markers 200)~~ 400 feet downstream to 400 feet upstream of the USBR Chandler Powerhouse/Pumping Station ~~(spillway chute to the power-~~

line crossing immediately upstream of the powerhouse)): Open March 1 through August 31.

(C) From March 1 through August 31; for all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(D) Chumming is permissible.

(E) Trout: Catch and release only.

(F) Salmon:

(I) Open September 1 through October 22.

(II) Night closure in effect.

(III) It is unlawful to fish for salmon using anything other than barbless hooks.

(IV) Limit 6; it is unlawful to retain more than 2 adults.

(V) Fishing from a floating device is prohibited from the Grant Avenue Bridge in Prosser downstream approximately 1.25 miles to the downstream side of the westbound Interstate 82 Bridge.

(ii) From Prosser Dam to Highway 223 Bridge:

(A) Open May 1 through October 31.

(B) Trout: Catch and release only.

(iii) From Highway 223 Bridge to 400 feet below Sunnyside Dam: Trout: Minimum length is 12 inches, maximum length is 20 inches.

(iv) From Sunnyside Dam to 3,500 feet below Roza Dam:

(A) Closed from Yakima Avenue-Terrace Heights Bridge upstream 400 feet.

(B) Selective gear rules apply.

(C) It is unlawful to fish from a floating device equipped with an internal combustion motor from the I-82 Bridge at Selah Gap to 3,500 feet below Roza Dam.

(D) Trout: Minimum length 12 inches, maximum length 20 inches.

(E) Open December 1 through January 31 for whitefish only; whitefish gear rules apply.

(v) From Roza Dam to 400 feet below Easton Dam:

(A) Open year-round.

(B) It is permissible to fish from floating devices equipped with motors only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately 1.3 river miles).

(C) Selective gear rules apply.

(D) Trout: Catch and release.

(E) Open December 1 through January 31 for whitefish only; whitefish gear rules apply.

(vi) From Easton Dam to the base of Keechelus Dam:

(A) Selective gear rules apply.

(B) Trout: Catch and release only, except anglers may retain eastern brook trout. There is no limit and no minimum size restriction for eastern brook trout.

(vii) For all Yakima River tributaries from Roza Dam to Keechelus Dam not otherwise provided for in this section:

(A) Selective gear rules apply.

(B) Trout: Minimum length ten inches.

(C) Wilson Creek downstream of BNSF railroad bridge: Yakima River rules apply.

(410) **Yakima Sportsmen's Park Ponds (Yakima County):** Open to juvenile anglers only.

(411) **Yellowhawk Creek (Walla Walla County):** Closed.

(412) **Yocum Lake (Pend Oreille County):**

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

(b) It is unlawful to use lead weights or lead jigs that measure 1.5 inches or less along the longest axis.

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

**AMENDATORY SECTION** (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-312-060 Freshwater exceptions to state-wide rules—Columbia.** The following exceptions to state-wide rules apply to the Columbia River, including impoundments and all connecting sloughs, except Wells Ponds:

(1) **General Columbia River rules:**

(a) In the concurrent waters of the Columbia River between Washington and Oregon, the license of either state is valid when fishing from a vessel.

(i) Anglers must comply with the fishing regulations of the state in which they are fishing.

(ii) This subsection does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington except as otherwise provided by department rule.

(iii) Anglers fishing the Columbia River are restricted to one limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

(b) It is unlawful to possess in the field salmon or steelhead mutilated so that size, species, or fin clip cannot be determined until the angler has reached their automobile or principal means of land transportation and completed his or her daily angling.

(c) Salmon and trout handling rules provided in WAC 220-56-118 apply to the Columbia River, except from February 15 through June 15 in the mainstem Columbia from the Rocky Point/Tongue Point line upstream to the Washington-Oregon border where WAC 220-56-118 applies only to anglers fishing from vessels less than 30 feet in length (as substantiated by Coast Guard documentation or Marine Board registration).

(d) From Buoy 10 to the Washington/Oregon border:

(i) From March 1 through May 15, the mainstem Columbia River is open for retention of adipose fin-clipped steelhead and shad only during days and in areas that are open for the retention of adipose fin-clipped spring Chinook salmon.

(ii) From August 1 through December 31, each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(iii) From June 16 through July 31, upstream of the Megler-Astoria Bridge to McNary Dam, night closure in effect for all anglers except those enrolled in the Pikeminnow Sport Reward Program fishing and targeting pikeminnow.

(iv) From August 1 through December 31, upstream to McNary Dam, night closure in effect for all anglers except those enrolled in the Pikeminnow Sport Reward Program fishing and targeting pikeminnow.

- (e) Open year-round unless otherwise provided.
- (f) Barbless hooks are required for salmon and steelhead.
- (g) Walleye and bass: No limit and no size restriction.
- (h) Channel catfish: No limit.

**(2) Rules by river section:**

**(a) From a true north-south line through Buoy 10, upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank:**

(i) Fishing from the north jetty is permissible when Marine Area 1 or Buoy 10 areas are open for salmon, and the limit and minimum size restrictions follow the most liberal regulations if both areas are open. Only single point barbless hooks may be used for salmon and steelhead.

(ii) Release all trout, except anglers may retain hatchery steelhead.

(iii) Salmon and steelhead:

(A) Open June 16 through July 31:

(I) Closed to fishing for salmon and steelhead from Buoy 10 to the Megler-Astoria Bridge.

(II) Limit 6; no more than 2 adult salmon, or ~~((2)) one adult salmon and one~~ hatchery steelhead~~((, or one of each))~~, may be retained.

(III) Release all salmon other than sockeye and hatchery Chinook.

(B) Open August 1 through September ~~((5)) 4~~:

(I) Limit 2, of which only one Chinook and/or one hatchery steelhead may be retained except from August 1 through August 31 release all steelhead.

(II) Release all salmon except Chinook and hatchery coho.

(III) Chinook minimum length 24 inches.

(IV) ~~((On Sundays and Mondays, all Chinook must be adipose fin clipped to be retained.~~

~~((V))~~ Coho minimum length 16 inches.

(C) Open September ~~((6)) 5~~ through September 30:

(I) Limit 2, of which only one hatchery steelhead may be retained.

(II) Release all salmon other than hatchery coho.

(III) Coho minimum length 16 inches.

(D) Open October 1 through December 31:

(I) Limit 6; no more than 2 adult salmon, or one adult salmon and one hatchery steelhead, may be retained.

(II) Release all salmon except Chinook and hatchery coho.

(E) Open January 1 through March 31:

(I) Limit 6; no more than 2 adult hatchery Chinook, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook.

(iv) Shad open May 16 through March 31.

(v) Forage fish and bottomfish: Marine Area 1 general rules apply; eulachon closed.

**(b) From a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank, upstream to the I-5 Bridge:**

(i) Trout:

(A) Open May 16 through March 31.

(B) Release all trout except hatchery cutthroat and hatchery steelhead (the limit is as provided under (b)(v) of this subsection).

(I) Anglers may retain up to 2 hatchery cutthroat.

(II) Hatchery cutthroat minimum length 12 inches.

(III) Barbless hooks are required for cutthroat trout.

(ii) Salmon and steelhead:

(A) Open May 16 through June 15:

(I) Release all salmon except hatchery jack Chinook.

(II) Limit 6; no more than 2 hatchery steelhead may be retained.

~~(B) Open ((May))~~ June 16 through July 31:

(I) Release all salmon except hatchery Chinook and sockeye.

(II) Limit 6; no more than 2 adult salmon, or ~~((2)) one adult salmon and one~~ hatchery steelhead~~((, or one of each))~~, may be retained.

~~((III) Release sockeye and adult Chinook May 16 through June 15.~~

~~(B))~~ (C) Open August 1 through September 30:

(I) Upstream of Warrior Rock line: Limit 6; no more than 2 adult salmon, or one adult salmon and one hatchery steelhead, may be retained. Release all salmon except Chinook and hatchery coho. From August 1 through August 31 release all steelhead.

(II) Downstream of Warrior Rock line: Limit 6; no more than 2 adult salmon, or one adult salmon and one hatchery steelhead, may be retained. Only one may be an adult Chinook. Release wild Chinook from September ~~((4)) 8~~ through September 14, and release all Chinook from September 15 through September 30. From August 1 through August 31 release all steelhead.

~~((C))~~ (D) For the purpose of this subsection, "Warrior Rock line" is defined as a line projected from the Warrior Rock Lighthouse, through Red Buoy 4, to the orange marker atop the dolphin on the Washington shore.

~~((D))~~ (E) Open October 1 through December 31:

(I) Limit 6; no more than 2 adult salmon, or one adult salmon and one hatchery steelhead, may be retained.

(II) Release all salmon except Chinook and hatchery coho.

~~((E))~~ (F) Open January 1 through March 31:

(I) Limit 6 fish; no more than 2 adult hatchery Chinook, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook.

(ii) Shad open May 16 through March 31.

**(c) From the I-5 Bridge to Bonneville Dam:**

(i) The following waters are closed:

(A) From the upstream line of Bonneville Dam to boundary markers 600 feet below the fish ladder at the powerhouse.

(B) January 1 through April 30 from a line between the upstream end of Sand Island (near Rooster Rock) on the Columbia River, to the boundary marker on the Oregon shore, downstream to a line between the lower end of Sand Island and the boundary marker on the Oregon shore.

(C) Closed to angling from a floating device or by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on the westernmost tip of Robins Island.



(ii) Camas Slough:

(A) It is permissible for an angler licensed in Oregon or Washington to fish from a floating device.

(B) In the waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island:

(I) From August 1 through December 31: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(II) From August 1 through December 31: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(III) Open for salmon when the adjacent mainstem Columbia or Washougal rivers are open for salmon.

(IV) The limit for salmon is the same as the most liberal regulation of either area, except anglers may only retain hatchery Chinook and hatchery coho; release all other salmon.

(iii) Release all trout except hatchery steelhead.

(iv) Salmon and steelhead:

(A) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or ~~((2))~~ one adult salmon and one hatchery steelhead~~((, or one of each))~~, may be retained.

(II) Release all salmon except hatchery Chinook and sockeye.

(B) Open August 1 through December 31:

(I) Limit 6; no more than 2 adult salmon, or one adult salmon and one hatchery steelhead, may be retained, except August 1 through August 31 release all steelhead.

(II) Release all salmon except Chinook and hatchery coho.

(III) Closed to fishing for salmon and steelhead November 1 through December 31 from Beacon Rock to Bonneville Dam.

(v) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.

(vi) Shad: Open May 16 through March 31.

(d) **From Bonneville Dam to The Dalles Dam:**

(i) Closed waters:

(A) Within one quarter mile of the USFWS Spring Creek Hatchery Grounds, between posted markers located one quarter mile on either side of the fish ladder entrance.

(B) At The Dalles between the upstream line of The Dalles Dam to the upstream side of the Interstate 197 Bridge, except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore.

(ii) Release all trout, except anglers may retain hatchery steelhead.

(iii) Salmon and steelhead:

(A) When open from March 16 through June 15:

(I) Bank fishing only from Bonneville Dam to Tower Island powerlines (approximately 6 miles below The Dalles Dam).

(II) Only hand-cast lines may be used. It is unlawful to use a floating device to set lines for salmon and steelhead.

(B) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or ~~((2))~~ one adult salmon and one hatchery steelhead~~((, or one of each))~~, may be retained.

(II) Release all salmon except sockeye and hatchery Chinook.

(C) Open August 1 through December 31:

(I) August 1 through October 15: Anti-snagging rule applies ~~((and night closure in effect))~~. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(II) Limit 6; no more than 2 ~~((adults, of which no more than 2 adult salmon or 2))~~ adult salmon, one adult salmon and one hatchery steelhead~~((, or one of each))~~ may be retained, except ((September 1 through December 31 when no more than one hatchery steelhead may be retained)) from August 1 through August 31 release all steelhead.

(III) Release all salmon except Chinook and coho.

(IV) Release wild coho from Bonneville Dam to Hood River Bridge.

(iv) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.

(e) **From The Dalles Dam to McNary Dam:**

(i) Closed waters:

(A) At John Day Dam between the upstream line of John Day Dam to markers approximately 3,000 feet downstream, except that bank fishing is permitted up to 400 feet below the fishway entrance on the Washington shore.

(B) At McNary Dam between the upstream line of McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing-wall of the boat lock near the Washington shore.

(ii) Release all trout except hatchery steelhead.

(iii) Salmon and steelhead:

(A) When open from March 16 through June 15:

(I) Anglers may possess up to 4 hatchery adult Chinook salmon in fresh form.

(II) Anglers aboard a boat may only possess one daily limit of salmon in fresh form.

(B) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or ~~((2))~~ one adult salmon and one hatchery steelhead~~((, or one of each))~~, may be retained.

(II) Release all salmon except hatchery Chinook and sockeye.

(C) Open August 1 through December 31:

(I) August 1 through October 15: Anti-snagging rule applies ~~((and night closure in effect))~~. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(II) Limit 6; no more than 2 adults, of which no more than 2 may be adult salmon or ~~((2))~~ one adult salmon and one hatchery steelhead~~((, or one of each))~~, except ~~((September 1 through December 31 when no more than one hatchery steelhead may be retained))~~ release all steelhead from The Dalles Dam upstream to John Day Dam September 1 through September 30 and from John Day Dam upstream to McNary Dam September 1 through October 31.

(III) Release all salmon except Chinook and coho.

(iv) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.

**(f) From McNary Dam to Highway 395 Bridge at Pasco:**

(i) ~~((The Snake River Confluence Protection Area includes waters of the Columbia River from the railroad bridge between Burbank and Kennewick, upstream approximately 2.1 miles to the first power line crossing the Columbia upstream of the navigation light on the point of Sacajawea State Park. For all species, limits, seasons, size restrictions and gear restrictions are the same as those in the adjacent portion of the Snake River.))~~ Columbia River rules apply downstream of the Burbank-to-Pasco railroad bridge at Snake River mile 1.5.

(ii) From June 16 through December 31, night closure in effect for all anglers except anglers enrolled in the Pikeminnow Reward Program fishing and targeting pikeminnow.

(iii) Release all trout except hatchery steelhead.

~~((iii))~~ (iv) Salmon and steelhead:

(A) When open from March 16 through June 15 from McNary Dam to the Washington/Oregon border:

(I) Anglers may possess up to 4 hatchery adult Chinook in fresh form.

(II) Anglers aboard a boat may only possess one daily limit of salmon in fresh form.

(B) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or ~~((2))~~ one adult salmon and one hatchery steelhead~~((, or one of each)),~~ may be retained.

(II) Release all salmon except hatchery Chinook and sockeye.

(C) Open August 1 through December 31:

(I) Limit 6; no more than 2 adult salmon or ~~((2))~~ one adult salmon and one hatchery steelhead ~~((or one of each))~~ may be retained, except ((November 1 through December 31 when no more than one hatchery steelhead may be retained)) October 1 through November 30 release all steelhead.

(II) Release all salmon except Chinook and coho.

~~((iv))~~ (III) Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(v) Steelhead: Open January 1 through March 31. Daily limit 2 hatchery steelhead.

**(g) From the Highway 395 Bridge at Pasco to the Interstate 182 Bridge:**

(i) Closed waters: Within a 400 foot radius of the Columbia Irrigation District (CID) fish barrier at the mouth of the CID wasteway at Columbia Park.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) From October 1 through December 31, night closure in effect for all anglers except anglers enrolled in the Pikeminnow Reward Program fishing and targeting pikeminnow.

(iv) Trout:

(A) October 1 through ~~((October))~~ December 31 release all trout, except ~~((2))~~ one hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) ~~((November))~~ January 1 through March 31 release all trout, except anglers may retain ~~((up to 2))~~ one hatchery steelhead.

~~((iv))~~ (v) Salmon:

(A) Open June 16 through August 15:

(I) Limit ~~((3))~~ 4; no more than ~~((1))~~ one adult hatchery Chinook salmon and no more than 2 sockeye salmon may be retained.

(II) Release wild adult Chinook ~~((and sockeye salmon)).~~

(B) Open August 16 through October ~~((31))~~ 22: Limit 6; no more than ~~((3))~~ 2 adult salmon may be retained. Once the adult salmon or steelhead limit is retained, anglers may not continue to fish for either species the remainder of the day.

**(h) From the Interstate 182 Bridge to the Old Hanford townsite wooden powerline towers, in Sec. 30, T13N, R28E:**

(i) Closed waters:

(A) The area of the Columbia River between the markers located 100 feet upstream and 100 feet downstream of the Ringold Springs Hatchery Creek, and extending 100 feet towards the middle of the river.

(B) September 1 through November 30: West Branch Esquatzel Coulee Block 1 Irrigation Wasteway Lagoon in the Columbia River.

(ii) Ringold Area Bank Fishery waters, from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet, to WDFW markers 1/2 mile upstream from Spring Creek:

(A) Fishing is allowed only from the bank and only on the hatchery side of the river.

(B) Release all trout, except anglers may retain ~~((up to 2))~~ one hatchery steelhead from April 1 through April 15.

(iii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iv) From October 1 through December 31, night closure in effect for all anglers except anglers enrolled in the Pikeminnow Reward Program fishing and targeting pikeminnow.

(v) Trout:

(A) October 1 through ~~((October))~~ December 31 release all trout, except ~~((2))~~ one hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) ~~((November))~~ January 1 through March 31 release all trout, except anglers may retain ~~((up to 2))~~ one hatchery steelhead.

~~((iv))~~ (vi) Salmon:

(A) Open June 16 through August 15:

(I) Limit ~~((4))~~ 6; no more than 2 adult hatchery Chinook and no more than 3 sockeye salmon may be retained.

(II) Release wild adult Chinook ~~((and sockeye)).~~

(B) Open August 16 through October ~~((31))~~ 22: Limit 6; no more than ~~((3))~~ 2 adult salmon may be retained. Once the adult salmon or steelhead daily limit has been retained, anglers may not continue to fish for either species the remainder of the day.

**(i) From the Old Hanford townsite wooden power line towers, in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24):**

(i) Open February 1 through October 22.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open June 16 through August 15:

(I) Limit ((4)) 6; no more than 2 adult hatchery Chinook and no more than 3 sockeye salmon may be retained.

(II) Release wild adult Chinook ((and sockeye)).

(B) Open August 16 through October 22: Limit 6; no more than ((3)) 2 adult salmon may be retained.

**(j) From Vernita Bridge (Highway 24) to Priest Rapids Dam:**

(i) Closed waters:

(A) At Priest Rapids Dam; waters between the upstream line of Priest Rapids Dam downstream to the boundary markers 650 feet below the fish ladders.

(B) At Jackson (Moran) Creek, or Priest Rapids Hatchery Outlet Creek; waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia River between boundary markers located 100 feet upstream and 400 feet downstream of the mouth.

(ii) For all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open June 16 through August 15:

(I) Limit ((4)) 6; no more than 2 adult hatchery Chinook and no more than 3 sockeye salmon may be retained.

(II) Release wild adult Chinook ((and sockeye)).

(B) Open August 16 through October 22: Limit 6; no more than ((3)) 2 adult salmon may be retained.

**(k) From Priest Rapids Dam to Rock Island Dam:**

(i) Closed waters:

(A) Wanapum Dam, between the upstream line of Wanapum Dam to the boundary markers 750 feet downstream of the east fish ladder and 500 feet downstream of the west fish ladder.

(B) Rock Island Dam, between the upstream line of Rock Island Dam to boundary markers 400 feet downstream of the fish ladders.

(ii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) Release all trout.

(iv) Salmon:

(A) Open July 1 through August 31:

(I) Minimum size 12 inches; limit 4; no more than 2 adult hatchery Chinook may be retained.

(II) Release ((soekeye,)) coho and wild adult Chinook.

(B) Open September 1 through October 22: Open for Chinook only; limit 6, no more than 3 adults may be retained. ((Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.))

**(l) From Rock Island Dam to Wells Dam:**

(i) Closed waters:

(A) At Rocky Reach Dam between the upstream line of the dam to boundary markers 400 feet downstream of the fish ladders.

(B) At Wells Dam, between the upstream line of Wells Dam to boundary markers 400 feet downstream of the spawning channel discharge (on Chelan County side) and fish ladder (on Douglas County side).

(ii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) Release all trout.

(iv) Salmon open July 1 through October 15:

(A) Minimum size 12 inches; limit 4; no more than 2 adult hatchery Chinook may be retained.

(B) Release ((soekeye,)) coho and wild adult Chinook.

**(m) From Wells Dam to Highway 173 Bridge at Brewster:**

(i) July 16 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(ii) ((Release all trout.)) Hatchery trout: Open July 16 through August 15. Minimum size 12 inches. Daily limit 10. Barbless hooks required.

(iii) Salmon open July 16 through August 31:

(A) Minimum size 12 inches; limit 4; no more than 2 adult hatchery Chinook may be retained.

(B) Release ((soekeye,)) coho and wild adult Chinook.

**(n) From Highway 173 Bridge at Brewster to Chief Joseph Dam:**

(i) Closed waters:

(A) From the Okanogan County shore between Chief Joseph Dam and the Highway 17 Bridge.

(B) From the Douglas County shore from Chief Joseph Dam to the rock jetty at the upstream shoreline of Foster Creek.

(ii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iii) It is unlawful to fish from a floating device downstream of Chief Joseph Dam from the boundary marker to the Corps of Engineers safety zone marker.

(iv) ((Release all trout.)) Hatchery trout: Open July 1 through August 15. Minimum 12 inches. Daily limit 10. Barbless hooks required.

(v) Salmon: Open July 1 through October 15:

(A) Minimum size 12 inches; limit 4; no more than 2 adult hatchery Chinook may be retained.

(B) Release ((soekeye,)) coho and wild adult Chinook.

(o) **Above Chief Joseph Dam:** See Rufus Woods Lake in WAC 220-310-195.

(p) **Above Grand Coulee Dam:** See Lake Roosevelt in WAC 220-310-195.

**WSR 17-13-115**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**ENTERPRISE SERVICES**

[Filed June 20, 2017, 2:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-07-138.

Title of Rule and Other Identifying Information: Update chapter 200-110 WAC, Local government self-insurance health and welfare program.

Hearing Location(s): Room 2320, 1500 Jefferson, Olympia, WA, on July 25, 2017, at 2 p.m. to 4 p.m.

Date of Intended Adoption: July 28, 2017.

Submit Written Comments to: Online <https://www.surveymonkey.com/r/LGSIHWR>. Comments will be accepted through July 27, 2017, 5:00 p.m. PDT.

Assistance for Persons with Disabilities: Contact Jack Zeigler by July 18, 2017, phone (360) 407-9209 or email [jack.zeigler@des.wa.gov](mailto:jack.zeigler@des.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to update chapter 200-110 WAC, Local government self-insurance health and welfare program rules, in order to resolve incorrect references and information, align with recent amendments to other self-insurance rules, and align with the transfer of state risk management from office of financial management (OFM) to department of enterprise services (DES).

The following areas will be addressed by this proposal:

- Fees set by the health and welfare advisory board (eliminated in 2010).
- Payment made to OFM.
- Antiquated language in relation to federal and other health care regulations.
- Clarify the roles and responsibilities of the state risk manager.
- Establish clear time frames and requirements for compliance reporting.
- Update standards for solvency to ensure local governments are able to pay health care claims for employees.

Reasons Supporting Proposal: Current rules are no longer current as a result of statutory changes and agency practices. Without these changes the rules may promote misunderstanding and inefficiency in state government. Further, lack of clarity increases the risk of noncompliance.

Statutory Authority for Adoption: RCW 48.62.061 Rule making by state risk manager—Standards.

Statute Being Implemented: RCW 48.62.061 Rule making by state risk manager—Standards.

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

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: The department has no comments or recommendations.

Name of Proponent: DES, governmental.

Name of Agency Personnel Responsible for Drafting: Jack Zeigler, 1500 Jefferson, Olympia, WA, (360) 407-9209; Implementation: Shannon Stuber, 1500 Jefferson, Olympia, WA, (360) 407-8153; and Enforcement: Jason Siems, 1500 Jefferson, Olympia, WA, (360) 407-8729.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required. These rules only

impact local governments and have no impact to small business.

A cost-benefit analysis is not required under RCW 34.05.328. DES is not an agency listed in RCW 34.05.328 (5)(a)(i). Further, DES does not voluntarily make section 201 applicable to this rule adoption nor to date, has the joint administrative rules review committee made section 201 applicable to this rule adoption.

June 20, 2017

Jack Zeigler

Rules and Policy Manager

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

**WAC 200-110-040 Standards for solvency—Program funding requirements.** (1) All individual and joint health and welfare programs self-insuring medical benefits shall((:

~~(a))~~ establish program reserves in an amount equal to ~~((eight))~~ sixteen weeks of program expenses((:

~~(b) Maintain an aggregate stop-loss insurance policy with an attachment point set at or below one hundred twenty-five percent of annual expected claim costs; and~~

~~(c) Establish by ordinance or resolution of the governing body, an additional contingency reserve in the following amounts:~~

~~(i) For joint programs, an amount equal to at least eight weeks of program expenses;~~

~~(ii) For individual programs, an amount equal to at least eight weeks of program expenses (recommended), or a different amount approved by the state risk manager in writing.~~

~~(2) In lieu of the requirements stated in WAC 82-65-040(1), all individual and joint health and welfare programs self-insuring medical benefits must obtain an independent actuarial study and fund to the actuarially determined program liability.~~

~~(3) All individual and joint health and welfare self-insurance programs providing either vision, dental or prescription drug benefit programs or any combination of programs thereof shall establish and maintain program reserves in an amount not less than eight weeks of program expenses for each program offered. An additional contingency reserve established by the governing body is recommended, but not required).~~

(2) All individual and joint health and welfare self-insurance programs providing either vision, dental or prescription drug benefits or any combination of programs thereof shall establish and maintain program reserves in an amount not less than eight weeks of program expenses for each program offered. An additional contingency reserve is recommended, but not required.

(3) In lieu of the requirements stated in subsections (1) and (2) of this section, all individual and joint health and welfare self-insurance programs providing either medical, vision, dental or prescription drug benefits or any combination thereof must obtain an independent actuarial study of estimated outstanding program liabilities as of fiscal year ending and maintain funds equal to or greater than the actuarially determined program liability at fiscal year ending.

(4) All programs in existence less than one year shall establish reserves according to the initial plan submitted and approved by the state risk manager.

(5) Self-insurance programs that do not meet requirements for program reserves as of the program's year end shall notify the state risk manager of the condition. The state risk manager shall require the program submit a corrective action plan within sixty days of year end. The state risk manager will notify the program in writing of denial or approval of the corrective action plan within thirty days of submission.

(6) Failure to meet the requirements of the approved corrective action plan may result in further remedial action by the state risk manager, including the service of a cease and desist order upon the program.

**AMENDATORY SECTION** (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

**WAC 200-110-060 Standards for operations—Standards for management—Disclosures.** (1) All individual health and welfare self-insurance programs shall furnish each employee or retiree covered by the program with a written description or access to an electronic description of the benefits allowable under the program, together with:

- (a) Applicable restrictions, limitations, and exclusions;
- (b) The procedure for filing a claim for benefits;
- (c) The procedure for requesting an adjudication of disputes or appeals arising from beneficiaries regarding the payment or denial of any claim for benefits; and
- (d) A schedule of any direct monetary contributions toward the program financing required by the employee.

Such benefits or procedures shall not be amended without written notice to the covered employees at least thirty days in advance of the effective date of the change unless exigent circumstances can be demonstrated.

(2) All joint self-insurance programs shall ensure every member of the program receives written plan documents or access to electronic plan documents which describe:

- (a) All coverages or benefits currently provided by the program, including any applicable restrictions, limitations, and exclusions;
- (b) The method by which members pay assessments;
- (c) The procedure for filing a claim; and
- (d) The procedure for a member to request an adjudication of disputes or appeals arising from coverage, claim payment or denial, membership, and other issues.

Such statements shall not be amended without written notice to the members at least thirty days in advance of the effective date of the change unless exigent circumstances can be demonstrated.

**AMENDATORY SECTION** (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

**WAC 200-110-090 Standards for management—Standards for operations—Financial plans.** (1) All self-insurance programs shall maintain a written plan for managing the financial resources of the program. The financial plan shall include:

- (a) A procedure for accounting for moneys received, payments made and liabilities of the joint program which

complies with generally accepted accounting principles. For individual programs, a separate fund to account for revenues and expenses associated with the program is recommended, but not required;

(b) An investment policy which conforms to RCW 48.62.111 governing the investments of the program; and

(c) All individual and joint self-insurance programs shall ensure the preparation and submission of accurate and timely annual ((financial)) reports to the state risk manager within one hundred fifty days of fiscal year end.

Joint self-insurance programs ((shall ensure the submission of)) providing medical benefits must submit to the state risk manager unaudited financial statements as prescribed by the state auditor's office within one hundred fifty days of fiscal year end. Joint self-insurance programs ((shall ensure the submission of)) providing medical benefits must submit to the state risk manager audited financial statements ((to the state risk manager)) as prescribed by the state auditor's office within one year of the program's fiscal year end.

(2) No financial plan of an individual self-insurance program shall permit interfund loans from assets held against liabilities for unpaid claims and claim adjustment expenses except for those amounts which are clearly inactive or in excess of program reserve and contingency reserve requirements.

(3) No financial plan of a joint self-insurance program shall permit loans to any member.

**AMENDATORY SECTION** (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

**WAC 200-110-100 Standards for management—Standards for contracts—Third-party administrator contracts.** Before contracting for third-party administrator professional services, all self-insurance programs shall establish and maintain written procedures for contracting with third-party administrators. Entering a contract for services shall not relieve the governing body of the self-insurance program of its ultimate governing, managerial and financial responsibilities. The procedures shall, as a minimum:

- (1) Provide a method of third-party administrator selection using a competitive solicitation process;
- (2) Require a complete written description of the services to be provided, remuneration levels, contract period and expiration date;

(3) Provide for the confidentiality of the program's information, data and other intellectual property developed or shared during the course of the contract;

(4) Provide for the program's ownership of the information, data, and other intellectual property developed or shared during the course of the contract;

(5) Provide for the expressed authorization of the self-insurance program, consultants to the program, the state auditor, the state risk manager, or their designees, to enter the third-party administrator's premises to inspect and audit the records and performance of the third-party administrator which pertains to the program and to obtain such records electronically ((with)) when audit travel costs can be eliminated or reduced;

(6) Require the compliance with all applicable local, state and federal laws;

(7) Establish a monitoring and acceptance procedure to determine compliance with third-party administrator contract requirements; and

(8) Establish indemnification provisions and set forth insurance requirements between the parties.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

**WAC 200-110-110 Standards for contracts—Joint self-insurance programs—Competitive solicitation standards for consultant contracts.** Every joint self-insurance program shall use a competitive solicitation process in the selection of consultants. The process shall provide an equal and open opportunity to qualified parties and shall culminate in a selection based on preestablished criteria which may include such factors as the consultant's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts. Bid responses, solicitation documents and evidence of publication shall be retained in accordance with laws governing public records and shall be available for review by the state risk manager and state auditor.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

**WAC 200-110-130 Standards for management and operations—State risk manager reports.** (1) Every individual and joint health and welfare self-insurance program authorized to transact business in the state of Washington shall electronically submit the annual report to the state risk manager no later than one hundred fifty days following the completion of the program's fiscal year. Programs that terminate operations shall continue to submit annual reports until all claims have been paid.

(2) Joint self-insurance programs offering medical benefits shall electronically submit annual financial statements in the format prescribed by the state auditor's office. All individual and joint self-insurance programs shall electronically submit the revenue, expenses and other financial data on a form provided by the state risk manager.

(3) All individual and joint self-insurance programs providing medical benefits and maintaining reserves of less than ~~((eight))~~ sixteen weeks of program expenses shall submit ~~((a))~~ a written actuarial ~~((study))~~ estimate of outstanding program liabilities as of fiscal year ending.

(4) All individual and joint self-insurance programs shall submit electronically a list of contracted consultants with the annual report to the state risk manager.

(5) Joint self-insurance programs shall submit electronically the following additional information as part of the annual report to the state risk manager:

(a) Details of changes in articles of incorporation, bylaws or interlocal agreement;

(b) Details of ongoing significant services provided by contract to nonmembers;

(c) List of local government members added to or terminated from the program.

(6) All individual and joint self-insurance programs not meeting reserve requirements as of fiscal year ending as described in WAC ~~((82-65-040-sha))~~ 200-110-040 may be required by the state risk manager to submit quarterly reports ~~((in electronic form))~~ until notified by the state risk manager that reserving standards have been met.

(7) Failure to provide required financial reports may result in corrective action by the state risk manager. Such actions may include:

(a) Increase in frequency of examinations;

(b) On-site monitoring by the state risk manager;

(c) Service of a cease and desist order upon the program.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

**WAC 200-110-150 Standards for management and operations—Conflict of interest.** (1) Every individual and joint self-insurance program shall require the third-party administrator ~~((; the actuary;))~~ and the broker of record to contract separately with the self-insurance program. Each contract ~~((shall require that a written statement be submitted to the program on a form provided by the state risk manager providing assurance))~~ between a self-insurance program and a broker or third-party administrator must include a statement that no conflict of interest exists prior to acceptance of the contract by the self-insurance program.

(2) All self-insurance programs shall meet the following standards regarding restrictions on the financial interests of the program administrators:

(a) No member of the board of directors; trustee; administrator, including a third-party administrator; or any other person having responsibility for the management or administration of a self-insurance program or the investment or other handling of the program's money shall:

(i) Receive directly or indirectly or be pecuniarily interested in any fee, commission, compensation, or emolument arising out of any transaction to which the program is or is expected to be a party except for salary or other similar compensation regularly fixed and allowed for because of services regularly rendered to the program.

(ii) Receive compensation as a consultant to the program while also acting as a member of the board of directors, trustee, third-party administrator, or as an employee.

(iii) Have any direct or indirect pecuniary interest in any loan or investment of the program.

(b) No consultant or legal counsel to the self-insurance program shall directly or indirectly receive or be pecuniarily interested in any commission or other compensation arising out of any contract or transaction between the self-insurance program and any insurer, health care service contractor, health care supply provider or consultant.

(c) Brokers of record for the self-insurance program may receive compensation for insurance transactions performed within the scope of their licenses. The terms of compensation shall be provided for by contract between the broker of record and the self-insurance program, and the amount or percentage of the compensation must be disclosed in ~~((writing))~~ the con-

tract between the parties. Contracts between brokers of record and the self-insurance program shall include a provision that contingent commissions or other form of compensation not specified in the contract shall not be paid to the broker of record as a result of any self-insurance program insurance transactions. ~~((The self-insurance program shall establish a contract provision which requires the broker provide to the program a written annual report on a form provided by the state risk manager which discloses the actual financial compensation received. The report shall include verification that no undisclosed commission was received as a result of any such insurance transaction made on behalf of the program.))~~

(d) No third-party administrator shall serve as an officer or on the board of directors of a self-insurance program.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

**WAC 200-110-160 Standards for operations—State risk manager—Expense and operating cost fees.** (1) The state risk ~~((manager, with concurrence from the health and welfare advisory board,))~~ manager shall fix state risk manager fees to cover expenses and operating costs of the state risk manager's office in administering chapter 48.62 RCW. Such fees shall be levied against each individual and joint health and welfare benefit self-insurance program regulated by chapter 48.62 RCW. Services covered by the state risk manager fees will include program reviews, monitoring and continuing oversight.

(2) The state risk manager fees shall be paid by each self-insurance program to the state of Washington, ~~((office of financial management))~~ department of enterprise services, within sixty days of the date of invoice. Any self-insurance program failing to remit its fee when due is subject to denial of permission to operate or to a cease and desist order until the fee is paid.

(3) A self-insurance program that has voluntarily or involuntarily terminated shall continue to pay an administrative fee until such time as all liabilities for unpaid claims and claim adjustment expenses and all administrative responsibilities of the self-insurance program have been satisfied.

(4) The state risk manager shall assess each prospective joint health and welfare self-insurance program and each prospective individual health and welfare benefit self-insurance program, an initial investigation fee at a rate determined annually by the state risk manager ~~((, with the concurrence of the advisory boards)).~~

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

**WAC 200-110-220 Standards for operation—Providing services to nonmembers.** (1) Nonmember local governments may purchase claims administration, risk management, claims processing and/or other ongoing significant support services through an interlocal agreement as authorized by chapter 39.34 RCW. Nonmembers shall not participate in any coverages of the joint self-insurance program including the self-insured retention layer and the excess insurance or reinsurance layer. This section is not intended to

preclude nonmembers purchasing services from becoming members of the joint self-insurance program, provided the nonmember meets the requirements of WAC ~~((82-65-210))~~ 200-110-210 and is eligible for membership as authorized by RCW 48.62.021(1). This section is not intended to limit programs from providing occasional risk management or other support services to nonmembers, but is intended to provide standards for members providing ongoing significant services to nonmembers.

(2) A program intending to provide ongoing significant services to nonmembers shall submit a written plan to the state risk manager for approval prior to providing services. The plan shall include, at a minimum, the services to be provided, the time frame for providing such services, the expected revenues and expenditures resulting from providing said services, and a written legal determination of all potential federal and state tax liabilities created by providing services to nonmembers. The arrangement to provide such services shall be approved in writing by the state risk manager within sixty days of the joint self-insurance program's final plan submission.

(3) Every joint self-insurance program providing ongoing significant services to nonmembers as of the effective date of these regulations must submit a written plan meeting the requirements stated herein.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

**WAC 200-110-230 Standards for operation—Communication with members—Annual membership report.** Every joint self-insurance program shall make available to each member a copy of the program's annual membership report. The annual membership report shall include, at a minimum, financial information which includes the ~~((comparative balance sheet))~~ statement of net position and statement of revenues ~~((and expenses))~~ and net assets. The reports shall be delivered to each member by electronic or regular mail. Programs may meet the delivery requirement by publishing and maintaining the membership report on the official web site of the program for a minimum of three years from the date of publication.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

**WAC 200-110-240 Standards for operation—Notice of regular meetings of the governing body.** Every joint self-insurance program shall provide every member with a notice of the time and place of each regular meeting of the governing body at least ten days prior to the meeting. The notice shall be ~~((delivered))~~ provided in electronic or paper form, and the time and location of each meeting shall be included in such notice. The state risk manager shall be provided a copy of all meeting notifications to members in the same form, manner and time as provided to members. In addition to electronic or regular mail, programs shall publish notification of regular meetings on the electronic web site of the program accessible to the public. Notice of regular meetings shall comply with the meeting notification requirements of chapter 42.30 RCW or be published at least ten days in

advance of regular meetings, whichever notification time is greater.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

**WAC 200-110-260 Standards for operations—Meeting agendas—Meeting minutes.** Every joint self-insurance program will provide the state risk manager and every member with a preliminary agenda in advance of each meeting of the governing body. The agenda shall be delivered by electronic mail and shall be posted on the web site of the program accessible to the public. Meeting minutes, after approval, shall be ~~((provided to the state risk manager and every member of the program by electronic mail and shall be))~~ posted on the web site of the program accessible to the public.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

**WAC 200-110-280 Standards for operation—Changes to interlocal agreement.** (1) Changes to any terms of the interlocal agreement shall be by amendment and shall be approved by ((a majority of the members, or by a greater majority if provided for in the bylaws or interlocal agreement of the joint self-insurance program. Changes to the interlocal agreement shall be approved during a regular meeting of the governing body or by mail in ballot. If mail in ballots are used, the ballots are to be secured and remain unopened until the next regular meeting of the governing body. The opening and counting of the ballots shall be conducted by the governing body of the joint self-insurance program during the next regular meeting and retained in compliance with public records retention laws. Each ballot shall be read orally as to the member name and vote, either in the affirmative or negative, and recorded in the meeting minutes)) the governing body of each joint self-insurance program during a regular meeting of the governing body.

(2) Amendments to the interlocal agreement shall be adopted by ordinance or resolution of the governing board or council of each member and signed by an authorized representative of each member. The resolution or ordinance shall include, but not be limited to, an acknowledgment that the member is subject to assessments and reassessments if required by the joint self-insurance program. The signed amendment and copy of the ordinance or resolution, as appropriate, shall be submitted to, and retained by, the joint self-insurance program. Copies of the interlocal agreement and subsequent amendments shall be published on the electronic web site of the joint self-insurance program.

(3) Changes to any terms of the interlocal agreement shall require amendment using the approval and adoption process described above.

(4) ~~((The addition of new members to a joint self-insurance program and/or the subscription of the interlocal agreement by said new members shall not be considered as amendments to the interlocal agreement.))~~ Each new member joining a joint self-insurance program after the formation of the program shall sign a copy of the most current interlocal agreement and copies of all subsequent amendments to that agreement that have been adopted by the governing body of

the joint self-insurance program. The joint self-insurance program shall retain the signed interlocal agreements and amendments until termination of the program occurs.

(5) When a new interlocal agreement is adopted by the governing body of the joint self-insurance program to replace the existing interlocal agreement and incorporate amendments, the new interlocal agreement shall be adopted by ordinance or resolution of each member of the joint self-insurance program. The new interlocal agreement shall be signed by an authorized representative of each member. The signed interlocal agreement and a copy of the ordinance or resolution adopting the program shall be submitted to, and retained by, the joint self-insurance program until termination of the program occurs.

## WSR 17-13-121

### PROPOSED RULES

### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 21, 2017, 10:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-08-084.

Title of Rule and Other Identifying Information: WAC 392-502-030 Online learning—Approval assurances, criteria, and performance targets.

Hearing Location(s): Office of Superintendent of Public Instruction (OSPI), 600 South Washington Street, Olympia, WA 98501, on July 27, 2017, at 11:30 a.m.

Date of Intended Adoption: July 31, 2017.

Submit Written Comments to: Rhett Nelson, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, email Rhett.nelson@k12.wa.us, fax (360) 725-4994, by July 27, 2017.

Assistance for Persons with Disabilities: Contact Kristin Murphy by July 18, 2017, 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 amendment would update WAC 392-502-030 to extend OSPI's performance target requirement for online learning providers while these targets are reviewed, and while data systems are developed to accurately measure the performance data elements. The proposal also clarifies and sets an initial data submission for online course providers.

Reasons Supporting Proposal: The proposed rule will allow OSPI to support approved course providers and the schools that use them to ensure performance standards will be met when implemented.

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 Implementation: Rhett Nelson, OSPI, 600 South Washington Street, Olympia, WA, (360) 725-4971; and Enforcement: Lillian Hunter, OSPI, 600 South Washington Street, Olympia, WA, (360) 725-6237.



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, 2017  
Chris P. S. Reykdal  
Superintendent of  
Public Instruction

**AMENDATORY SECTION** (Amending WSR 16-16-076, filed 7/29/16, effective 8/29/16)

**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 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, ~~((2017))~~ 2018, 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, ~~((2017))~~ 2018, 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 October 1, 2017, online course providers must supply prior year student-level enrollment and performance information to the superintendent of public instruction in the form the superintendent prescribes. Online course pro-

viders must also supply the superintendent with a list of each district in the state that they served in the prior year.

~~((f) Beginning September 1, ((2017)) 2018, 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 17-13-122

### PROPOSED RULES

### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 21, 2017, 10:10 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 17-07-115.

Title of Rule and Other Identifying Information: WAC 392-343-515 Modernization or new-in-lieu of modernization priority elements, 392-343-535 Existing building condition—Evaluation, 392-344-085 Construction and other documents—Submittal, and 392-347-023 State funding assistance in post 1993 buildings [facilities].

Hearing Location(s): Office of Superintendent of Public Instruction (OSPI), Old Capitol Building, 600 South Washington Street, Olympia, WA 98501, on July 27, 2017, at 10:30 a.m.

Date of Intended Adoption: July 31, 2017.

Submit Written Comments to: Scott Black, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, email school facilitiesrules@k12.wa.us, fax (360) 586-3946, by July 27, 2017.

Assistance for Persons with Disabilities: Contact Kristin Murphy by July 18, 2017, 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 making amends OSPI's current school facilities funding rules to replace references to the building condition evaluation form (BCEF) with building condition assessment (BCA).

Reasons Supporting Proposal: BCA was adopted in 2009-2010 as the BCA tool for the purposes of completing study and surveys and complying with asset preservation program requirements. Historically, the BCEF has been used for the sole purpose of assessing the condition of school facilities as part of the required prioritization for state funding. This amendment would adopt the BCA condition assessment tool as the only tool OSPI uses whenever a BCA is required to comply with any OSPI school facilities funding requirement such as prioritization.

Statutory Authority for Adoption: RCW 28A.150.290.

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

Name of Agency Personnel Responsible for Drafting and Implementation: Scott Black, OSPI, 600 South Washington Street, Olympia, WA, (360) 725-6268; and Enforcement: Randy Newman, OSPI, 600 South Washington Street, Olympia, WA, (360) 725-6265.

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, 2017  
Chris P. S. Reykdal  
Superintendent of  
Public Instruction

AMENDATORY SECTION (Amending WSR 10-09-008, filed 4/8/10, effective 5/9/10)

**WAC 392-343-515 Modernization or new-in-lieu of modernization priority elements. School district projects with secured funding assistance as of July 2018.** The ~~((three))~~ two priority elements that are related to modernization or new-in-lieu projects are as follows:

(1) Health & safety - Twenty possible points. A maximum of ~~((sixteen))~~ twenty points are awarded based on the ~~((evaluation))~~ assessment contained in the ~~((Building Condition Evaluation Form (BCEF) (WAC 392-343-535) and are awarded as follows:~~

~~15 – 19 percent = 16 points, 20 – 24 percent = 15 points, 25 – 29 percent = 14 points, etc., until 95 percent at which no points are awarded.~~

~~The health and safety condition points are combined with an additional:~~

~~Two points if school does not meet seismic code requirements.~~

~~Two points if school is not asbestos free))~~ Health and Safety Assessment form (WAC 392-343-535). In cases where projects affect multiple buildings, the health and safety score is weighted by the proportion of gross square feet (GSF) affected.

(2) Condition of building - Thirty possible points. The ~~((score is))~~ total points are based on the building condition ((Evaluation Form (WAC 392-343-535) analysis for all cate-

gories other than access for persons with developmental disabilities)) assessment (BCA) as recorded in the superintendent of public instruction's information and condition of schools (ICOS) system (WAC 392-343-535). If the building condition score is thirty-one or less, ~~((then))~~ the maximum thirty points are awarded to the project. If the condition score is ninety-one or more, ~~((then))~~ no points are awarded. If the condition score is from thirty-two to ninety, the condition score is subtracted from ninety-one and multiplied by fifty percent to determine the points. In cases where projects affect multiple buildings, the ~~((BCEF))~~ BCA score is weighted by the proportion of gross square feet (GSF) affected.

~~((3) Cost/benefit factor – Ten minus points possible. If the proposed project is a modernization and the BCEF score is less than forty, one point is deducted for each point the BCEF score is less than forty up to a total possible deduction of ten points.~~

~~If the proposed project is a new in lieu of modernization and the BCEF score is greater than sixty, one point is deducted for each point the BCEF score is higher than sixty to a total possible deduction of ten points.)~~

The scores shall be determined at the time of project approval per WAC 392-341-045. These scores shall be carried until the district requests a redetermination.

AMENDATORY SECTION (Amending WSR 10-09-008, filed 4/8/10, effective 5/9/10)

**WAC 392-343-535 Existing building condition—~~((Evaluation))~~ Assessment. School district projects with secured funding assistance as of July 2018.** Building condition assessment (BCA) and health and safety ~~((evaluations))~~ assessments for purposes of determining priority scores and completing building inventories shall be conducted and reported to the superintendent of public instruction ~~((utilizing an evaluation model))~~. Assessment scores shall be recorded in the superintendent of public instruction's information and condition of schools (ICOS) system and on reporting forms for building type, history, equipment, condition, and health and safety factors, ~~((and portables on site))~~ that shall be adopted and subject to revision from time to time by the superintendent of public instruction. The information provided by the district on these forms shall be subject to review by the staff or agents of the superintendent of public instruction, or to audit by the state auditor. Compliance with this requirement for all schools in a district is a requirement for the receipt of any state construction funding assistance for projects approved after January 26, 1991.

AMENDATORY SECTION (Amending WSR 10-09-008, filed 4/8/10, effective 5/9/10)

**WAC 392-344-085 Construction and other documents—Submittal. School district projects with secured funding assistance as of July 2018.** (1) For the purpose of determining that the provisions set forth in chapters 392-341 through 392-344 WAC have been complied with prior to the opening of bids of any project to be financed with state funding assistance, the school district shall have on file with the superintendent of public instruction the following:

(a) One copy of the construction documents forwarded by others;

(b) Cost estimate of construction on a form approved by the superintendent of public instruction, completed and signed by the architect-engineer;

(c) Signed copy or photocopy of letters of approval by other governmental agencies in accordance with WAC 392-344-090;

(d) Area analysis on a form approved by the superintendent of public instruction in accordance with chapter 392-343 WAC;

(e) Complete listing of construction special inspections and/or testing to be performed by independent sources that are included in the project pursuant to WAC 392-343-100;

(f) School district board acceptance of a value engineering report and its implementation.

The report shall include the following:

(i) A brief description of the original design;

(ii) A brief description of the value engineering methodology used;

(iii) The areas analyzed;

(iv) The design alternatives proposed;

(v) The cost changes proposed;

(vi) The alternates accepted; and

(vii) A brief statement explaining why each alternate not accepted was rejected;

(g) Certification by the school district that a constructability review report was completed.

The report shall include:

(i) A brief description of the constructability review methodology used;

(ii) The area analyzed;

(iii) The recommendations accepted; and

(iv) A brief statement explaining why each recommendation not accepted was rejected;

(h) Completed building condition ((~~Evaluation Forms (BEF)~~) assessment (BCA)) as required by WAC 392-343-535 for every school facility in the district.

(i) Completed health and safety assessment as required by WAC 392-343-535, on buildings for which state funding assistance is being requested.

(2) If the above documents reflect an increase in square foot size from the application approved by the superintendent of public instruction as per WAC 392-344-025 which will result in an increase in state funding assistance, a new application must be submitted to the superintendent of public instruction.

AMENDATORY SECTION (Amending WSR 10-09-008, filed 4/8/10, effective 5/9/10)

**WAC 392-347-023 State funding assistance in post 1993 facilities.** As a condition precedent to receiving state funding assistance for modernization under WAC 392-347-015 or new-in-lieu of modernization under WAC 392-347-042, school districts that received state funding assistance for new and new-in-lieu school buildings and whose buildings were accepted as complete by school board of directors as of January 1, 1994, and later, shall adopt by board resolution and implement an asset preservation program (APP).

(1) Definitions: For purposes of this chapter:

(a) An asset preservation program is a systematic approach to ensure performance accountability; promote student health and safety by maintaining and operating building systems to their design capacity; maintain an encouraging learning environment; and extend building life, thus minimizing future capital needs.

(b) An asset preservation system is a system of tasks or projects that are active, reactive, or proactive in maintaining the day to day health, safety, and instructional quality of the school facility and tasks or projects that are proactive, predictive or preventative in maintaining the school facility over its thirty-year expected life cycle.

(c) A building condition ~~((evaluation))~~ assessment (BCA) is an ~~((evaluation))~~ assessment of the condition of building components and systems using a standardized scoring matrix, an element of the office of the superintendent of public instruction's information and condition of schools (ICOS) system.

(d) A building condition standard is a numeric scoring table with a scale identifying the expected condition score for each year of the building's expected life cycle.

(2) The office of the superintendent of public instruction shall establish and adopt a uniform program of specifications, standards, and requirements for implementing and maintaining the asset preservation program.

(3) School districts with affected buildings under this chapter are required to:

(a) Adopt or implement an asset preservation system;

(b) Annually perform a building condition ~~((evaluation and report the condition of such building))~~ assessment (BCA) which shall include recording assessments in the ICOS system and reporting the assessment scores to the school district's board of directors no later than April 1st of each year;

(c) Thereafter in six year intervals during the thirty-year expected life span of the building, have a certified evaluator, as approved by the office of the superintendent of public instruction, perform a building condition evaluation and report the condition to the school district's board of directors and to the office of the superintendent of public instruction no later than April 1st.

(4) A school district building affected under this chapter and that does not meet the minimum building condition standard score of ~~((forty))~~ sixty-two points at the end of the thirty years from the accepted date shall:

(a) Have its allowable cost per square foot used to determine the amount of state funding assistance in any modernization project reduced at a rate of two percent for each point below ~~((forty))~~ sixty-two points, not to exceed a total twenty percent reduction; or

(b) Be ineligible for state funding assistance when the building condition score is less than ~~((thirty))~~ forty points.

~~((5) The following schedule shall apply to school districts with buildings affected under this chapter, and the requirements set forth shall replace the former requirements of this section:~~

~~((a) Buildings accepted by the school board in 1994 must begin an asset preservation program in 2009, and shall fully implement the program within no more than one and one-half years;~~

~~(b) Buildings accepted by the school board in 1995 must begin an asset preservation program in 2010, and shall fully implement the program within no more than one year;~~

~~(c) Buildings accepted by the school board in 1996 through 2010 must begin an asset preservation program in 2011, and shall fully implement the program within no more than six months;~~

~~(d) Buildings accepted by the school board after December 31, 2010, must implement an asset preservation program within six months of facility acceptance.))~~

**WSR 17-13-131**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed June 21, 2017, 11:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-13-044 on June 8, 2016.

Title of Rule and Other Identifying Information: WAC 220-200-100 Wildlife classified as protected shall not be hunted or fished and 220-610-010 Wildlife classified as endangered species.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98501, on Friday, August 4-5, 2017, at 8:00 a.m.

Date of Intended Adoption: On or after September 8, 2017.

Submit Written Comments to: Online <https://www.surveymonkey.com/r/KQXJQTS>, Wildlife Program, Attn: Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 12, 2017.

Assistance for Persons with Disabilities: Contact Tami Lininger by July 28, 2017, TTY (800) 833-6388 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal will reclassify loggerhead sea turtle from state's threatened subcategory (WAC 220-200-100) to state endangered (WAC 220-610-010).

In addition, the proposal will classify the yellow-billed cuckoo as state endangered (WAC 220-610-010).

Reasons Supporting Proposal: The department has reviewed all relevant data pertaining to the population status of loggerhead sea turtle and yellow-billed cuckoo in Washington.

Loggerhead sea turtles in Washington are part of the North Pacific population, which migrate from nesting sites near Japan to waters off the west coast of North America. Loggerhead sea turtles are rarely seen in Washington. The North Pacific population of loggerhead sea turtles declined substantially in the last half of the 20th century. Threats to these turtles include harvest by humans, incidental capture in fisheries, and damage to nesting habitat.

Just twenty sightings of yellow-billed cuckoos have been documented in Washington since the 1950s and were likely

nonbreeding vagrants or migrants, indicating that cuckoos are now functionally extirpated in the state. Nevertheless, due to a lack of surveys and the presence [of] potential habitat in Washington, the possibility exists that this species may occasionally breed in the state and that these rare breeders are yet to be discovered.

The greatest threats to western yellow-billed cuckoos is the loss or degradation of riparian habitats caused by dam construction, flood control practices, commercial and residential development, changes in farming and ranching practices, and nonnative plant invasions. Agricultural pesticide use, which may affect prey abundance as well as the birds' health, is a potential additional threat.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.020, 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.020, 77.12.047.

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

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Eric Gardner, Natural Resources Building, (360) 902-2515; and Enforcement: Chris Anderson, Natural Resources Building, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rule changes do not impact small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. These rule changes do not impact small businesses.

June 21, 2017  
 Scott Bird  
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-200-100 Wildlife classified as protected shall not be hunted or fished.** Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as threatened include:

Common Name	Scientific Name
western gray squirrel	<i>Sciurus griseus</i>
ferruginous hawk	<i>Buteo regalis</i>
green sea turtle	<i>Chelonia mydas</i>
((loggerhead sea turtle	<i>Caretta caretta</i> ))
sage grouse	<i>Centrocercus urophasianus</i>
sharp-tailed grouse	<i>Phasianus columbianus</i>
Mazama pocket gopher	<i>Thomomys mazama</i>

Common Name	Scientific Name
American white pelican	<i>Pelecanus erythrorhynchos</i>

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

Common Name	Scientific Name
Gray whale	<i>Eschrichtius gibbosus</i>
Common Loon	<i>Gavia immer</i>
Larch Mountain salamander	<i>Plethodon larselli</i>
Pygmy whitefish	<i>Prosopium coulteri</i>
Margined sculpin	<i>Cottus marginatus</i>
Olympic mudminnow	<i>Novumbra hubbsi</i>

(3) Other protected wildlife include:

Common Name	Scientific Name
cony or pika	<i>Ochotona princeps</i>
least chipmunk	<i>Tamias minimus</i>
yellow-pine chipmunk	<i>Tamias amoenus</i>
Townsend's chipmunk	<i>Tamias townsendii</i>
red-tailed chipmunk	<i>Tamias ruficaudus</i>
hoary marmot	<i>Marmota caligata</i>
Olympic marmot	<i>Marmota olympus</i>
Cascade golden-mantled ground squirrel	<i>Spermophilus saturatus</i>
golden-mantled ground squirrel	<i>Spermophilus lateralis</i>
Washington ground squirrel	<i>Spermophilus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>
wolverine	<i>Gulo gulo</i>
painted turtle	<i>Chrysemys picta</i>
California mountain kingsnake	<i>Lampropeltis zonata</i>

All birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or sensitive species; all bats, except when found in or immediately adjacent to a dwelling or other occupied building; mammals of the order *Cetacea*, including whales, porpoises, and mammals of the order *Pinnipedia* not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals

and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-610-010 Wildlife classified as endangered species.** Endangered species include:

Common Name	Scientific Name
pygmy rabbit	<i>Brachylagus idahoensis</i>
fisher	<i>Martes pennanti</i>
gray wolf	<i>Canis lupus</i>
grizzly bear	<i>Ursus arctos</i>
sea otter	<i>Enhydra lutris</i>
killer whale	<i>Orcinus orca</i>
sei whale	<i>Balaenoptera borealis</i>
fin whale	<i>Balaenoptera physalus</i>
blue whale	<i>Balaenoptera musculus</i>
humpback whale	<i>Megaptera novaeangliae</i>
black right whale	<i>Balaena glacialis</i>
sperm whale	<i>Physeter macrocephalus</i>
Columbian white-tailed deer	<i>Odocoileus virginianus leucurus</i>
woodland caribou	<i>Rangifer tarandus caribou</i>
sandhill crane	<i>Grus canadensis</i>
snowy plover	<i>charadrius alexandrinus</i>
upland sandpiper	<i>Bartramia longicauda</i>
spotted owl	<i>Strix occidentalis</i>
western pond turtle	<i>Clemmys marmorata</i>
leatherback sea turtle	<i>Dermochelys coriacea</i>
mardon skipper	<i>Polites mardon</i>
Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i>
Oregon spotted frog	<i>Rana pretiosa</i>
northern leopard frog	<i>Rana pipiens</i>
Taylor's checkerspot	<i>Euphydryas editha taylori</i>
Streaked horned lark	<i>Eremophila alpestris strigata</i>
Tufted puffin	<i>Fratercula cirrhata</i>
North American lynx	<i>Lynx canadensis</i>
marbled murrelet	<i>Brachyramphus marmoratus</i>
<u>Loggerhead sea turtle</u>	<u><i>Caretta caretta</i></u>
<u>Yellow-billed cuckoo</u>	<u><i>Coccyzus americanus</i></u>

**WSR 17-13-132**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed June 21, 2017, 11:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-10-070 on May 3, 2017.

Title of Rule and Other Identifying Information: WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits, 220-413-200 Reducing the spread of hoof disease—Unlawful transport of elk hooves, and 220-415-080 2017 and 2018 Spring black bear seasons and regulations.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98501, on Friday, August 4-5, 2017, at 8:00 a.m.

Date of Intended Adoption: On or after August 4, 2017.

Submit Written Comments to: Online <https://www.surveymonkey.com/r/KQXJQTS>, Wildlife Program, Attn: Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 12, 2017.

Assistance for Persons with Disabilities: Contact Tami Lininger by July 28, 2017, TTY (800) 833-6388 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: **WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits**, this rule codifies the locations, restrictions, and legal bag limit for auction, raffle and special incentive permits.

The proposal clarifies language on those auction and raffle tags that include elk hunting. The proposed language clarifies where the auction, raffle, and incentive permits can be used and which animals are legal for harvest.

**WAC 220-413-200 Reducing the spread of hoof disease—Unlawful transport of elk hooves**, this rule is an attempt to reduce the potential risk of inadvertently spreading the causative agents of treponeme associated hoof disease (TAHD) in elk.

New game management units (GMUs) are being proposed in which transport of elk hooves from harvested elk would be restricted. These new GMUs include 407, 418, 437, 633, and 636. The rule does allow, under certain circumstances, the legal transport of elk hooves coming from GMUs with TAHD to facilitate research by the department.

**WAC 220-415-080 2017 and 2018 Spring black bear seasons and regulations**, the proposal is intended to establish harvest guidelines for twenty-one spring bear hunts around the state during 2018. The proposal will: (1) Remove the 2017 season from the current rule; (2) extend the season ending date to June 15 for GMUs 154, 162, 166, 169, 172, 175, 181, and 186; and (3) remove the Monroe hunt area. The anticipated effects include mitigation of nuisance and damage activity while providing distributed recreational hunting opportunities within harvest management levels described in the 2015-2021 Game Management Plan.

Reasons Supporting Proposal: **WAC 220-412-070 Big game and wild turkey auction, raffle, and special incen-**

**tive permits**, this proposed [proposal] clarifies where and how auction, raffle, and special incentive permits can be used which make them easier to understand for the users and also provides clarity to law enforcement.

**WAC 220-413-200 Reducing the spread of hoof disease—Unlawful transport of elk hooves**, this proposal adds GMUs where transport of elk hooves will be restricted in order to reduce the potential risk of the disease spreading.

**WAC 220-415-080 2017 and 2018 Spring black bear seasons and regulations**, spring bear seasons are typically used to address specific management needs such as nuisance and damage to property, and improve distribution of harvest. These amendments will remove a hunt area where the department no longer requires removals to mitigate damage because damage occurrences have diminished. Additionally, the amendments will extend season dates by fifteen days in areas where the department has determined there is a need to use hunting pressure to mitigate damage and improve distribution of harvest and further minimize confusion for those who are permitted to participate in Washington department of fish and wildlife's (WDFW) Region 1.

Statutory Authority for Adoption: RCW 77.04.012, 77.12.240, 77.04.055, 77.12.047, 77.12.150, 77.32.090, and 77.32.530.

Statute Being Implemented: RCW 77.04.012, 77.12.240, 77.04.055, 77.12.047, 77.12.150, 77.32.090, and 77.32.530.

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

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Eric Gardner, Natural Resources Building, (360) 902-2515; and Enforcement: Chris Anderson, Natural Resources Building, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rule changes do not impact small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. These rule proposals do not affect hydraulics.

June 21, 2017

Scott Bird

Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-10-076, filed 5/3/17, effective 6/3/17)

**WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.**

**AUCTION PERMITS**

- (1) BLACK-TAILED DEER AUCTION PERMIT
  - (a) Season dates: September 1 - December 31
  - (b) Hunt Area: Those GMUs open to black-tailed deer hunting EXCEPT GMU 485 and those GMUs closed to black-tailed deer hunting by the fish and wildlife commission.
  - (c) Weapon type: Any legal weapon.
  - (d) Bag limit: One additional any buck black-tailed deer.
  - (e) Number of permit hunters selected: 1
- (2) MULE DEER AUCTION PERMIT
  - (a) Season dates: September 1 - December 31

(b) Hunt Area: Those GMUs open to mule deer hunting EXCEPT those GMUs closed to mule deer hunting by the fish and wildlife commission.

(c) Weapon type: Any legal weapon.

(d) Bag limit: One additional any buck mule deer.

(e) Number of permit hunters selected: 1

(3) WHITE-TAILED DEER AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Those GMUs open to white-tailed deer hunting EXCEPT those GMUs closed to white-tailed deer hunting by the fish and wildlife commission.

(c) Weapon type: Any legal weapon.

(d) Bag limit: One additional any buck white-tailed deer.

(e) Number of permit hunters selected: 1

(4) THREE-DEER AUCTION PERMIT

(a) Bag limit: One additional any buck black-tailed deer, one additional any buck mule deer, and one additional any buck white-tailed deer; total harvest not to exceed three animals.

(b) Hunt Area: For black-tailed deer, those GMUs open to black-tailed deer hunting EXCEPT GMU 485 and those GMUs closed to deer hunting by the fish and wildlife commission. For mule deer, those GMUs open to mule deer hunting EXCEPT those GMUs closed to mule deer hunting by the fish and wildlife commission. For white-tailed deer, those GMUs open to white-tailed deer hunting EXCEPT those GMUs closed to white-tailed deer hunting by the fish and wildlife commission.

(c) Season dates: September 1 - December 31

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

(5) WESTSIDE ELK AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Western Washington EXCEPT GMU 485, those GMUs closed to elk hunting, and those GMUs not opened to ((~~branch antlered~~)) bull elk hunting by the fish and wildlife commission.

(c) Weapon type: Any legal weapon.

(d) Bag limit: One additional any bull elk.

(e) Number of permit hunters selected: 1

(6) EASTSIDE ELK AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Eastern Washington EXCEPT GMUs 157, 334, and those GMUs closed to elk hunting, and those GMUs not opened to ((~~branch antlered~~)) bull elk hunting by the fish and wildlife commission.

(c) Weapon type: Any legal weapon.

(d) Bag limit: One additional any bull elk.

(e) Number of permit hunters selected: 1

(7) CALIFORNIA BIGHORN SHEEP AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: The director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1.

(c) Weapon: Any legal weapon.

(d) Bag limit: One California bighorn ram.

(e) Number of permit hunters selected: 1

(8) MOOSE AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Any open moose unit, and hunt areas identified by the department before December 1 for the following year, and posted on the department's web site no later than January 1.

(c) Weapon: Any legal weapon.

(d) Bag limit: One moose of either sex.

(e) Number of permit hunters selected: 1

(9) MOUNTAIN GOAT AUCTION PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: The director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1.

(c) Weapon: Any legal weapon.

(d) Bag limit: One mountain goat of either sex.

(e) Number of permit hunters selected: 1

#### RAFFLE PERMITS

(10) BLACK-TAILED DEER RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Those GMUs open to black-tailed deer hunting EXCEPT GMU 485 and those GMUs closed to deer hunting by the fish and wildlife commission.

(c) Weapon: Any legal weapon.

(d) Bag limit: One additional any buck black-tailed deer.

(e) Number of permit hunters selected: 1

(11) MULE DEER RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Those GMUs open to mule deer hunting EXCEPT those GMUs closed to mule deer hunting by the fish and wildlife commission.

(c) Weapon: Any legal weapon.

(d) Bag limit: One additional any buck mule deer.

(e) Number of permit hunters selected: 1

(12) WHITE-TAILED DEER RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Those GMUs open to white-tailed deer hunting EXCEPT those GMUs closed to white-tailed deer hunting by the fish and wildlife commission.

(c) Weapon: Any legal weapon.

(d) Bag limit: One additional any buck white-tailed deer.

(e) Number of permit hunters selected: 1

(13) WESTSIDE ELK RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Western Washington EXCEPT GMU 485, those GMUs closed to elk hunting, and those GMUs not open to ((~~branch antlered~~)) bull elk hunting by the fish and wildlife commission.

(c) Weapon: Any legal weapon.

(d) Bag limit: One additional any bull elk.

(e) Number of permit hunters selected: 1

(14) EASTSIDE ELK RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Eastern Washington EXCEPT GMUs 157, 334, and those GMUs closed to elk hunting, and those GMUs



not opened to ((~~branch-antlered~~)) bull elk hunting by the fish and wildlife commission.

(c) Weapon: Any legal weapon.

(d) Bag limit: One additional any bull elk.

(e) Number of permit hunters selected: 1

(15) CALIFORNIA BIGHORN SHEEP RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: The director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1 except that sheep units in Walla Walla, Columbia, Garfield, Asotin, or Pend Oreille counties are not open.

(c) Weapon: Any legal weapon.

(d) Bag limit: One California bighorn ram.

(e) Number of permit hunters selected: 1

(16) MOOSE RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: Any open moose unit.

(c) Weapon: Any legal weapon.

(d) Bag limit: One moose of either sex.

(e) Number of permit hunters selected: 2

(17) MOUNTAIN GOAT RAFFLE PERMIT

(a) Season dates: September 1 - December 31

(b) Hunt Area: The director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1.

(c) Weapon: Any legal weapon.

(d) Bag limit: One mountain goat of either sex.

(e) Number of permit hunters selected: 1

(18) TURKEY RAFFLE PERMIT

(a) Season dates: April 1 - May 31 and September 1 - December 31

(b) Hunt Area: Statewide.

(c) Weapon: Archery or shotgun only.

(d) Bag limit: Three additional wild turkeys, but not to exceed more than one turkey in Western Washington or two turkeys in Eastern Washington.

(e) Number of permit hunters selected: 1

(19) ROCKY MOUNTAIN BIGHORN SHEEP RAFFLE PERMIT

(a) Bag limit: One Rocky Mountain bighorn ram.

(b) Hunt Area: GMUs 113, 172.

(c) Season dates: September 1 - December 31

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

(20) THREE-DEER RAFFLE PERMIT

(a) Bag limit: One additional any buck black-tailed deer, one additional any buck mule deer, and one additional any buck white-tailed deer; total harvest not to exceed three animals.

(b) Hunt Area: For black-tailed deer, those GMUs open to black-tailed deer hunting EXCEPT GMU 485 and those GMUs closed to deer hunting by the fish and wildlife commission. For mule deer, those GMUs open to mule deer hunting EXCEPT those GMUs closed to mule deer hunting by the

fish and wildlife commission. For white-tailed deer, those GMUs open to white-tailed deer hunting EXCEPT those GMUs closed to white-tailed deer hunting by the fish and wildlife commission.

(c) Season dates: September 1 - December 31

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

(21) NORTHEAST WASHINGTON BIG GAME RAFFLE PERMIT

(a) Bag limit: Permit hunter may harvest three of six possible species. Species that may be harvested under this permit include: One additional any buck white-tailed deer, one additional any bull elk, one any bull moose, one additional any legal cougar, one additional any legal black bear, and one additional any legal turkey (gobbler and turkey with visible beard ONLY); total harvest not to exceed three animals.

(b) Hunt Area: GMUs 101-124.

(c) Season dates:

(i) September 1 - December 31 for white-tailed deer, elk, and moose.

(ii) April 15 - May 31 and September 1 - December 31 for black bear.

(iii) September 1 - March 31 for cougar. April 15 - May 31 for turkey.

(d) Weapon: Any legal weapon EXCEPT archery and shotgun only for turkey.

(e) Number of permit hunters selected: 1

(22) SOUTH-CENTRAL WASHINGTON BIG GAME RAFFLE PERMIT

(a) Bag limit: One additional any bull elk, one additional any buck deer, and one California bighorn sheep ram; total harvest not to exceed three animals.

(b) Hunt Area: For elk, any 300 or 500 series GMU EXCEPT GMU 334 and those GMUs closed to elk hunting and those GMUs not open to ((~~branch-antlered~~)) bull elk hunting by the fish and wildlife commission. For deer, any 300 or 500 series GMU EXCEPT those GMUs closed to deer hunting by the fish and wildlife commission. For California bighorn sheep, the director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1. For bighorn sheep, any bighorn herd located south of U.S. Highway 2 in Chelan County and west of the Columbia River in Kittitas and Yakima counties.

(c) Season dates: September 1 - December 31

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

(23) SOUTHEAST WASHINGTON BIG GAME RAFFLE PERMIT

(a) Bag limit: Permit hunter may harvest four of five possible species. Species that may be harvested under this permit include: One additional any buck white-tailed deer, one additional any buck mule deer, one additional any bull elk, one additional any legal cougar, and one additional any legal black bear; total harvest not to exceed four animals.

(b) Hunt Area: GMUs 139-154 and 162-186.

(c) Season dates: September 1 - December 31 for white-tailed deer, mule deer, and elk. April 15 - June 15 and Sep-

tember 1 - December 31 for black bear. September 1 - March 31 for cougar

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

(24) NORTH-CENTRAL WASHINGTON BIG GAME RAFFLE PERMIT

(a) Bag limit: Permit hunter may harvest three of five possible species. Species that may be harvested under this permit include: One additional any buck white-tailed deer, one additional any buck mule deer, one any ram California bighorn sheep, one additional any legal cougar, and one additional any legal black bear; total harvest not to exceed three animals.

(b) Hunt Area: For white-tailed deer, mule deer, cougar, and black bear, any 200 series GMU EXCEPT those GMUs closed to deer hunting by the fish and wildlife commission. For California bighorn sheep, the director is authorized to select areas open for this hunt based on population objectives, harvest objectives, and recent harvest parameters as identified by the department. The selection of hunt areas will be made no later than December 1 for the following year, and will be posted on the department's web site no later than January 1 in Okanogan or Chelan counties north of US Highway 2.

(c) Season dates:

(i) September 1 - December 31 for white-tailed deer, mule deer, and California bighorn sheep.

(ii) April 15 - May 15 and September 1 - December 31 for black bear.

(iii) September 1 - March 31 for cougar.

(d) Weapon: Any legal weapon.

(e) Number of permit hunters selected: 1

#### SPECIAL INCENTIVE PERMITS

(25) WESTERN WASHINGTON ELK INCENTIVE PERMITS

(a) Hunt Area: Western Washington EXCEPT GMUs 418, 485, 522, and those GMUs closed to elk hunting or closed to (~~branch-antlered~~) bull elk hunting by the fish and wildlife commission.

(b) Season dates: September 1 - December 31

(c) Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

(d) Bag limit: One additional elk.

(e) Number of permit hunters selected: 2

(26) EASTERN WASHINGTON ELK INCENTIVE PERMITS

(a) Hunt Area: Eastern Washington EXCEPT GMUs 157, 334, and those GMUs closed to elk hunting or closed to (~~branch-antlered~~) bull elk hunting by the fish and wildlife commission.

(b) Season dates: September 1 - December 31

(c) Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

(d) Bag limit: One additional elk.

(e) Number of permit hunters selected: 2

(27) DEER INCENTIVE PERMITS

(a) Hunt Area: Statewide, for use in any area open to general or permit hunting seasons EXCEPT GMUs 157, 418,

485, 522, and those GMUs closed to deer hunting by the fish and wildlife commission.

(b) Season dates: September 1 - December 31

(c) Weapon: Any legal weapon, EXCEPT hunters must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons and any legal weapon at other times if there are no firearm restrictions.

(d) Bag limit: One additional any deer.

(e) Number of permit hunters selected: 5

#### PERMIT ISSUANCE PROCEDURE

(28) Auction permits: The director will select a conservation organization(s) to conduct annual auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey auctions shall be conducted consistent with WAC 220-412-060.

(29) Raffle permits: Raffle permits will be issued to individuals selected through a Washington department of fish and wildlife drawing or the director may select a conservation organization(s) to conduct annual raffles. Selection of a conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey raffles shall be conducted consistent with WAC 220-412-040.

(30) Special incentive permits: Hunters will be entered into a drawing for special deer and elk incentive permits for prompt reporting of hunting activity in compliance with WAC 220-413-100.

(31) For permit hunts where the permittee may harvest multiple species, the permittee must select the species he/she wants to hunt within fourteen days of notification of being selected.

#### QUALIFICATIONS FOR PARTICIPATION AND REQUIREMENTS:

(32) Permittees shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area or entering the region to hunt outside the general season.

(33) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.

(34) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(35) If requested by the department, the permittee is required to direct department officials to the site of the kill.

(36) The permit is valid during the hunting season dates for the year issued.

(37) The permittee will present the head and carcass of the bighorn sheep killed to any department office within seventy-two hours of date of kill.

(38) The permittee must abide by all local, state, and federal regulations including firearm restriction areas and area closures.

(39) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-413-200 Reducing the spread of hoof disease—Unlawful transport of elk hooves.** (1) It is unlawful to transport the hooves of harvested elk beyond the site where the animal was killed in Game Management Units 407, 418, 437, 501 through 564, 633, 636 and 642 through 699, except when specifically authorized by the department or when acting as an agent of the department in the limited capacity of cooperating with research or management actions regarding hoof disease as directed by the department.

(2) Violation of this section is an infraction under RCW 77.15.160 Infractions.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-415-080 ((2017 and)) 2018 Spring black bear seasons and regulations.** It is unlawful to fail to comply with the provisions of this section. A violation of this section is punishable under RCW 77.15.410, 77.15.245, or 77.15.280, depending on the circumstances of the violation.

**Who May Apply:** Anyone with a valid Washington big game license, which includes black bear as a species option.

**Hunt Areas, Permit Levels, and Season Dates for Each License Year:**

Hunt Name	Hunt Area	Permits	Season Dates
Sherman	GMU 101	50	April 1 - June 15
Kelly Hill	GMU 105	50	April 1 - June 15
Douglas	GMU 108	40	April 1 - June 15
Aladdin	GMU 111	50	April 1 - June 15
49 Degrees North	GMU 117	100	April 1 - June 15
Huckleberry	GMU 121	100	April 1 - June 15
Blue Creek	GMU 154	15	April 15 - <del>((May 31))</del> <u>June 15</u>
Dayton	GMU 162	15	April 15 - <del>((May 31))</del> <u>June 15</u>
Tucannon	GMU 166	5	April 15 - <del>((May 31))</del> <u>June 15</u>
Wenaha	GMU 169	45	April 15 - June 15
Mt. View	GMU 172	15	April 15 - <del>((May 31))</del> <u>June 15</u>
Lick Creek	GMU 175	15	April 15 - <del>((May 31))</del> <u>June 15</u>
Couse	GMU 181	4	April 15 - <del>((May 31))</del> <u>June 15</u>
Grande Ronde	GMU 186	5	April 15 - <del>((May 31))</del> <u>June 15</u>
Kitsap	GMU 627	5	April 15 - May 31
Mason	GMU 633	5	April 15 - May 31
Bear River	GMU 681	20	April 15 - May 31
Long Beach	GMU 684	20	April 15 - May 31
North Skagit	That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, Weyerhaeuser-Columbia Timber Lands, and Grandy Lake Timber company.	30	April 15 - June 15
<del>((Monroe</del>	<del>That portion of GMU 448 that is designated as the hunt area by DNR and Campbell Global.</del>	<del>25</del>	<del>April 15 - June 15))</del>
Copalis	GMU 642	50	April 15 - June 15
Kapowsin	That portion of GMUs 653 and/or 654 that is designated as the hunt area by Hancock Forest Management and International Forestry.	150	April 15 - June 15

**Bag Limit:** One black bear per black bear special permit season.

**License Required:** A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option.

**Hunting Method:** Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of dogs or bait to hunt black bear is prohibited statewide.

**Submitting Bear Teeth:** Successful bear hunters must submit the black bear premolar located behind the canine tooth of the upper jaw.